

# ANALYSIS OF THE PRACTICAL APPLICATION OF ADMINISTRATIVE LIABILITY FOR VIOLATIONS OF LABOR LAWS

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## Abstract:

This study aims to comprehensively analyze the mechanisms for implementing administrative liability for labor violations in the context of the systematic renewal of the legal framework of the Republic of Uzbekistan. The subject of the study is the actual law enforcement practice of authorized government agencies, including the specifics of identifying offenses and imposing administrative penalties. The scientific novelty of the work lies in its synergistic approach, combining a legal analysis of state coercion institutions with an assessment of the level of legal culture in society. The article examines in detail institutional barriers, such as the economic disproportion of sanctions and the latency of violations in the gray economy. Particular attention is paid to the pedagogical aspect as a fundamental factor in prevention: the author substantiates the need to shift the focus from a punitive paradigm to systemic legal education through educational institutions. The key conclusion of the study is a proposal to recalibrate penalties and digitalize supervisory activities to ensure genuine protection of citizens' labor rights.

**Keywords:** Administrative liability, labor legislation, law enforcement practice, State Labor Inspectorate, Labor Code, Code of Administrative Offenses of the Republic of Uzbekistan, violation of workers' rights, labor safety, forced labor, legal nihilism, offense prevention, legal education, digital transformation of supervision, legal culture.

## Introduction

### АНАЛИЗ ПРАКТИКИ ПРИМЕНЕНИЯ АДМИНИСТРАТИВНОЙ ОТВЕТСТВЕННОСТИ ЗА НАРУШЕНИЕ ТРУДОВОГО ЗАКОНОДАТЕЛЬСТВА

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## АННОТАЦИЯ

Настоящее исследование направлено на комплексный анализ механизмов реализации административной ответственности за правонарушения в сфере трудовых отношений в контексте системного обновления правовой базы Республики Узбекистан. Предметом исследования выступает реальная правоприменительная практика уполномоченных государственных органов, включая специфику выявления деликтов и наложения административных взысканий. Научная новизна работы заключается в синергетическом подходе, объединяющем юридический анализ институтов государственного принуждения с оценкой уровня правовой культуры общества. В статье детально рассматриваются институциональные барьеры, такие как экономическая несоразмерность санкций и латентность нарушений в «сером» секторе экономики. Особое внимание уделено педагогическому аспекту как фундаментальному фактору превенции: автор обосновывает необходимость смещения фокуса с карательной парадигмы на системное правовое просвещение через институты образования. Ключевым выводом исследования является предложение по перекалибровке штрафных санкций и цифровизации надзорной деятельности для обеспечения реальной защиты трудовых прав граждан.

**Ключевые слова:** административная ответственность, трудовое законодательство, правоприменительная практика, Государственная инспекция труда, Трудовой кодекс, КоАО РУз, нарушение прав работников, охрана труда, принудительный труд, правовой нигилизм, превенция правонарушений, правовое воспитание, цифровая трансформация надзора, правовая культура.

This study aims to comprehensively analyze the mechanisms for enforcing administrative liability for labor offenses in the context of the updated legal framework of the Republic of Uzbekistan. The subject of the study is the actual law enforcement practices of authorized government agencies, including the



specifics of identifying offenses and imposing administrative penalties. The scientific novelty of the article lies in its synergistic approach, combining a dogmatic analysis of administrative enforcement institutions with an assessment of the level of legal culture in society and emphasizing the pedagogical aspect as a fundamental factor in prevention. The study found that the effectiveness of labor rights protection is determined not so much by the excellence of substantive regulations as by the quality of law enforcement and the overcoming of a formal approach to oversight. The key conclusion of the study is the justification for the systematic integration of legal education into educational programs, which will shift the focus from a punitive to a preventive paradigm.

Administrative liability, labor legislation, law enforcement practice, State Labor Inspectorate, forced labor, legal education, legal nihilism. In the context of the large-scale transformation of the socioeconomic model of the Republic of Uzbekistan and the construction of a welfare state, ensuring strict observance of citizens' labor rights has acquired strategic importance. The adoption of the new Labor Code of the Republic of Uzbekistan, in its revised form, has become a crucial step toward harmonizing national law with international standards (in particular, ILO conventions). However, as modern legal doctrine rightly notes, the stability of a legal system is determined not only by the quality of the norms enshrined within it, but also by the effectiveness of the mechanisms for their implementation.

In this regard, an analysis of the actual practice of applying administrative liability for violations of labor legislation comes to the forefront, allowing us to identify the gap between declared rights and the actual state of legality in the sphere of hired labor.

