



MEASURES FOR ENSURING PROCEEDINGS ON ADMINISTRATIVE OFFENSES OF EXTREMIST ORIENTATION IN THE TRANSPORT ENVIRONMENT AND PROBLEMS OF EVIDENCE RECORDING

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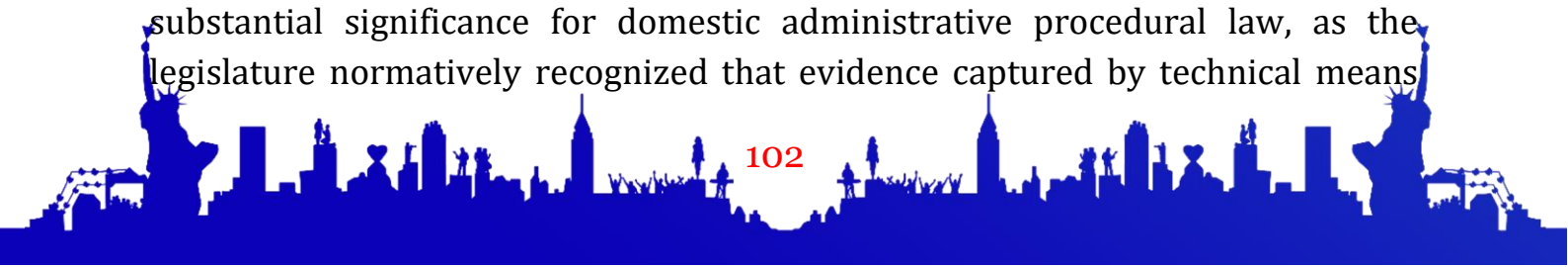
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Abstract. The article comprehensively examines measures for ensuring proceedings in cases of administrative offenses in the field of countering the distribution of extremist materials in transport vehicles. The author's definition of the concept of these measures has been developed, and their spatial, temporal and targeting features have been substantiated. It is proposed to supplement the traditional three-group classification with a fourth group – measures applied to a third party not involved in the offense, that is, to the carrier. It is shown that six features of a vehicle as a space with a special legal regime cause the ineffectiveness of existing procedural norms. Scientifically substantiated proposals have been put forward to supplement the Code on Administrative Liability with norms on recording evidence in the protocol (Article 276¹), on the inspection of a vehicle (Article 291²) and on the deletion of copies of extremist materials (Article 294¹).

Keywords: measures for ensuring proceedings, evidence recording, protocol, transport vehicle, inspection, administrative detention, territorial jurisdiction, degree of publicity, carrier, extremist materials.

Countering the dissemination of extremist materials on transport vehicles represents one of the most complex domains of administrative jurisdictional activity. According to assessments by surveyed experts, the timely and procedurally compliant recording of this category of offenses remains problematic in practice; delays in recording frequently result in incidents escalating into criminal liability. Consequently, detailed regulation of administrative jurisdictional activity regarding the identification, prevention, and suppression of manifestations of extremism on transport vehicles assumes particular significance.

By virtue of the law enacted on February 5, 2026, an exhaustive list of administrative offenses recorded via special automated photo and video recording technical equipment was incorporated into the Code of Administrative Responsibility of the Republic of Uzbekistan[1]. This amendment holds substantial significance for domestic administrative procedural law, as the legislature normatively recognized that evidence captured by technical means





can be admitted without direct interaction with the offender and without drawing up an administrative protocol at the scene of the incident. At present, this list primarily encompasses traffic safety offenses; however, in the event that extremist material is distributed within the cabin of the selfsame transport vehicle, special rules for procedurally recording such an occurrence remain absent. This situation must be evaluated as the most distinct asymmetry within the procedural part of administrative responsibility legislation.

