

**CONCEPTUAL FRAMEWORK FOR THE DIFFERENTIATION OF LEGAL
LIABILITY IN ENSURING ROAD SAFETY AND STRATEGIES FOR ENHANCING
THE EFFECTIVENESS OF DELICTUAL PREVENTION**

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Abstract: This article explores the fundamental legal issues regarding the differentiation of administrative and criminal liability for offenses in the field of vehicle operation and road safety. The author critically analyzes the current "reactive" model of national legislation, which is primarily focused on the consequences of an offense, and substantiates the necessity of a "preventative" approach based on proactive risk assessment. The study includes a comparative legal analysis of the experiences of developed nations (Germany, Great Britain, France, China) and CIS countries. Specifically, it examines liability models that account for the recidivism of deviant behavior, levels of intoxication (BAC indicators), critical speed thresholds, and elements of subjective intent. The article concludes with systemic proposals aimed at modernizing the institution of administrative prejudication, optimizing the demerit points system, calibrating sanctions based on mathematical progression, and implementing victimological prevention tools.

Keywords: Road safety, differentiation of legal liability, administrative and criminal delinquency, preventive sanctions, administrative prejudication, demerit points system, BAC (Blood Alcohol Concentration), calibration of sanctions, victimological determination, legal enforcement measures.

**ЙЎЛ ҲАРАКАТИ ХАВФСИЗЛИГИНИ ТАЪМИНЛАШДА ЮРИДИК
ЖАВОБГАРЛИКНИ ДИФФЕРЕНЦИАЦИЯ ҚИЛИШНИНГ КОНЦЕПТУАЛ
АСОСЛАРИ ВА ДЕЛИКТАР ПРОФИЛАКТИКА САМАРАДОРЛИГИНИ
ОШИРИШ СТРАТЕГИЯЛАРИ**

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Аннотация: Ушбу мақолада транспорт воситаларини бошқариш ва йўл ҳаракати хавфсизлиги соҳасидаги ҳуқуқбузарликлар учун маъмурий ва жиноий жавобгарликни

табақалаштиришнинг (дифференциация) фундаментал ҳуқуқий муаммолари тадқиқ этилган. Муаллиф амалдаги миллий қонунчиликнинг ҳуқуқбузарлик оқибатларига йўналтирилган «реактив» моделини танқидий таҳлил қилиб, унинг ўрнига хавф-хатарларни олдиндан баҳолашга асосланган «превентив» ёндашув зарурлигини асослаб беради. Тадқиқот доирасида ривожланган хорижий давлатлар (Германия, Буюк Британия, Франция, Хитой) ва МДХ мамлакатлари тажрибаси қиёсий-ҳуқуқий (comparative law) жиҳатдан ўрганилган. Хусусан, деривант ҳулқ-атворнинг такрорийлиги, мастлик даражаси (ВАС индикаторлари), тезлик режимининг критик чегаралари ва субъектив қасд элементларини ҳисобга олувчи жавобгарлик моделлари таҳлил қилинган. Мақола якунида маъмурий преюдиция институтини модернизация қилиш, жазо бал тизимини (demerit points system) оптималлаштириш, санкцияларни математик прогрессия асосида калибрлаш ҳамда виктимологик профилактика инструментларини жорий этишга қаратилган тизимли таклиф ва мулоҳазалар илгари сурилган.

Калит сўзлар: Йўл ҳаракати хавфсизлиги, юридик жавобгарлик дифференциацияси, маъмурий ва жиноий деликвентлик, превентив санкциялар, маъмурий преюдиция, жазо бал тизими, ВАС (алкоголь концентрацияси), санкциялар калибровкаси, виктимологик детерминация, ҳуқуқий таъсир чоралари.

