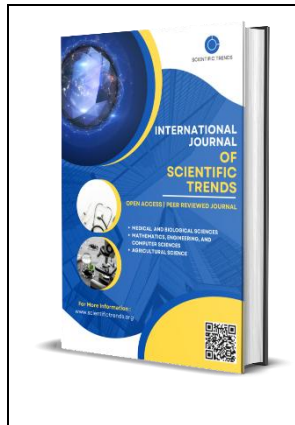


# Administrative and Legal Measures to Ensure Public Safety in Railway Transport

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## Abstract

This article examines the administrative and legal measures for ensuring public safety in railway transport. It analyzes the current regulatory framework, the activities of competent authorities, and the mechanisms for their interaction. The study also provides recommendations for improving safety through the adoption of international best practices and the implementation of digital management approaches. The effectiveness of these measures ensures the safe, stable, and efficient operation of the railway transport system.

**Keywords:** Railway transport, public safety, administrative and legal regulation, regulatory framework, state authorities, institutional cooperation, digital technologies, international experience.

## Introduction

In the Republic of Uzbekistan, railway transport serves more than 25,000 passengers per day on 31 domestic and 7 international routes, while the metropolitan system serves approximately 640,000 passengers daily. The extremely large volume of passenger and freight traffic necessitates the implementation of extensive measures to ensure their safety and maintain public order. The mechanism for ensuring public safety in the railway sector is complex and multifaceted, encompassing a system of organizational, legal, technical, and other means, forms, and methods aimed at maintaining public safety and public order, as well as ensuring the protected status of railway transport facilities.

Scholars note that the primary criteria for classifying administrative coercive measures are the method of ensuring law and order and the purpose for which such measures are applied. At the same time, the measures implemented by authorized entities (state bodies and their officials) to ensure public safety are interrelated and multidimensional in nature, aimed at preventing and eliminating various risks and threats in railway transport. The effectiveness of these measures ultimately ensures the safe and stable operation of railway transport.

Measures to ensure safety are applied by authorized state bodies and are typically mandatory or restrictive in nature. Administrative and legal measures to ensure public safety are legally established and standardized methods and techniques by which collective state authorities exert influence on the behavior of individuals and legal entities.

In the field of transport safety, the tasks and functions assigned to state bodies require the existence of powers to apply appropriate responses to violations of safety requirements and to use

instruments aimed at preventing their occurrence in the future. These instruments constitute administrative and legal measures designed to guarantee the normal functioning of activities to ensure public safety in railway transport.

Y.N. Starilov substantiates the following structure of the mechanism of administrative and legal regulation: (a) administrative and legal norms; (b) the application of administrative law norms by legal subjects; and (c) administrative and legal relations that arise as a result of the operation and application of administrative law norms and that encompass the relevant rights, obligations, and liabilities of the participants in such relations.

I.M. Tsay emphasizes that administrative and legal activity includes two types of state-authority influence: first, a granting or service-oriented influence, which today is referred to as a “public service,” and second, interference in the legal status of interested parties. In the latter case, state-authority influence acquires an unfavorable or compulsory character for the addressee, primarily in the form of administrative coercive measures.

“Coercion is the rejection of the will of a subordinate subject and the exertion of external influence on their behavior. The purpose, procedure, and grounds for the application of such measures are established by the state. Their implementation and enforcement are carried out by authorized bodies and officials in the course of executive and directive activities.”

Administrative and legal measures constitute a special type of legal coercion expressed through the application of administrative influence on legal subjects in accordance with the procedure established by law in connection with their unlawful conduct. The purpose of such measures is to compel the performance of certain actions or abstention from them, as well as compliance with established legal restrictions.

When examining the legal nature of administrative and legal measures, it should be emphasized that they are determined by the possession of specific rights and obligations by the subjects responsible for ensuring public safety. These rights and obligations shape the required model of conduct and define the type, scope, and content of the legal influence exercised by these subjects. It is well known that the interests of protecting public safety and maintaining public order require state bodies, when necessary, to implement the will of the state by applying coercive measures established by law.

B.A. Jetpisbayev distinguishes the following administrative and legal measures: administrative warning measures; administrative suspension measures; administrative punitive measures; administrative restorative measures; and measures of administrative liability.

When discussing administrative and legal measures, it is important to focus on the purpose of their application, as this purpose determines the grounds and procedures for their implementation. Accordingly, the following types can be distinguished: measures aimed at terminating offenses (suppressive purpose), directed at the immediate cessation of unlawful acts; administrative punitive and suspension measures (preventive purpose), aimed at preventing offenses and their recurrence; procedural measures (identifying and consolidating purpose), enabling the documentation of the fact of an administrative offense, the identification of the offender, and the formalization of reports or other documents; restorative measures (rights-restoring purpose), aimed at returning the violated legal situation to its original state and compensating for violated rights, freedoms, and interests; and punitive measures (sanctioning purpose), applied to punish the offender.