This issue is directly tied to the current stage of legislative activity: pursuant to Order No. F-30 of the President of the Republic of Uzbekistan dated May 7, 2026, work on codifying legislation in the sphere of administrative responsibility has commenced, with the draft of the new code slated for completion by April 1, 2027[2]. Concurrently, Article 3 of Law No. ZRU-1152 "On Forensic Expertise Activity," enacted on June 11, 2026, explicitly specifies that the term "case" encompasses proceedings regarding administrative offenses[3]. Although forensic experts have been granted authority to render expert opinions in administrative cases, the procedure for lawfully recording and preserving in an unaltered state the objects submitted to the expert remains unlegislated. The institution of forensic expertise cannot operate at full capacity without an institution of formal documentation and recording—a state of affairs demonstrating the immediate relevance of the proposals advanced in this article at the current juncture.

Proceedings in cases of administrative offenses constitute a distinct category of administrative jurisdictional activity established under the Code of Administrative Responsibility. Section IV of the Code consolidates the legal foundations of such proceedings, while Chapter XXI codifies measures securing proceedings[4]. As correctly noted in academic literature, the primary imperative of proceedings consists of comprehensively establishing the circumstances of each case, gathering evidence, and formally recording it in compliance with procedural rules[5].

In legal literature, measures securing proceedings in administrative offense cases are defined as "coercive measures applied in accordance with strictly defined procedural rules upon establishing signs of an administrative delict or where sufficient grounds exist to presume their presence, for the purpose of ensuring the regular course of proceedings"; the objects of such enforcement are individuals subject to proceedings and other participants, with coercive impact manifesting as the restriction of rights and freedoms[6].



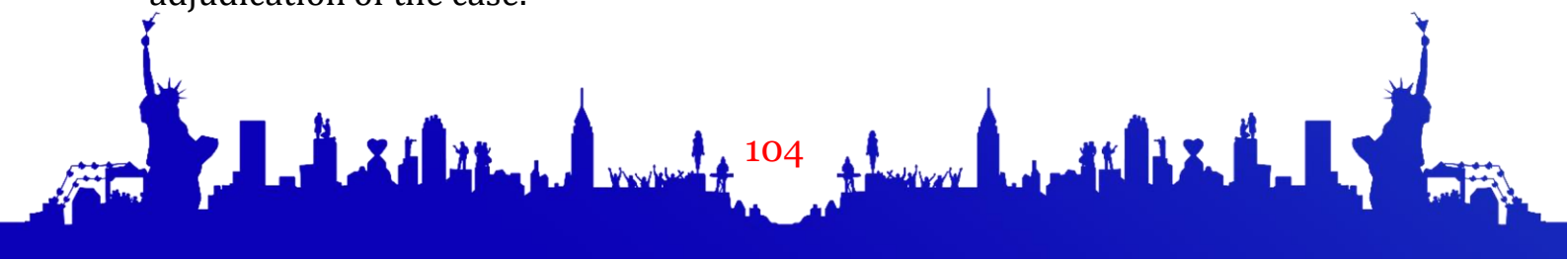


According to the classification proposed by A.V. Korkin, measures securing proceedings in administrative offense cases are divided into three groups: measures applied exclusively to natural persons (administrative detention, police conveyance, compulsory appearance, removal from operating a vehicle, personal search, etc.); measures applied exclusively to legal entities (inspection of premises, territories, items, and documents belonging to the entity); and measures applied to both natural and legal persons (seizure of goods, vehicles, and other items, as well as the seizure of items and documents)[7].

Analysis reveals that in proceedings involving extremist offenses committed on transport vehicles, this classification proves incomplete and must be supplemented by a fourth group—measures applied against a third party uninvolved in the offense, namely the carrier. Onboard video recordings, route and navigation data, ticket validation records, and network logs are in the possession of the carrier, rather than the offender or victim. The traditional three-group classification fails to encompass this situation.

The statutory objectives for applying measures securing proceedings are set forth in Article 285 of the Code of Administrative Responsibility of the Republic of Uzbekistan, according to which administrative detention, personal searches, inspection of belongings and vehicles, and the seizure of items and documents are permissible for the purposes of suppressing an administrative offense, establishing the identity of the offender, drawing up a protocol at the scene of the incident when immediate execution is impossible, ensuring the timely and correct adjudication of cases, and executing administrative penalties[8].