КОНЦЕПТУАЛЬНЫЕ ОСНОВЫ ДИФФЕРЕНЦИАЦИИ ЮРИДИЧЕСКОЙ ОТВЕТСТВЕННОСТИ В ОБЕСПЕЧЕНИИ БЕЗОПАСНОСТИ ДОРОЖНОГО ДВИЖЕНИЯ И СТРАТЕГИИ ПОВЫШЕНИЯ ЭФФЕКТИВНОСТИ ПРОФИЛАКТИКИ ДЕЛИКТОВ

Аннотация: В данной статье исследуются фундаментальные правовые проблемы дифференциации административной и уголовной ответственности за правонарушения в сфере управления транспортными средствами и обеспечения безопасности дорожного движения. Автор подвергает критическому анализу действующую «реактивную» модель национального законодательства, ориентированную на последствия правонарушения, и обосновывает необходимость перехода к «превентивной» парадигме, основанной на превентивной оценке рисков. В рамках исследования проведен сравнительно-правовой анализ опыта развитых стран (Германия, Великобритания, Франция, Китай) и государств СНГ. В частности, проанализированы модели ответственности, учитывающие рецидив девиантного поведения, уровень алкогольного опьянения (индикаторы ВАС), критические

пороги скоростного режима и элементы субъективного умысла. В завершение статьи выдвинуты системные предложения по модернизации института административной преюдиции, оптимизации системы штрафных баллов (demerit points system), калибровке санкций на основе математической прогрессии и внедрению инструментов виктимологической профилактики.

Ключевые слова: Безопасность дорожного движения, дифференциация юридической ответственности, административная и уголовная деликвентность, превентивные санкции, административная преюдиция, система штрафных баллов, ВАС (концентрация алкоголя), калибровка санкций, виктимологическая детерминация, меры правового воздействия.

In the new Uzbekistan, the principle of “For the Dignity of Man” lies at the heart of the wide-ranging reforms currently being implemented under the leadership of the head of state, Sh.M. Mirziyoyev.

Human dignity is manifested, first and foremost, by ensuring the right to life and creating all necessary infrastructural and legal guarantees for a safe life. In recent years, Uzbekistan has been implementing fundamental changes to ensure road traffic safety, prevent road accidents, and digitize its transportation system. In particular, the national program “Safe and Smooth Road” (planned for 2022–2026), approved by the Resolution of the President of the Republic of Uzbekistan No. PQ-316 “On Approving the National Program ‘Safe and Smooth Road’ Planned for Implementation During 2022–2026,” The “Safe and Smooth Road” National Program (2022–2026) has firmly established the strategic priority directions of state policy in this area[1]. Within the framework of this nationwide program, the comprehensive improvement of road infrastructure, the full digitization of the traffic management system and public transportation, the introduction of practical road traffic rules training for children, as well as, driver training and retraining system, and strengthening control over the technical condition of vehicles.

Additionally, to provide financial support for road traffic safety, the “Safe Road and Safe Pedestrian” republican fund has been established, its funds are directed toward installing road signs, implementing traffic lights and Intelligent Transportation Systems (ITS), securing pedestrian crossings, and strengthening the material and technical base of operational units[2]. However, despite these significant reforms, systemic problems in the sector that are still awaiting resolution persist.

The “Review of Road Safety Performance in Uzbekistan,” published in May 2024 in cooperation with the United Nations Economic Commission for Europe (UNECE), UNICEF, and the Ministry of Internal Affairs of the Republic of Uzbekistan, (Road Safety Performance Review - RSPR) report, the country's road traffic accident and fatality rates remain 45% higher than the European Union's average. The socioeconomic cost of these tragic losses, according to various sources, amounts to a staggering 2.6% to 3.8% of Uzbekistan's Gross Domestic Product. Furthermore, in the context of the country's rapid motorization and growing economic activity, improving the system for protecting the most vulnerable road users is an objective necessity[3].

The principles of “rule of law and inevitability of punishment,” advanced by our President, directly require the scientific classification of liability for traffic rule violations. Clearly defining the fine lines between administrative and criminal liability is necessary for violations that, potentially, can lead to extremely serious consequences and are committed regularly (for example, driving under the influence, excessive speeding, aggressive driving) requires increased penalties. At the same time, alternative, introducing mechanisms for applying educational and victimological-preventive measures is considered one of the most pressing scientific and practical tasks of contemporary national jurisprudence. The purpose of punishment is not to isolate a person from society or to impose a financial penalty, but to instill a sense of legal culture and prevent future tragic disasters.

