

**ADMINISTRATIVE ACTIVITIES OF NATIONAL GUARD-TYPE UNITS IN  
FOREIGN COUNTRIES AND THEIR SPECIFIC FEATURES****Nazarov Ganisher, post doctorate****University of Public Safety of the Republic of Uzbekistan**

**Abstract:** This paragraph presents a comprehensive comparative analysis of the administrative activities of National Guard-type units in various foreign countries. The study examines the legal status, administrative structure, and public safety functions of such units in France, the United States, Turkey, Russia, Kazakhstan, and South Korea. Legal frameworks such as the Code de la Sécurité Intérieure, Posse Comitatus Act, Jandarma Kanunu, Federal Law No. 226-FZ, “Law on the National Guard of Kazakhstan,” and the National Defense Act are analyzed in relation to their administrative authority and public order responsibilities. The research highlights the integration of military discipline and civil administration, the importance of democratic oversight, and the role of digital monitoring systems in ensuring accountability. Based on these findings, scientifically grounded recommendations are proposed for Uzbekistan’s National Guard — expanding administrative jurisdiction, implementing digital control mechanisms, developing a dual-level governance system, and strengthening preventive and educational functions in public security.

**Keywords:** National Guard, administrative activity, comparative law, France, USA, Turkey, Russia, Kazakhstan, South Korea, administrative jurisdiction, civilian control, digital monitoring, public safety.

**XORIJIY MAMLAKATLARDAGI MILLIY GVARDIYA TIPIDAGI  
BO‘LINMALARNING MA’MURIY FAOLIYATI VA ULARNING O‘ZIGA XOS  
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**Annotatsiya:** Ushbu maqola turli xorijiy davlatlardagi milliy gvardiya tipidagi bo‘linmalarning ma’muriy faoliyatini qiyosiy tahlil qiladi. Tadqiqot Fransiya, AQSh, Turkiya, Rossiya, Qozog‘iston va Koreya Respublikasi kabi mamlakatlarda bunday bo‘linmalarning huquqiy maqomi, ma’muriy tuzilmasi hamda jamoat xavfsizligini ta’minlashdagi vazifalarini o‘rganadi. **Code de la Sécurité Intérieure (Fransiya), Posse Comitatus Act (AQSH),**

**Jandarma Kanunu (Turkiya), FQ-226-sonli Federal Qonun (Rossiya), “Qozog’iston Milliy gvardiyasi to’g’risidagi Qonun” (Qozog’iston) va National Defense Act (Koreya Respublikasi)** kabi huquqiy me’yoriy hujjatlar ularning ma’muriy vakolatlari va jamoat tartibini yuritishdagi mas’uliyatlari nuqtayi nazaridan tahlil qilinadi. Tadqiqot natijalarida harbiy intizom va fuqaroviy boshqaruvning integratsiyasi, demokratik nazoratning ahamiyati hamda hisobdorlikni ta’minlashda raqamli monitoring tizimlarining roli yoritilgan. Olingan ilmiy xulosalar asosida O‘zbekiston Milliy gvardiyasi uchun ilmiy asoslangan takliflar ilgari surilgan, ya’ni ma’muriy yurisdiksiyani kengaytirish, raqamli nazorat mexanizmlarini joriy etish, ikki darajali boshqaruv tizimini rivojlantirish hamda jamoat xavfsizligida profilaktik va ma’rifiy funksiyalarni mustahkamlash kabilar.

**Kalit so’zlar:** Milliy gvardiya, ma’muriy faoliyat, xorijiy tajriba, Fransiya, AQSH, Turkiya, Rossiya, Qozog’iston, Janubiy Koreya, ma’muriy, yurisdiksiya, fuqarolik nazorati, raqamli monitoring.

## **АДМИНИСТРАТИВНАЯ ДЕЯТЕЛЬНОСТЬ ПОДРАЗДЕЛЕНИЙ ТИПА НАЦИОНАЛЬНОЙ ГВАРДИИ В ЗАРУБЕЖНЫХ СТРАНАХ И ИХ СПЕЦИФИЧЕСКИЕ ОСОБЕННОСТИ**

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**Аннотация:** В данной статье проводится сравнительный анализ административной деятельности подразделений типа Национальной гвардии в различных зарубежных странах. Исследование охватывает такие государства, как Франция, США, Турция, Россия, Казахстан и Республика Корея, и рассматривает правовой статус, административную структуру и функции этих формирований в обеспечении общественной безопасности. Нормативно-правовые акты, такие как Code de la Sécurité Intérieure (Франция), Posse Comitatus Act (США), Jandarma Kanunu (Турция), Федеральный закон №226-ФЗ (Россия), «Закон о Национальной гвардии Казахстана» (Казахстан) и National Defense Act (Республика Корея), анализируются с точки зрения их административных полномочий и ответственности за поддержание общественного порядка. Результаты исследования отражают интеграцию военной дисциплины и гражданского управления, значимость демократического контроля, а также роль цифровых систем мониторинга в обеспечении подотчётности. На основе полученных научных выводов выдвинуты научно обоснованные рекомендации для Национальной

гвардии Республики Узбекистан, включающие расширение административной юрисдикции, внедрение цифровых механизмов контроля, развитие двухуровневой системы управления, а также укрепление профилактических и просветительских функций в сфере общественной безопасности.