Taking the foregoing into account, measures securing proceedings in cases of administrative offenses in the sphere of countering the dissemination of extremist materials on transport vehicles may be defined as follows: a system of coercive measures applied strictly in accordance with procedural rules by competent officials or courts against the offender, the carrier, and other participants in proceedings, upon detecting signs of an administrative offense of an extremist nature on a public transport vehicle or at a transport infrastructure facility, or where sufficient grounds exist to presume their presence, within the temporal limitations of a moving enclosed space, for the purpose of suppressing the offense, recording and preserving perishable digital data and traces before loss, establishing the offender's identity, and ensuring the timely and proper adjudication of the case.





This definition is characterized by three key attributes: first, the spatial attribute, meaning the measure is applied within a bounded, moving space governed by a special legal regime; second, the temporal attribute, indicating that the feasibility of applying the measure is naturally constrained by the trip cycle of the vehicle and the retention period of video recordings; third, the directional attribute, denoting that the measure is directed not only at the offender but also at the non-offending carrier. It is equally essential to distinguish measures securing proceedings from administrative restraint measures: if a norm restricts an individual's rights or the carrier's operations, it belongs in the chapter governing measures securing proceedings; if a norm merely establishes the procedure for recording an existing situation, it should be placed in the chapter governing evidence.

Administrative liability for offenses associated with extremist activity is established under Articles 184², 184³, 201, 202¹, 203, 240, and 241 of the Code of Administrative Responsibility of the Republic of Uzbekistan[9]. An analysis of these norms demonstrates that none of them contain a qualifying element specifying the commission of the act aboard public transport vehicles. This state of affairs is not merely a substantive law deficiency; it produces several procedural ramifications: 1) the commission of the act aboard a transport vehicle is not recorded as a specific element in the administrative protocol; 2) national state statistics do not separate extremist offenses committed on transport, leaving the true scope of the phenomenon unclear; 3) in imposing penalties, the degree of publicity—namely, the number of persons present—is not taken into account; 4) materials submitted to forensic experts are provided in isolation from the circumstances of their commission; 5) unified judicial practice fails to emerge; 6) law enforcers are not relieved of the duty to present evidence despite lacking lawful statutory means to record it.

A transport vehicle is not merely a conventional location where an administrative offense is committed, but a space subject to a distinct legal regime. Its following attributes directly disrupt the existing system of measures securing proceedings: 1) spatial enclosure and the forced congregation of passengers; 2) spatial movement, meaning the offense occurs along a vector rather than at a fixed point; 3) turnover of the audience, whereby the composition of witnesses changes at every stop; 4) possession of evidence by an uninvolved third party; 5) temporal constraints, as trips conclude, video recordings are overwritten, and passengers disperse; 6) spatial digitization, given that modern transport vehicles are



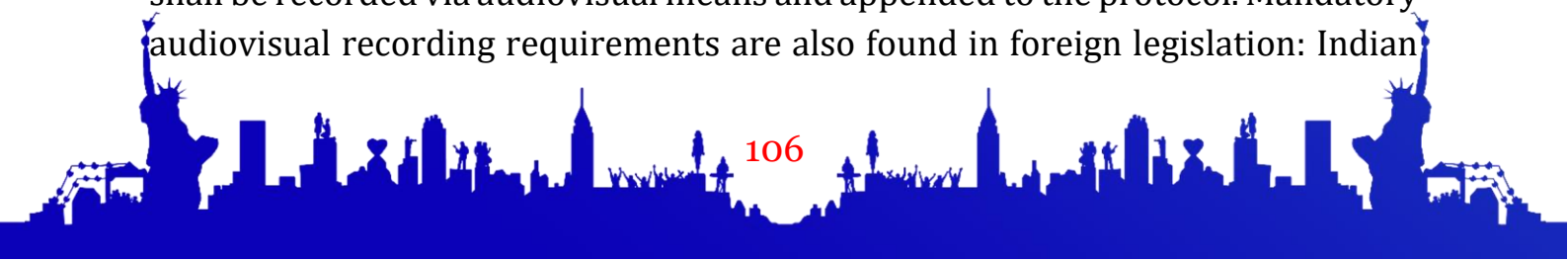


equipped with wireless access points, allowing materials to be disseminated via onboard networks rather than physically handed out.