The issue of differentiating liability and strengthening the preventive function of punishment has long been a focus of legal scholars from various regions, particularly the states of the CIS, Europe, Asia, and Latin America. The theoretical approaches, concepts, and empirical studies proposed by these scholars serve as an important methodological basis for improving our national legislation. Below, the views of representatives from various legal schools are systematically analyzed.

Scholars of the European legal school have conducted extensive research on the phenomenon of the blurring lines between administrative and criminal liability. Legal scholars emphasize that the interconnection between administrative punitive law and criminal law is increasingly intensifying with the growing complexity of state governance[4]. Provisions for administrative sanctions are structurally almost identical to criminal law provisions, as both aim to punish a specific prohibited act.

This convergence is particularly evident in violations of traffic regulations, tax evasion, and offenses that threaten public health.

The views of scholars who have studied the German legal system are of particular importance in this regard.

In German jurisprudence, the distinction between administrative offenses (Ordnungswidrigkeiten) and crimes (Straftaten) is deeply rooted in concept. As researchers acknowledge, financial penalties (Geldbussen) for administrative offenses, unlike criminal punishments, do not involve deprivation of liberty and, most importantly, do not carry moral stigma or ethical rejection. [5]. However, scholars also note that while administrative sanctions have a low ethical burden, their economic and preventive impact must be extremely high. The Organisation for Economic Co-operation and Development (OECD) has also recommended that Germany further strengthen the deterrent effect of administrative sanctions[6].

Furthermore, scholars have positively evaluated the widespread application of the principle of expediency (Opportunitätsprinzip) alongside the principle of legality in German police practice when making decisions in mixed situations (Gemengelagen) [7]. In Austrian jurisprudence, the direct classification of traffic violations as “administrative-criminal offenses” (Verwaltungsstraftaten) demonstrates the close interconnection between these two fields[8].

Research conducted within the European Union is based on the concept of the “calibrated regulatory approach” in the case law of the Court of Justice of the European Union (CJEU)[1]. Scholars point out that the Court of Justice of the European Union often regards administrative infringements as criminal in nature because they are punitive in character. However, the court is not prepared to fully equate administrative sanctions with criminal sanctions, which in national legislation requires a fine-tuned calibration (graduation) of penalties according to the actual level of risk posed by the offense. Meanwhile, British scholars are grappling with the problem of identifying the responsible parties in the context of automated vehicles. According to their theories, as the human factor diminishes, the administrative and criminal burden should shift to insurers or corporate entities through strict liability mechanisms[2]. Additionally, research conducted by scholars from European countries such as France[3], Germany[4], and Italy[5], as well as Russia[6], during the COVID-19 pandemic showed that, during crises, the rapid differentiation of administrative and criminal liability for violating sanitary regulations or spreading false information has become an important tool of state governance. Scientists have confirmed that these theories of differentiation in emergency situations can also be successfully applied to areas like road traffic safety, which are routine but carry a high level of risk.

Scientists from the Commonwealth of Independent States and the Central Asia region analyze traffic safety violations from the perspective of the legacy base inherited from the former Soviet legal system and its modern transformation[7].

In particular,

A. Karipova and her co-authors (2024) for Kazakhstan,

In-depth comparative analyses of the administrative legislation of Belarus and Armenia show that these countries have different progressive approaches to the stratification of liability for driving under the influence.

Additionally, scholars highly evaluate the Code on Administrative Offenses of the Republic of Belarus, adopted in 2021.

This is because the code defines the types of intoxicating substances affecting a driver's condition most comprehensively and precisely, clarifying which substances make driving absolutely prohibited. [8] Researchers also separately acknowledge the experience in Armenian legislation. Specifically, in Armenia, penalties for intoxication are calibrated in a geometric progression based on the driver's blood alcohol concentration. The Code of Administrative Offenses of Kazakhstan, in turn, stands out for the sophistication of its mechanism for qualifying aggravating circumstances related to harm to the health or property of road traffic participants,

although scholars emphasize the need to further align it with European standards[9].