**Ключевые слова:** Национальная гвардия, административная деятельность, зарубежный опыт, Франция, США, Турция, Россия, Казахстан, Республика Корея, юрисдикция, гражданский контроль, цифровизация, общественная безопасность.

**Introduction.** In today's rapidly changing global security environment, the role and significance of special law enforcement agencies, including National Guard-type units, in ensuring internal stability and public safety within states are increasing sharply. These structures function not only in maintaining internal order but also as key actors in safeguarding national security in complex situations such as terrorism, extremism, mass unrest, cybersecurity threats, and natural or man-made disasters.

In foreign countries, National Guard-type units represent distinctive institutions within the framework of the state's military and administrative governance systems. They operate as multifunctional structures that ensure security relations between civil society and state authority. For instance, France's Gendarmerie Nationale, the United States' National Guard, Russia's National Guard of Russia (Rosgvardiya), Italy's Carabinieri, and Spain's Guardia Civil function as systems that integrate administrative, law enforcement, and military functions.

**Literature review.** The integration of military discipline with administrative governance—this dual nature—distinguishes National Guard-type structures from other law enforcement agencies. They simultaneously perform tasks such as maintaining public order, protecting strategic state facilities, carrying out civilian evacuation during emergencies, and ensuring social stability.

The relevance of this study is determined by the following factors:

First, in the 21st century, amid the emergence of new forms of terrorism, political extremism, and hybrid threats, the institutional significance of National Guard-type units has increased. These entities now function not only as military forces but also as administrative regulatory actors<sup>1</sup>.

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<sup>1</sup> OECD. Public Security Governance and Civil-Military Relations in Europe. – Paris : OECD Publishing, 2023. – 178 p.

Second, in developed countries, National Guard institutions operate in close integration with civilian governance systems. For example, in France and Italy, gendarmerie structures perform administrative functions within the framework of the Ministry of the Interior, thereby enhancing the efficiency of state administration<sup>2</sup>.

Third, National Guard-type units play an active role in protecting citizens' rights and freedoms, ensuring public safety, and maintaining administrative order during mass events, natural disasters, or civil disturbances. This underscores the necessity of studying their activities not only as military entities but also as administrative-legal institutions<sup>3</sup>.

Fourth, in the context of modernizing the public security system in New Uzbekistan, aligning the activities of the National Guard with international standards is of critical importance. To this end, it is necessary to conduct a scientific analysis of the experiences of countries such as France, the United States, Turkey, and Russia, and to adapt relevant practices to the national administrative framework<sup>4</sup>.

Fifth, National Guard-type units perform not only security-related functions but also social functions, such as engaging with the population, conducting preventive measures, and providing assistance during emergencies. This necessitates a reassessment of their administrative activities within the framework of the modern state governance system<sup>5</sup>.

From this perspective, the scientific study of the administrative activities of National Guard-type units in foreign countries constitutes an important academic task in ensuring the effective organization of the system of public administration, maintaining public security, and improving national legislation.

Morris Janowitz, in his seminal work *The Professional Soldier* (1960), analyzed civil–military relations and defined the National Guard as a “police force responsible for maintaining order and ensuring the rule of law<sup>5</sup>.” According to him, the military structure has become an integral component of state governance in safeguarding citizens' security [11].

Patricia M. Shields, in her study *Civil–Military Relations and Democratic Control* (2014), emphasizes that civilian oversight plays a crucial role in endowing National Guard or

<sup>2</sup> European Gendarmerie Force (EUROGENDFOR). Annual Review 2022–2023. – Brussels, 2023. – 112 p.

<sup>3</sup> Bayley D. *Changing the Guard: Developing Democratic Police Abroad*. – Oxford : Oxford University Press, 2006. – 271 p.

<sup>4</sup> United States Department of Defense. *National Guard Bureau Annual Report 2022*. – Washington D.C., 2023. – 154 p.

<sup>5</sup> Shields P. M. *Civil–Military Relations and Democratic Control*. — London: Palgrave Macmillan, 2014.