Each of these characteristics undermines the operation of specific procedural rules. Spatial movement renders the requirement to draw up an administrative protocol at the scene of the offense practically unfeasible, as the vehicle enters a different territorial jurisdiction during protocol drafting. Audience turnover prevents full completion of protocol requisites under Article 281 of the Code, leaving the element of publicity undocumented. Possession of evidence by a third party prevents enforcement against carriers because all measures in Chapter XXI are directed exclusively at the offender. Temporal constraints create a mismatch between the detention period under Article 288 of the Code and the time required for forensic examination: administrative detention cannot exceed three hours under Article 288, whereas determining whether material is extremist requires a much lengthier forensic analysis. Resolving this mismatch requires shifting the center of gravity of securing measures from detaining the person to sealing and preserving evidence: even if the individual is released after three hours, the evidence must remain preserved in an unaltered state.

At present, the degree of publicity remains an evaluative concept. In our view, to render it precisely measurable, the administrative protocol must record the degree of material visibility—specifically, the percentage of passenger seats from which the text or image of the material is recognizable. This metric serves a dual purpose: it proves the public nature of the act on one hand, and protects individuals from unfounded accusations when the metric equals zero (e.g., if content was opened solely on a person's private device screen) on the other.

To address these issues, it is proposed to supplement the Code of Administrative Responsibility of the Republic of Uzbekistan with Article 276¹ ("Recording Evidence in Administrative Protocols Regarding Extremist Offenses Committed in the Transport Environment"). Pursuant to the proposed norm, when an administrative offense is committed aboard a public transport vehicle, the protocol shall additionally record the vehicle type, registration plate, and route number; the carrier's name; the direction of travel and nearest stop at the time of detection; the estimated number of passengers; the degree of material visibility; and the presence and operational status of any video surveillance system. In all instances where technical capabilities permit, procedural actions shall be recorded via audiovisual means and appended to the protocol. Mandatory audiovisual recording requirements are also found in foreign legislation: Indian

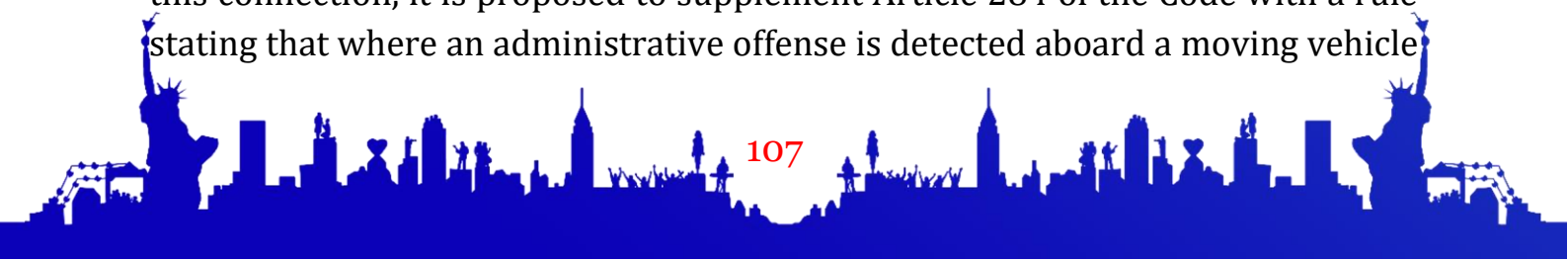




administrative procedural law mandates audiovisual recording during searches and seizures[10]. Crucially, as a safeguard, the norm explicitly provides that recording the material does not constitute a finding that it is extremist, as the legal qualification of content is conducted according to statutory procedures—thereby drawing a clear distinction between initial recording and legal characterization. The International Organization for Standardization's standard on digital evidence handling similarly distinguishes between the duties of the primary evidence collector and the analyzing expert[11].