Among jurists in the Russian Federation, extensive debates continue regarding the legal nature and effectiveness of the “administrative prejudice” institution. Article 264.1 of the Criminal Code of Russia (driving a vehicle while intoxicated by a person with a history of administrative sanction or conviction) is a prime example of the convergence of administrative and criminal liability[10].

While some scholars consider this “dual” punishment mechanism the only correct way to combat repeat offenses, others point out that it risks punishing a person twice (administratively and then criminally) for a single act,

which they argue is contrary to the principles of classical criminal law.

When it comes to the preventive effect of punishment, empirical research by scholars from Eastern Europe and the Baltic states is of great importance.

In particular, victimological and criminological research conducted in Lithuania[11] in 2021 confirmed that merely toughening penalties

(increasing fines, long-term license suspension, vehicle confiscation, and criminal prosecution) does not automatically reduce the number of road traffic accidents. According to

scientists, the deterrence theory only takes effect when all three components work together: severity of the punishment, swiftness of the punishment, and most importantly—the certainty of the punishment, i.e., the belief that the offender will inevitably be caught (apprehension certainty)[12]. This scientifically justifies that bare legal norms do not work without digital surveillance systems.

Representatives of the Asian School of Law have scientifically substantiated the negative consequences of over-criminalization in the system of liability for traffic violations. In particular, the research conducted by Indonesian legal scholars on the 2009 Law No. 22 on Road Traffic and Transportation (UULLAJ) is a clear illustration of this point[13]. In this law, only 18 articles provide for administrative sanctions, while numerous sections from Article 273 to Article 313 impose criminal sanctions[14]. According to the researchers' conclusions, applying such excessive criminal penalties for indirect losses in the field of administrative law grants law enforcement agencies overly broad discretionary powers. As a result, the rule of law is replaced by corrupt threats, law enforcement practice becomes ineffective and unjust, and recidivism is not prevented[15]. Worst of all, this breeds a societal nihilism toward such harsh laws, with many people beginning to view traffic violations as a “fair” or natural occurrence not worth punishing.

Chinese scholars Aney, Madhav[1], and other researchers, on the contrary, have demonstrated the positive aspects of systematic and comprehensive hardening. An analysis of China's Road Traffic Safety Law, adopted in 2003 and amended in 2011, shows that the introduction of a penalty point system, the introduction of a points system, and complex measures such as directly criminalizing drunk driving and establishing automatic driver liability in pedestrian accidents have served to drastically (and statistically significantly) reduce the rate of deaths and injuries[2].

Scientists in the Latin American region, however, approach the issue from a more socio-political and infrastructural perspective. For example, S. Martinez, R. Sanchez, and P. Yañez-Pagans[3] in their "Road safety: challenges and opportunities in Latin America and the Caribbean" have statistically proven that the region's fatality rate is twice as high as that of high-income countries and that the majority of losses occur among pedestrians, motorcyclists, and cyclists. Likewise, M. Híjar & R. Pérez-Núñez [4] in their articles, have highlighted that road traffic safety in Latin American countries should be addressed not through pure punishment, but through political will and adapting infrastructure to vulnerable groups. They also note that in Latin American and Caribbean countries the fatality rate is twice as high as in high-income countries, and that 25% of the losses involve vulnerable road users (pedestrians, cyclists, and motorcyclists).

[5].

Scientific research shows that in developing countries, for example,

In Brazil, although the legislation appears perfect on paper, the laws lose their preventive power due to a lack of investment in infrastructure, mistakes in urban planning, and low institutional capacity[6]. Another unique theoretical perspective is that in some Latin American regions with weak state governance and oversight, the emergence of “criminal governance” groups seriously hinders the normal functioning of administrative and criminal law.

In such areas, these informal groups often take on the task of maintaining order, which undermines the legitimacy of formal accountability systems[7].

It is crucial to analyze how the theoretical principles of stratifying responsibility and applying differential sanctions are reflected in practice, i.e., in the normative legal frameworks of states. In this regard, a comparative analysis of the advanced legislation of foreign states and the new national legislation of Uzbekistan below will further enhance the scientific appeal of this research.