Some scholars propose a classification of administrative coercive measures into four categories: warning, suppression, procedural support, and legal liability (punishment). Other researchers distinguish the following types of administrative measures: administrative warning measures, administrative suppression measures, administrative support measures, and measures of administrative liability.

Thus, the academic literature contains various classifications of administrative and legal measures; however, it is appropriate to recognize as the primary classification the division into three types: administrative-preventive measures, administrative-suppressive measures, and administrative penalties (measures of administrative liability).

Administrative-preventive measures are applied to warn individuals and legal entities against committing offenses, to prevent offenses, or to eliminate harmful consequences that may arise due to circumstances posing a threat to the safety of individuals, the state, and society.

They are applied for the purpose of preventing offenses and ensuring public safety. At the same time, such measures may also be applied to persons who have not committed any offense, solely for the purpose of ensuring public safety. These measures include, for example, the personal screening of passengers and inspection of their baggage, patrolling of station or train areas by law enforcement officers, and the inspection of documents or railway transport facilities to prevent offenses.

The grounds for applying these measures are the real likelihood of an offense or other socially dangerous unlawful act and the emergence of conditions that threaten public safety. At the same time, the actual commission of an offense is not required; it is sufficient that certain conditions предусмотренные by law arise.

The results of applying such measures (the imposition of quarantine, the closure of certain sections of the state border, mandatory medical examinations, etc.) are manifested in the prevention of natural or man-made factors that threaten public safety or in the mitigation of their consequences. Administrative-suppressive measures (administrative precautionary measures) are aimed at forcibly stopping offenses and preventing their continuation. Such measures include, for example, the delivery (escort) of offenders, administrative detention, the use of weapons and special means, the suspension of the activities of various facilities, the suspension of transactions on bank accounts, and the temporary suspension of licenses. Administrative preventive measures are implemented in strict compliance with the rules specifically established by law.

For the purpose of ensuring public safety, administrative-suppressive measures are applied as prompt actions by an authorized body or official aimed directly at halting unlawful conduct. When such measures are applied, the offender is deprived of the opportunity to continue their illegal actions and is compelled to comply with legal requirements. For example, the application of administrative-suppressive measures by internal affairs bodies is associated with a real and ongoing unlawful situation and is meaningful only while the violation of law and order is still in progress.

Among other coercive measures, preventive measures are the most numerous and diverse. This is because, in different circumstances and with respect to different subjects, various state bodies must apply the most effective instruments to stop antisocial actions. These measures are characterized by their focus on stopping offenses and preventing their continuation. As a result of their application, not only is the commission of an administrative offense halted, but the socially

dangerous consequences are also prevented, and the necessary legal and practical conditions are created for subsequently bringing the offender to administrative liability.

Administrative punitive measures are applied to persons who have committed offenses. This type of administrative liability is aimed at punishing individuals who have committed administrative offenses, that is, applying administrative influence to their conduct.

They differ from other coercive measures in that they have a specific sanctioning purpose and are established exclusively by the Code of Administrative Responsibility. Their primary objective is preventive in nature: to prevent the offender from committing repeated offenses (special prevention) and to deter other persons from committing offenses (general prevention).

Thus, the measures discussed above constitute administrative coercive measures, that is, actions aimed at preventing, suppressing, and examining administrative offenses, including detention, escort, prohibition, search, seizure, medical examination, and others. Administrative coercive measures are special instruments of a mandatory nature that thereby ensure the necessary regulatory influence on public relations. They represent specific forms of influence applied to individuals and legal entities, expressed in psychological, material, organizational, and physical restrictions, and are applied by specially authorized subjects both when an offense (or crime) has been committed and, in certain cases, even in the absence of an offense for the purpose of maintaining public order.

The analysis of theoretical and legal approaches to the concept of administrative and legal measures makes it possible to identify several key elements of their content. First, the system for ensuring public safety in the railway sector constitutes a set of legal instruments designed to exert effective legal influence on social relations in this field. Second, the administrative and legal measures under consideration facilitate the implementation of the law enforcement function of state bodies. This function is realized within the scope of authority through the application of state coercive mechanisms.

Thus, in Uzbekistan, administrative and legal measures to ensure public safety in railway transport play a crucial role in creating a safe and efficient transport infrastructure. These measures include the development and implementation of strict regulatory norms aimed at preventing crimes and incidents in railway transport, as well as the application of administrative coercive measures.

The primary instruments for ensuring public safety include administrative warning, suppression, and punitive measures, as well as continuous monitoring and supervision of compliance with safety regulations by transport sector employees and passengers. It is also necessary to strengthen cooperation among various state bodies, primarily the Ministry of Transport, the Ministry of Internal Affairs, and the State Traffic Safety Inspectorate.

In addition, one of the key aspects is the introduction of modern technologies, such as video surveillance and automated control systems, which enable rapid responses to emerging threats. This set of measures serves to create a reliable mechanism for ensuring public safety on the country's railways and to enhance public confidence in this mode of transport.

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