The inspection of transport vehicles per se warrants special attention. Article 289 of the Code provides for personal searches and inspection of belongings, but lacks procedures for inspecting premises and territories; meanwhile, procedural actions under Article 291 are strictly restricted to traffic regulation violations[12]. Consequently, inspecting the interior of a bus or subway carriage where extremist materials were detected lacks a statutory legal basis. Comparative legal analysis shows this limitation is not strictly necessary: the Code of Administrative Offenses of the Republic of Kazakhstan regulates inspection as a general institution, providing that vehicle inspections take place in the presence of two witnesses or with video recording[13]; Article 27.9 of the Code of Administrative Offenses of the Russian Federation provides for the inspection of any vehicle type[14]. Therefore, it is proposed to supplement the Code with Article 291² ("Inspection of Transport Vehicles and Transport Infrastructure Facilities"), empowering competent officials to inspect passenger cabins and areas open to passengers. Inspections shall be conducted in the presence of the vehicle owner or carrier representative, or in their absence, two disinterested witnesses or with continuous video recording. The inspection must not unreasonably disrupt scheduled passenger transport, nor shall it encompass personal searches.

The issue of territorial jurisdiction over offenses committed aboard moving transport vehicles likewise remains unresolved: a vehicle crosses multiple district boundaries, yet the Code lacks rules resolving jurisdictional conflicts. Articles L.2241-1 and L.2241-2 of the French Transport Code establish procedures for conveying offenders on railway transport to the first stop[15]. Incorporating this approach into domestic legislation via the "first stop" rule is advisable: under the proposed norm, proceedings shall be conducted by the competent authority of the territory where the vehicle was located at the time the offense was detected. In this connection, it is proposed to supplement Article 284 of the Code with a rule stating that where an administrative offense is detected aboard a moving vehicle





and drawing up a protocol at the scene is impossible, the person shall be conveyed to the nearest stop; the duration of actual restriction on movement shall be recorded immediately via technical means or service documentation and specified in the protocol. Additionally, Article 288 should be amended to state that the period of detention shall be calculated from the moment movement is actually restricted, and time spent on board shall be credited toward administrative detention. This rule simultaneously protects individual rights and safeguards officials against unfounded claims.

The efficacy of securing proceedings is also linked to the procedural status of onboard personnel. Transport inspectors hold authority to impose administrative fines but lack authority to record evidence: they observe the offense but cannot document it procedurally. In foreign jurisdictions, transport personnel are granted broader authority: UK Railway Byelaws empower authorized persons to demand an offender's name and address[16]; Hong Kong Mass Transit Railway By-laws classify refusal to provide information as a distinct offense[17]; and the Indian Railways Act authorizes personnel to remove offenders from carriages or stations[18]. In light of this experience, Article 287 of the Code should be supplemented with a clause stating that upon detecting signs of an administrative offense of an extremist nature on public transport, the carrier's onboard employee shall take measures to record the incident, direct the vehicle to the nearest stop, and preserve the scene until internal affairs officers arrive; onboard personnel shall not be entitled to use physical force or conduct personal searches.

In law enforcement practice, the instrument of the offense—namely, the device on which the material is stored—frequently remains at the person's residence. Under the Constitution of the Republic of Uzbekistan, entering a residence, as well as conducting seizures and inspections therein, is permissible only in cases and according to procedures established by law, while residential searches require a court order[19]. In our view, establishing a legal mechanism authorizing law enforcement officers to obtain judicial approval to seize instruments of an offense located in residential premises is advisable. To this end, Articles 16 and 17 of the Law "On Internal Affairs Bodies" should be supplemented with provisions authorizing submission of reasoned petitions to courts and the inspection of residential premises and seizure of instruments of offenses based on judicial orders[20]. Inspections would be confined strictly to rooms and items specified in the court order, with an official act drawn up and a copy delivered to the interested party.