In particular, the system of liability stratification in the innovative mechanism of the legislation of the Federal Republic of Germany is based on very precise and pragmatic mechanisms. The primary legal basis is the Law on Administrative Offenses (Gesetz über Ordnungswidrigkeiten - OWiG) and the Criminal Code (Strafgesetzbuch - StGB). Standard fines for traffic violations are strictly regulated based on the special “Fines Catalog” (Bußgeldkatalog). If the driver's actions create an actual danger to human life, health, or property (for example, driving under the influence or speeding excessively in a city), this act is automatically qualified as a crime under Section 315c of the Criminal Code (Endangering Road Traffic Safety)[8]. The main advantage of the German model is that it has very clear criteria for assessing the driver's form of fault (intentional or negligent), allowing police and judicial authorities to distinguish the type of liability without error[9].

Likewise, if we look at the demerit point systems of countries such as the United Kingdom[10] and China[11], the most powerful tool for ensuring graduated liability and prevention in these states is the demerit point system. For example, in France[12] (Permis à points) and the United Kingdom, a driver is initially given a certain number of points or starts with zero and accumulates penalty points. Each traffic violation is assigned a specific number of points based on its level of social danger (for example, using a phone is 6 points, and a minor speeding offense is 3 points). If a driver reaches the set limit (e.g., 12 points) within a certain period, they are automatically disqualified from driving and must retake the exam. The People's Republic of

China's 2011 revised Law on Road Traffic Safety also successfully reinforced mandatory insurance, a points system, and strict liability principles to protect pedestrians[13].

This system fairly distinguishes habitual and intentional rule-breakers (recidivists) from drivers who make accidental mistakes.

In the new Uzbekistan, the Code on Administrative Liability (CA) and the Criminal Code (CC) are the main and foundational normative legal acts that determine liability for traffic violations. In particular, Articles 128–137 of the Code of Administrative Offenses (CAO) prescribe various administrative sanctions (fines, suspension of the right to operate a vehicle, administrative detention) for violations of rules governing vehicle operation and road traffic safety. [1]. Likewise, Article 266 of the Criminal Code (Violation of safety rules for the operation or use of vehicles) provides for criminal liability only in cases resulting in moderate or severe bodily injury, criminal liability is established only in cases where it has resulted in a person's death or other grave consequences[2].

A scientific analysis of our current national legislation shows that the stratification of liability is primarily “reactive” (post-facto) in nature. In other words, criminal liability or the harshest penalties only arise after a tragedy (consequence) has occurred. For example, if a driver is speeding at 150 km/h in the city or regularly runs red lights, they are only subject to an administrative fine until they actually hit someone. The systematic nature of the acts, their intentionality from a subjective standpoint, and their commission in a spirit of open disrespect for society do not always lead to a more severe victimological-preventive sanction (with the exception of certain cases of recidivism).

Moreover, the amount of the fines is strictly determined in relation to the Base Calculation Unit (BCU) and is not graduated according to the offender's actual income, financial situation, or the value of the vehicle operated. This situation causes the administrative fine to completely lose its primary preventive and deterrent function for economically well-off citizens.

This, in turn, creates the groundwork for a violation of the principle of equality before the law and an increase in lawlessness on the streets.

Type of liability	Legal basis	Conditions and mechanism of application	Shortcomings in preventive effects
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Administrative fine	Articles 128-137 of the Civil Code	The violation itself (without consequences) and a fixed amount	For individuals with high financial means, there is virtually no deterrent effect of punishment; recidivism factors are not sufficiently stratified.
Deprivation of special rights	Article 131 of the Civil Code, etc.	Serious administrative offenses (drunkenness, leaving the scene of an accident, etc.)	Despite being deprived of their rights, the high number of incidents of vehicle operation and the lack of adequate digital mechanisms to monitor it.
Criminal liability	Article 266 of the Criminal Code	The occurrence of extremely serious material consequences, such as bodily injury or death.	Application only after the consequences have occurred (reactive approach). Insufficient criminalization of potentially dangerous acts.