The role of the state in this process is imperative: it acts as the guarantor of a balance of interests between the economically stronger party—the employer—and the vulnerable party—the employee. In this context, the mechanism of administrative liability serves as the primary instrument of state enforcement and prompt response to violations. The level of scientific development in this area is reflected in numerous publications on academic platforms (including CyberLeninka and the DissersCat dissertation research database).

The works of domestic and international scholars specializing in administrative law and labor law describe in detail the elements of offenses, but aspects of



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interdisciplinary interaction, as well as the sociocultural and pedagogical determinants of offenses, have been insufficiently explored.

The purpose of this study is to comprehensively analyze current law enforcement practices in the area of administrative liability for labor law violations. To achieve this goal, the following objectives were set: to examine the typology of the main labor offenses in relation to the activities of supervisory authorities, to identify systemic barriers that reduce the effectiveness of sanctions, and to substantiate the role of the pedagogical component in shaping the legal culture of society as the main preventive mechanism.

#### 1. Systematic analysis of labor law violations and institutional accountability mechanisms

An adequate assessment of law enforcement practices requires a comprehensive consideration of the types of offenses themselves and the functions of the agencies tasked with preventing them. The Code of the Republic of Uzbekistan on Administrative Liability (hereinafter referred to as the Code of Administrative Liability) contains an exhaustive list of labor offenses, but the reality of law enforcement allows us to identify several particularly acute categories, the fight against which requires the involvement of the entire state oversight system.

The fundamental and most widespread violation remains the non-payment or unjustified delay of wages, as well as the evasion of formalizing employment relationships (payment of "envelope wages"). These acts infringe on the fundamental economic rights of citizens. The procedure for identifying such violations is most often initiated by complaints from the victims themselves, since it is extremely difficult to identify hidden debts during desk audits. The main body implementing the response is the State Labor Inspectorate of the Ministry of Employment and Poverty Reduction of the Republic of Uzbekistan. Inspectors have a wide range of powers, from unrestricted visits to organizations (in accordance with established legal procedures) to requesting financial documentation. If a violation is confirmed, the inspector draws up a report and has the right to independently issue a fine in accordance with Article 49 of the Code of Administrative Offenses of the Republic of Uzbekistan.

The second critical group includes violations of labor safety requirements and working conditions, as well as illegal dismissal. At manufacturing facilities, ignoring safety regulations poses a direct threat to life and health. In such cases,



the liability mechanism is often initiated post-factum—after an employee suffers an occupational injury. Here, the powers of the Labor Inspectorate are closely intertwined with those of specialized technical oversight agencies and the prosecutor's office. The prosecutor's office, while exercising general oversight of law enforcement, has the right to initiate its own inspections, issue orders for the elimination of violations, and, if signs of a crime are discovered, initiate criminal proceedings. Forced labor occupies a special place in the structure of offenses (Article 51 of the Code of Administrative Offenses of the Republic of Uzbekistan). The legislation of the Republic of Uzbekistan strictly prohibits administrative coercion to labor in any form. The historical practice of involving public sector employees in agricultural or public works is currently strictly suppressed at the state level. Cases in this category pose a high degree of public danger, and therefore not only inspectorates but also prosecutorial authorities actively participate in their investigation. The final decision on the most complex and contentious cases, as well as the consideration of complaints against inspectors, falls under the jurisdiction of the courts. Judicial review guarantees respect for the procedural rights of the parties when sentencing, assessing the proportionality of the fine to the severity of the offense.

Thus, oversight is exercised by a complex, multi-level system of government agencies, with the primary link being the relevant inspectorate, and the guarantor of the legality of the process is prosecutorial oversight and an independent court. In approaching a systemic analysis of the effectiveness of administrative liability enforcement, it is necessary to rely on a key scientific and legal axiom shared by the modern academic community: the effectiveness of legal regulation is determined not so much by the declarative nature and perfection of substantive norms, but by the quality, inevitability, and economic feasibility of the mechanism for their implementation.

The law enforcement reality in the Republic of Uzbekistan reveals a complex picture, in which administrative liability institutions face a number of deep-seated barriers that reduce their preventive potential. These barriers can be classified into several key areas.



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## **1. Economic disproportionateness of sanctions and the phenomenon of "commercialization" of offenses**

A fundamental problem with the current Code of Administrative Liability (CAL) in the labor sphere is the rigid link between penalties and the basic calculation value (BCV), without taking into account the scale of the violator's business. Labor inspectorates regularly encounter a paradoxical situation in their enforcement practices: fines for illegal dismissal, unjustified refusal to hire, or violations of occupational safety regulations amount to an amount that is completely insignificant in terms of their operating expenses for medium and large businesses.