As correctly noted in academic literature, if the instrument of the offense is not confiscated, extremist digital data may persist on digital media and remain accessible to an unrestricted audience[21]. To fill this legal gap, the Code should be supplemented with Article 294¹ ("Deletion of Copies of Extremist Materials"): upon an administrative offense decision taking legal effect, the officiating authority shall mandate that the convicted person delete copies of extremist materials stored in device memories under the supervision of an authorized official; an official act documenting the deletion shall be drawn up, and the device itself returned to its owner. This norm guarantees the permanent destruction of digital copies of prohibited materials while respecting citizens' constitutional property rights.

As a result of the study, the following conclusions and proposals were formulated:

First, an authorial definition of measures securing proceedings in cases involving the dissemination of extremist materials on transport vehicles was developed, grounded in three specific attributes: spatial, temporal, and directional. The traditional three-group classification was supplemented with a fourth group comprising measures applied against non-offending carriers.

Second, it was demonstrated that six specific attributes of transport vehicles as spaces with distinct legal regimes (spatial enclosure, movement, audience turnover, third-party possession of evidence, temporal limitations, and digitization) undermine the operation of existing procedural rules. The absence of a transport-specific indicator in relevant articles of the Code produces six procedural consequences.

Third, it was proposed to supplement the Code with Article 276¹ governing special procedures for recording evidence in protocols, Article 291² governing transport vehicle and infrastructure inspections, and Article 294¹ providing for the deletion of copies of extremist materials. Central to these proposals is the safeguard that recording material does not imply a legal finding that it is extremist.

Fourth, amendments to Articles 284, 287, and 288 were proposed regarding calculating detention periods on moving vehicles, conveying persons to the nearest stop, and establishing duties for onboard personnel to record offenses and preserve the scene, alongside resolving territorial jurisdiction through the "first stop" rule.

Fifth, shifting the emphasis of securing measures from detaining the individual to sealing evidence, introducing a court-ordered mechanism for seizing

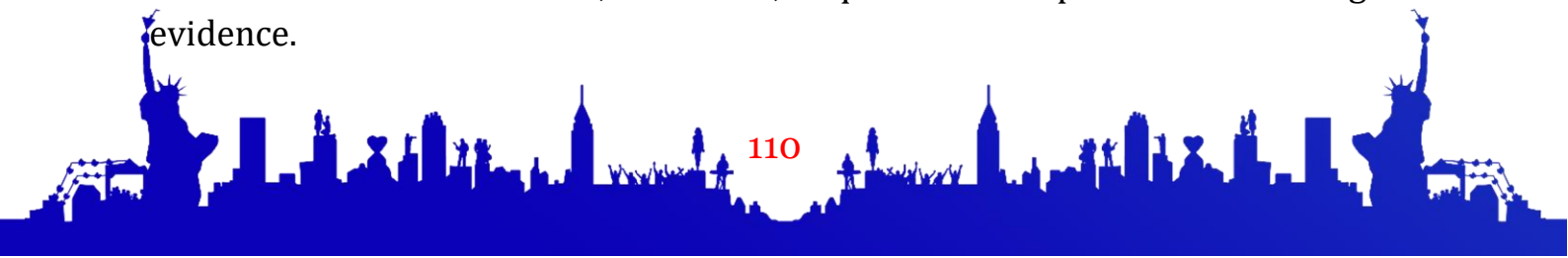




instruments of offenses in residences, and establishing supervised deletion of extremist copies after decisions take legal effect will ensure the stability of the evidentiary base in this category of cases. Most proposed measures do not introduce new coercion, but rather formalize existing capabilities into procedural form: video systems are already operating, inspectors are onboard, and carriers are required to retain recordings. On the contrary, the absence of recording procedures complicates proceedings, as evidence may be deemed inadmissible, leading to termination.

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