Road traffic safety is not only an internal national issue but also a borderless global problem. A number of important documents have been adopted by the UN and other prestigious

international organizations in this regard. Comparing Uzbekistan's national legislation with these international norms, identifying existing discrepancies, and harmonizing it is of significant scientific and practical importance.

The United Nations Economic Commission for Europe (UNECE) has developed nearly 60 legal instruments in the field of internal transport, of which seven main conventions are considered the highest priority for road traffic safety[1]. It is with great pleasure that we note that the Republic of Uzbekistan has acceded to these core conventions, including the 1968 Vienna Convention on Road Traffic and the 1968 Convention on Road Signs and Signals[2]. Article 8 of the Vienna Convention on Road Traffic strictly requires that every driver have the necessary physical and mental fitness and adequate training to have constant control of their vehicle[3].

Although this international norm has been incorporated into our national legislation, it is observed that it does not fully comply with international standards regarding the scientific calibration (graduation) of intoxication and the corresponding liability. According to the WHO's global recommendations, the maximum permissible blood alcohol concentration (BAC) should be 0.05 g/dl for the general population (drivers) and even stricter for young/inexperienced drivers — 0.02 g/dl, and penalties should be graduated according to these limits[4]. However, in Uzbek law, this kind of clear quantitative graduated and categorical practice, based on the recommendations of the WHO and UNECE, has not been fully implemented.

Furthermore, in 2020, the UN General Assembly declared the years 2021–2030 the “Second Decade of Action for Road Safety” as the single, central mechanism for achieving this global goal, the “Safe System” approach has been recognized. The United Nations General Assembly declared 2021–2030 the “Second Decade of Action for Road Safety” and set a goal to reduce deaths and injuries from road traffic crashes by 50 percent[5]. The “Safe System” approach has been recognized as the single, central mechanism for achieving this global goal. This system has five pillars (management, safe user, safe transport, safe road, and effective post-crash care) and four horizontal areas (legislation, law enforcement, education, and technology), which are intended to work in an integrated manner[6].

As noted in the 2024 Review of the Situation of Road Safety in Uzbekistan (RSPR) prepared by the UNECE, although our national legislation is fundamentally established and moving in the right direction, there are serious gaps in its functioning as an integrated, i.e., “Safe System”[7]. In particular, in the area of enforcement, it was noted that there is a need to develop road safety indicators and use them to assess the real impact of administrative efforts. According to experts, although state programs (the “Safe and Smooth Road” concept and others) are being implemented

intensively, the lack of targeted and measurable targets to accurately assess their results from a statistical and criminological perspective, as well as the low level of horizontal and vertical inter-agency coordination, do not fully meet international standards.

The above comprehensive theoretical, Based on comprehensive theoretical, comparative, and international analyses, it is appropriate to classify the systemic legal gaps in the national legislation and law enforcement practice of the Republic of Uzbekistan and to put forward substantiated scientific proposals for their elimination. Specifically:

First, the fragmentation and inaccuracy of data and statistical databases (lack of the CADaS standard). That is, one of the biggest gaps is the discrepancies in maintaining statistics on road traffic accidents and administrative violations. According to reports from UNECE and the Asian Transport Observatory (ATO), there are significant statistical discrepancies in the number of fatalities in Uzbekistan. For example, although the WHO reported approximately 3,000 deaths in Uzbekistan in 2021, The Global Burden of Disease (GBD) report estimated this number at 4,000[8]. The databases for administrative violations, police reports on road traffic accidents, and medical conclusions from the healthcare system are not digitally integrated with each other. [9]. The inaccuracy of the data sharply reduces the ability to properly classify responsibility and to make criminological forecasts about offenses.

To address this problem, the following scientific proposal is put forward! To realistically measure the preventive effect of punishment, it is first necessary to create an accurate and internationally recognized statistical database. Based on UNECE recommendations, the CADaS (Common Accident Data Set) standard for collecting road traffic accident and offense data should be introduced in Uzbekistan at the legislative level[10]. Accordingly, a government resolution should be drafted to integrate the databases of the Ministry of Internal Affairs, the Ministry of Health, and insurance companies onto a single centralized digital platform (e.g., based on blockchain technology).