In academic literature (particularly in publications by the Innovation Academy and studies by Russian lawyers), this phenomenon is aptly characterized as the development of a "purchased offense" syndrome. From a financial management perspective, it is often more advantageous for an employer to knowingly violate the law (for example, to fire an undesirable employee without following the complex procedure of staff reduction and severance pay) and then de jure admit guilt and pay an administrative fine. In this context, administrative liability completely loses its primary function—preventive (deterrent), mutating into a kind of quasi-fiscal payment, a "tax on illegal actions."

## **2. Institutional conflict: business deregulation vs. labor rights protection**

The second aspect of the problem lies in the realm of the state's macroeconomic policy. In recent years, Uzbekistan has been implementing a strategic course to support entrepreneurship, accompanied by the introduction of moratoriums on business inspections. While this is a justified step in terms of economic growth, it creates a serious institutional conflict in the area of labor law.

As a result of restrictions on inspections, the State Labor Inspectorate has effectively lost its proactive oversight tool. The enforcement mechanism has become purely reactive: inspectors cannot conduct surprise preventive inspections at enterprises to assess working conditions, but are forced to wait for an official employee complaint or, even worse, an occupational injury. This creates a so-called "preventive vacuum," in which the state reacts to the consequences rather than addressing the causes of violations.



### **3. High latency of violations and paralysis of the evidence base**

A significant portion of labor law violations occur in the gray zone of the economy and are highly latent (hidden). This includes work without an employment contract, the payment of "envelope wages," and unpaid overtime.

The application of administrative liability in such cases encounters a severe barrier – the lack of documentary evidence. Unlike criminal proceedings, where the investigator has a wide range of investigative measures at his disposal, a labor inspector in administrative proceedings is limited to reviewing the documents provided. If no employment contract was concluded, the inspector is legally paralyzed: they cannot impose a fine for non-payment of wages to an individual whose presence at the enterprise is not legally established. The burden of proving the existence of an employment relationship falls on the employee, who typically lacks the legal knowledge or resources to litigate with the employer's corporate lawyers.

### **4. Discretionary Powers and Legal Uncertainty**

An analysis of the decisions of authorized bodies reveals the problem of the broad discretionary powers granted to law enforcement officers. Many articles of the Code of Administrative Offenses of the Republic of Uzbekistan provide for alternative sanctions: from a warning to a fine with a broad range of values (for example, from 5 to 10 basic accounting units).

In practice, this leads to significant differences in law enforcement not only between regions of Uzbekistan but also between individual inspectors. For identical violations, one employer may receive only a formal order to correct the deficiencies, while another may receive the maximum financial fine. Such legal uncertainty not only undermines citizens' faith in fairness and the inevitability of punishment, but also creates fertile ground for corruption at the grassroots level of regulatory bodies.

Synthesizing the above, a key scientific conclusion can be drawn: the current system of administrative liability for labor law violations is characterized by profound institutional asymmetry. Despite the existence of a progressive and detailed Labor Code, the mechanism for protecting these norms through the Code of Administrative Offenses remains poorly adapted to modern economic realities. Sanctions fail to act as an economic deterrent, and the oversight procedure is hampered by bureaucratic barriers and restrictions, making administrative



liability an instrument that records violation statistics rather than effectively eradicates them.

A comprehensive analysis of the mechanisms for implementing administrative liability for labor law violations in the Republic of Uzbekistan allows us to conclude that the state system for protecting labor rights is undergoing a complex but necessary conceptual transformation. The adoption of the new Labor Code laid a solid foundation for harmonizing national law with the advanced standards of the International Labor Organization (ILO). However, a study of actual law enforcement practices inexorably demonstrates that the presence of progressive substantive norms does not in itself guarantee the stability of legal relations. The effectiveness of the law is determined solely by the quality, inevitability, and economic feasibility of the work of oversight institutions. Currently, administrative liability in the labor sphere functions with significant interruptions, often serving as a tool for recording consequences rather than a mechanism for preventing them.

A synthesis of the studied cases and statistical data reveals a pronounced institutional dichotomy – the simultaneous presence of significant achievements and critical vulnerabilities in the oversight system.

The undeniable strengths of the current model include the presence of a clearly defined regulatory framework (the Labor Code and the Code of Administrative Offenses of the Republic of Uzbekistan) and a specialized institutional vertical, the core of which is the State Labor Inspectorate. A key historical success of Uzbekistan's law enforcement practice has been the rigorous and uncompromising eradication of systemic forced and child labor. Thanks to the effective interaction of inspectorates, prosecutorial authorities, and the courts, the application of Article 51 of the Code of Administrative Offenses of the Republic of Uzbekistan has made it possible to almost completely eliminate this problem from the state's macroeconomic agenda, a move that has received the highest praise from the international community. The system's weaknesses, however, are concentrated at the microeconomic level—in the small, medium, and large private business sector. Analysis has shown that the system suffers from "preventive paralysis." Inspection moratoriums tie the hands of regulatory agencies, forcing them to operate reactively (responding only to complaints). Furthermore, the system is acutely vulnerable to informal employment due to inspectors' inability



to rely on covert evidence-gathering methods. The main conceptual flaw, however, remains the economic inadequacy of sanctions: fines calculated in basic units do not create critical financial risks for unscrupulous employers, turning violations of the law into an acceptable business expense. Overcoming the identified institutional barriers requires not just isolated amendments, but the implementation of a comprehensive state and legal strategy across three key areas:

