



ADMINISTRATIVE AND LEGAL CLASSIFICATION OF INSULTING

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ABSTRACT

This article discusses the offense of defamation, its composition and the basis of liability. In this article, it is noted the types of administrative offense, the offense of insult, types of offense of insult today, the composition and the basis of responsibility, and the suggestions for the prevention of these offenses.

KEY WORDS: *Administrative offense, signs, insult, behavior, composition of the offense.*

INTRODUCTION

The processes of renewal and further democratization of state administration and modernization of the country determined the priority directions of administrative reforms. It is known that the processes of liberalization of the administrative legal system, modernization of state administration and further improvement of administrative legislation require a conceptual approach that incorporates theoretical ideas. Administrative law is one of the large, important, developed and complex branches of the legal system of the Republic of Uzbekistan. Its status is determined by the content and importance of strong social relations regulated by administrative law. Administrative law is one of the components of public law and is closely related to areas such as constitutional law, labor law, financial law, civil law and criminal law.

Therefore, administrative law as a type of public law, first of all, regulates the relations of power, including the relations in the sphere of state management and maintenance of public order, as well as the relations that arise between the state power and citizens. But in some cases, these relations are broken, i.e. violations occur.

LITERATURE REVIEW

Today, in a time when human respect is expected to be at a high level, we can see a lot of insults to the dignity and honor of a person in our life and social networks. The Constitution of the Republic of Uzbekistan contains the following norms that ensure the protection of the dignity and worth of a person: "Everyone has the right to be protected from attacks on his honor and reputation, interference in his

personal life and the right to inviolability of his residence [Article 27], citizens are obliged to comply with the Constitution and laws, to respect the rights, freedom, honor and dignity of other people [1, Article 48]. These norms given in the Constitution provide an example of the fact that in our country the dignity and value of a person cannot be underestimated and those who break the law will be held accountable for their actions.

According to the Code of Administrative Responsibility of the Republic of Uzbekistan, adopted on September 22, 1994 and entered into force on April 1, 1995, administrative offense is an illegal, culpable (intentional or negligent) act or inaction that encroaches on a person, the rights and freedoms of citizens, property, state and public order, and the natural environment, which is subject to administrative liability according to legislation.

The main signs of an administrative offense are the following: 1) antisocial character; 2) illegality; 3) guilt; 4) deserving of punishment. The structure of an administrative offense is made up of a set of signs (elements) which are reinforced by legal documents and whose presence can lead to administrative liability [2,101].

In juridical materials, two bases of application of administrative responsibility are indicated: the first, as a legal (normative) basis of the law; the second is administrative malpractice (offence) as the factual basis [3, 216].

METHODOLOGY

To this day, dynamics and types of crimes have significantly increased compared to previous times. Accordingly, these relations are being regulated with the



introduction of the principles of behavioral responsibility, the creation of norms, and amendments to the laws. But, in spite of the increased responsibility and the implementation of preventive measures (prophylaxis), some the index of some crimes have risen than previous periods.

Today's topic, which we want to discuss, is the offense of insult, a type of offense that has developed in comparison to previous periods in terms of its dynamics and objective compared to other types of offenses.

To insult, that is, the honor of a person and intentional denigration of the value shall be the reason for the imposition of a fine in the amount of twenty to forty times of the base calculation amount [4, Article 41].

If this offense is committed again within a year, it will cause criminal liability. Namely insulting, i.e. intentionally insulting the honor and dignity of a person with indecency, if it is committed after the application of administrative punishment for such actions will be punished with a fine of up to two hundred times the amount of the base calculation or compulsory community service for up to two hundred and forty hours or correctional work for up to one year.

Defamation by publishing or reproducing in another way, including in mass media, telecommunications networks or the Internet global network - will be punished by a fine in the amount of two hundred to four hundred times the base calculation amount or two hundred and forty to three hundred hours of compulsory community service or correctional work from one to two years.

Insult:

a) in connection with the performance of the victim's service or civic duty;

b) committed by a dangerous recidivist or by a person previously convicted of defamation will be punished by a fine in the amount of four hundred to six hundred times the amount of the base calculation or correctional work from two to three years or restriction of freedom for one year [5, Article 140].

Insulting means an administrative offense that violates the honor and dignity of citizens and undermining person's moral authority in the eyes of the surrounding citizens and harm to the dignity of the victim is understood. This violation is verbal or written (letter, picture, etc.) or with actions that undermine the honor and dignity of citizens (such as slapping, spitting, rude gestures). Unlike the tort of defamation, in the case of insult, some facts that negatively describe the spiritual image of the victim are not shown, but an assessment is given to the person, this assessment can be related to the person's behavior, appearance. Whether this negative assessment is true or not is irrelevant to this content.

DISCUSSION

In the following we will see some examples. When a person calls the victim stupid, when in fact, most other people think he is not then the abuse is more obvious. The word insult itself is considered a hypothesis of the administrative-legal norm, that is, it determines the situation and conditions in which the administrative-legal norm is applied. In this case, insult is a behavior that contradicts the rules (norms) of behavior established in society. Intentional humiliation of a person's honor and dignity is a disposition of the administrative-legal norm. A fine in the amount of twenty to forty times the amount of the basic calculation is a relatively specific sanction of the administrative-legal norm. Let's talk about the structural structure of this offense.

The object is the honor and dignity of a person. The objective side is made as a result of action (active). The subject is a sane natural person who has reached the age of 16. From the subjective point of view, this offense is committed directly intentionally, that is, the person realizes that his actions are illegal and wants to commit them [6,246]. In addition, the clearly stated purpose of the offender is to destroy the honor and dignity of the person.

Abuse is between both the perpetrator and the victim, in the presence of familiar or unfamiliar people, even in the absence of the victim can be committed. In this latter case, the intention of the perpetrator is to make the insult known to the victim. If the same person commits this administrative offense and commits an administrative penalty within one year, it is qualified by the first part of Article 140 of the Criminal Code.

When this violation is detected by the employees of the internal affairs agencies or upon the appeals of the citizens to the internal affairs agencies, they draw up the relevant administrative-procedural documents in accordance with the procedure established by law and submit them to the administrative affairs court for the application of the administrative punishment measure in the established order.

CONCLUSION

In conclusion, it should be noted that the dynamics of this administrative offense today, the types of its occurrence have developed compared to previous periods. New words are entering our language, and among these words there are also insulting words, so it is important to determine the exact composition of the offense in determining the punishment for these offenses, such as whether it is a true insulting word or not. To clarify this situation, modern and qualified personnel in Uzbek and other languages are needed today. Also, neighborhood prevention inspectors should carry out work to prevent crimes and explain them to citizens. Today's topic, which we want to consider, is the offense of



insult, a type of offense that has developed in comparison to previous periods in terms of its dynamics and objective compared to other types of offenses. Thus, we believe that videos should be prepared and broadcast on television and social networks about the basis of responsibility for this offense and other offenses.

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