This will allow for a real-time analysis of the preventive effect of each imposed penalty.

Secondly, there is an imbalance in the threshold between administrative and criminal liability and a lack of “administrative prejudice.”

That is, some violations provided for in the Code of Administrative Offenses (for example, driving a vehicle while intoxicated or consistently and excessively exceeding the speed limit) pose a significant potential danger to society, they remain only within the scope of administrative liability until a real human death or injury occurs. While in countries like

Indonesia this has led to over-criminalization[11], in Uzbekistan, on the contrary, serious potential crimes suffer from a “decriminalization” effect, causing the deterrent power of punishment to be lost.

As has been proven by the Lithuanian experience, without the certainty of punishment and its proportionality to the severity of the offense, violations do not decrease[12].

To address this problem, the following scholarly proposal is put forward!

It is necessary to improve the institution of administrative prejudice and introduce new articles into the Criminal Code for individuals who intentionally and repeatedly violate traffic rules (aggressive driving, driving under the influence, persistent speeding). For committing a specified number of certain types of gross violations within one year (for example, 3 or more times) for committing a specific type of gross violation within one year, it is proposed to introduce a norm for direct criminal liability (such as restriction of liberty, compulsory community service, or vehicle seizure) following an administrative penalty. This aligns with the practices of Russia (Article 264.1 of the Criminal Code)[13] and Germany (the organic connection between the OWiG and the StGB)[14], and sharply enhances the preventive effect of the penalty.

In particular, it is proposed to introduce a new Article 266² into the Criminal Code of the Republic of Uzbekistan, with the following content.

"Article 266². Hazardous Operation of a Vehicle and Systematic Intentional Violation of Traffic Rules [1] United Nations Economic Commission for Europe (UNECE). United Nations Road Safety Conventions // UNECE Publications. – Geneva, 2020. – URL: <https://unece.org/transport-/publications/united-nations-road-safety-conventions>

Operating a vehicle while intoxicated, exceeding the posted speed limit by more than 40 kilometers per hour exceeding the prescribed speed limit by more than 40 kilometers per hour or other willful gross traffic violations posing a real threat to road safety, when committed repeatedly (three or more times) within one year after administrative punishment has been imposed —

disqualification from a specific right (the right to operate a motor vehicle) for a period of up to three years, punished by a fine of one hundred to two hundred times the basic calculation amount, or up to three hundred sixty hours of compulsory community service, or up to three years of restriction of liberty.

b) if committed by a person previously convicted of violating rules on traffic or vehicle safety;

b) if committed by a person previously convicted of violating safety rules for the operation or use of vehicles, —

by depriving them of a certain right (the right to operate a vehicle) for a term of three to five years, with confiscation of the vehicle that was the instrument of the offense, and is punishable by restriction of freedom for a term of three to five years or imprisonment for up to three years."

Third, the lack of a fully functioning fine point system.

That is, although efforts and pilot projects have been launched in Uzbekistan to introduce a system for calculating penalty points for violations, its normative and legal base at the level of the Code of Administrative Offenses does not have a complete, transparent, and seamless operating mechanism.

The liability for "habitual" offenders who commit repeat violations and for individuals who violate the rules by accident is not differentiated.

To address this problem, the following scientific proposal is put forward!

The "Fine Points System" (Demerit points system), based on European models (France, the United Kingdom) and Chinese legislation[1], should be fully implemented as a separate chapter in the Code of Administrative Offenses.

This system provides for assigning points to each violation in proportion to its social danger. The law should stipulate that a driver who reaches the set limit (e.g., 12 points) must have their license automatically suspended for a long period and be required to retake both the written and practical exams. This is the most effective victimological mechanism of prevention, naturally isolating society from dangerous drivers.

Chapter XI¹. Procedure for Calculating and Applying Penalty Points for Violating Traffic Rules

Article 34¹. Content and Purpose of the Penalty Point System. In the event of violations of traffic rules by drivers of vehicles,

penalty points are recorded in proportion to the degree of social danger of the committed violation, in addition to the primary administrative sanction imposed on them.