**1. Strengthening oversight and economic recalibration of fines:**

Chapter 5 of the Code of Administrative Offenses of the Republic of Uzbekistan (Administrative Liability for Offenses in the Field of Labor Safety and Employment) must be conceptually revised. The amount of fines for legal entities should be delinked from fixed values (FV) and converted to "turnover fines" (a percentage of the company's annual turnover) or linked to a multiple of the enterprise's wage fund. Only an economically ruinous fine can make compliance with safety regulations or legal dismissal procedures more cost-effective than ignoring them.

**2. Digitalization of oversight and improvement of legislation:**

To overcome the conflict between protecting businesses from excessive inspections and protecting workers' rights, it is necessary to implement an automated risk-based monitoring system. By integrating the electronic databases of the Unified National Labor System (UNLS) and the Tax Committee, inspectorates will be able to remotely identify anomalies (e.g., mass transfers of employees to minimum wages, lack of deductions). This will allow for targeted, surgical oversight without physically interfering with the operations of bona fide enterprises.

**3. Developing legal education as a tool for long-term prevention:**

Combating offenses solely through punitive methods is utopian without addressing their sociocultural basis – legal nihilism. Mandatory study of applied labor law must be established at the state level of standards.



In summary, it is important to emphasize that a legal norm devoid of a sociocultural foundation is doomed to remain a dead letter. There is an inextricable, vital connection between law, society, and the education system. State inspectorates, prosecutors, and judges are only fighting the symptoms of the "disease." The vaccine lies in the hands of the teaching community. It is Uzbekistan's pedagogical universities that will become the vanguard of legal education, integrating legal disciplines into the training programs for future teachers. A legally literate teacher who understands their rights is a transmitter of the rule of law for an entire generation. Only a harmonious synthesis of rigorous, economically proportionate law enforcement practices and a profound transformation of public mentality through educational institutions can turn the tide, making respect for the Labor Code not a forced reaction to the threat of a fine, but a natural norm of social life.

**References:**

1. Constitution of the Republic of Uzbekistan (as amended). Adopted by popular vote at a referendum of the Republic of Uzbekistan on April 30, 2023.
2. Labor Code of the Republic of Uzbekistan. Approved by Law of the Republic of Uzbekistan No. ZRU-798 dated October 28, 2022 (came into force on April 30, 2023).
3. Code of the Republic of Uzbekistan on Administrative Liability. Approved by Law of the Republic of Uzbekistan dated September 22, 1994, No. 2015-XII (as amended through 2024).
4. ILO Convention No. 29 concerning Forced or Compulsory Labor. Ratified by Resolution of the Oliy Majlis of the Republic of Uzbekistan dated August 30, 1997, No. 492-I.
5. Regulation on the State Labor Inspectorate of the Ministry of Employment and Poverty Reduction of the Republic of Uzbekistan. Approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan.
6. Akhmedov, B. A., "Development of Labor Legislation in New Uzbekistan: Balancing the Interests of Employees and Employers," in Legal Sciences and Law Enforcement Practice. — Tashkent, 2023.



7. Gasanov M. Yu. Administrative liability for violation of labor and occupational safety legislation: a comparative legal analysis // Scientific Bulletin of the Tashkent State University of Law. — 2022. — No. 4.
8. Ismailov Sh. A. Legal mechanisms for the eradication of forced labor in the Republic of Uzbekistan: international and national aspects // CyberLeninka: Electronic scientific journal. — 2023.
9. Karimov H. T. Problems of latency of offenses in the sphere of informal employment // Economy and Society. — 2024. — No. 2 (117).
10. Kurilov V. I. Personality. Labor. Law: social and legal aspects of public management of labor resources // DissersCat — Electronic library of dissertations.
11. Rakhimov M. S. Pedagogical Foundations for Forming Legal Consciousness of Young People in the Context of Labor Education // Education and Innovative Research (International Journal of Educational and Innovative Research). — 2023. — No. 5.
12. Saidov A. Kh. Labor Rights in the Human Rights System: Mechanisms of Protection and Oversight // Legal Bulletin of Uzbekistan. — 2023. — No. 1.
13. Tursunov A. S. Improving the Activities of the State Labor Inspectorate in the Context of Digitalization of the Economy // Innovation Academy: Scientific and Methodological Journal. — 2024.