The purpose of the penalty point system is to prevent the repeated commission of violations, to increase driver discipline, and to protect victims of traffic accidents (victimology).

Article 34². Calculation of penalty points and their limit.

Penalty points are calculated for each specific traffic violation based on a scale established by law (from 1 to 6 points). The period for calculating penalty points is one calendar year from the date the violation was committed.

Article 34³. Legal consequences of reaching the penalty point limit. If the total number of penalty points accumulated within one year reaches the established limit of twelve (12) points,

the driver is automatically disqualified from the right to operate a motor vehicle for a period of six months to one year by decision of the court (or competent authority).

Article 34⁴. Restoration of the right to operate a motor vehicle.

After the period of disqualification from driving has expired, the person must take mandatory theoretical and practical road traffic regulations exams to regain the right to drive.

Persons who fail these exams are not permitted to operate a vehicle."

Fourth, uncalibrated sanctions.

Unlike the legislation of Armenia and Belarus, there is no micro-classification of administrative sanctions based on the degree of the offense (for example, blood alcohol concentration, range of speeding).

Fines are often imposed in a uniform manner, without taking into account the actual intensity of the social circumstances and the level of danger.

The following scientific proposal is put forward to address this problem!

It is advisable to set fines not as fixed amounts but to increase in geometric progression according to the level of danger and repeat offenses (a differential fine system).

Specifically, based on WHO standards[3], it is proposed to divide liability for driving under the influence into three levels according to blood alcohol concentration (BAC):

- Mild level (e.g., 0.03 - 0.05 g/dl): A large administrative fine and demerit points;
- Intermediate level (0.05 - 0.1 g/dL): A very large fine and a temporary suspension of driving privileges;
- Severe level (above 0.1 g/dL): Direct criminal liability (not administrative detention) and confiscation of the vehicle.

Such micro-calibration allows 10 administrative bodies and courts to impose a truly fair and preventive penalty.

Article 131 of the Code of Administrative Liability of the Republic of Uzbekistan is recommended to be stated in the following new wording. Article 131. Driving a vehicle while intoxicated

Driving a vehicle while intoxicated with a light degree of alcohol concentration (0.3 per mille to 0.5 per mille)

— without disqualification from the right to operate a vehicle, shall result in a fine of twenty times the basic calculation amount and the assignment of the corresponding points (for example, 5 points) under the penalty point system.

Driving a vehicle while moderately intoxicated (with a blood alcohol concentration between 0.05% and 0.10%)— without disqualification from driving, results in a fine of twenty times the basic calculation amount and the assignment of the corresponding penalty points (e.g., 5 points) according to the penalty point system. — with disqualification from driving for one to two years, and a fine of forty times the basic calculation amount.

— results in the deprivation of the right to operate a vehicle for a period of one to two years and a fine of forty times the basic calculation amount.

It is also recommended that the Criminal Code of the Republic of Uzbekistan be supplemented with a new article of the following content. That is,

"Article 266³. Operating a vehicle while severely intoxicated

Operating a vehicle while the blood alcohol concentration is at a severe level (exceeding 1.0 per mille),

i.e., creating an extremely high level of real threat to road traffic safety — by imposing a deprivation of certain rights (the right to operate a motor vehicle) for up to three years, penalized by confiscation of the vehicle, which is considered a criminal instrument, with a fine of 100 to 200 times the basic calculation unit or up to 360 hours of mandatory community service, or with restriction of liberty for one to three years."

In **conclusion**, the stratification of administrative and criminal liability for traffic violations is not merely about automatically increasing the severity of the punishment. This means a fine-tuning (calibration) of the penalty to the actual level of danger posed by the offense, thereby achieving the highest victimological and preventive results. In the Republic of Uzbekistan, within the framework of the policy that exalts human dignity, as set forth by President Sh. Mirziyoyev, the system of accountability is being aligned with Europe's adapted approach, Aligning with the progressive practices of the CIS and the UN's "Secure System" standards is not only a requirement of the times but also serves as a robust legal shield that will save the lives of thousands of people. The implementation of these scientific proposals into legislative practice guarantees that punishment becomes a powerful tool for society's education.

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