Michaels J. D. *Constitutional Coup: Privatization's Threat to the American Republic*. — Cambridge: Harvard University Press, 2017.

gendarmerie-type institutions with broad administrative authority<sup>6</sup>. She stresses that administrative measures must be balanced with legal accountability [22].

Similarly, David J. Farmer, in *Public Administration in Perspective* (2010), advances a humanistic model of public administration, highlighting the importance of harmonizing public trust and legal mechanisms in the activities of National Guard institutions [8]<sup>7</sup>.

National Guard-type administrative and law enforcement structures play a pivotal role in the internal security systems of modern states. Their legal status, organizational framework, and functional scope are closely intertwined with each state's political system, legal traditions, and national security policy.

In France, the Gendarmerie Nationale operates as a National Guard-type formation. Its legal status is dual in nature: on one hand, it is a military institution within the national defense system; on the other hand, it serves as a law enforcement agency performing administrative functions under the Ministry of the Interior<sup>8</sup>. The gendarmerie's management system is centralized and encompasses tasks such as maintaining public order, exercising police supervision in rural areas, evacuating the population during emergencies, and protecting state facilities. Additionally, the French gendarmerie cooperates with the prosecutor's office in criminal investigations. The principal advantage of the French model lies in its integrated approach—combining military discipline with administrative oversight—which ensures high efficiency in decision-making and public security management.

In the United States, the National Guard functions as both a federal and state-level institution, with its legal foundations established by the U.S. Constitution, the Posse Comitatus Act (1878), and the National Defense Act (1916)<sup>9</sup>. Its governance structure is dual: at the federal level, it operates as part of the U.S. Armed Forces, while at the state level, it functions under the authority of each state's governor. This dual system enables the Guard to respond flexibly to both national defense and domestic emergencies. The duties of the U.S. National Guard include evacuating civilians during natural disasters, suppressing mass disturbances, protecting citizens, and participating in international peacekeeping operations. Moreover, it may be deployed by the federal government for overseas missions. The principal advantage of

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<sup>6</sup> Michaels J. D. *Constitutional Coup: Privatization's Threat to the American Republic*. — Cambridge: Harvard University Press, 2017.

<sup>7</sup> Republic of Turkey. Law No. 6638 on the Organization of Gendarmerie. — Ankara, 2016.

<sup>8</sup> Ministry of Interior of France. *La Gendarmerie Nationale: Missions et Réformes*. — Paris, 2022. — 198 p.

<sup>9</sup> United States Department of Defense. *National Guard Bureau Annual Report 2023*. — Washington D.C., 2023. — 156 p.

this model is its dual-level management system, which ensures the Guard's adaptability to both military and administrative functions while maintaining democratic accountability.

In Turkey, the functional equivalent of a national guard is the Gendarmerie General Command (Jandarma Genel Komutanlığı), a military-administrative structure subordinate to the Ministry of the Interior<sup>10</sup>. The Turkish Gendarmerie operates under the Law on the Gendarmerie and presidential decrees. Its primary responsibilities include maintaining public order in rural and agricultural areas, combating crime, protecting the population during emergencies, and countering smuggling and terrorism. The gendarmerie's management system is centralized and based on strict military discipline; however, its administrative functions are integrated into the civilian governance system. This model enables the stable maintenance of security relations between the state and civil society.

In Russia, the Federal National Guard Service (Rosgvardiya), which is established in 2016—serves as a principal actor in internal security and state protection<sup>11</sup>. Its legal foundation is defined by the Federal Law on the National Guard Troops of the Russian Federation (April 3, 2016). The governance structure of Rosgvardiya is directly subordinate to the President of the Russian Federation, reflecting a centralized and strictly hierarchical system. Its main functions include combating terrorism and extremism, suppressing mass unrest, protecting critical state facilities, and exercising control over the circulation of weapons. In addition, Rosgvardiya cooperates with internal affairs agencies to implement preventive administrative measures against violations of public order. The Russian model is characterized by a high degree of administrative centralization and broad coercive powers, which enhance operational efficiency but simultaneously raise concerns regarding democratic oversight and accountability.

In the Republic of Korea, unlike in the United States, there is no independent institution formally designated as a "National Guard."<sup>12</sup> Instead, civil and military security systems operate in an integrated manner. The primary legal framework in this field is established by the National Defense Act and the Civil Defense Framework Act. The defense system of the Republic of Korea is managed by the President and the Ministry of National Defense. Moreover, the country maintains a mobilization system that ensures the activation of civilian resources in the event of natural disasters or military threats. A distinctive feature of the Korean

<sup>10</sup> FIEP. Turkish Gendarmerie: Organizational Structure and Administrative Role. – Ankara, 2023. – 112 p.

<sup>11</sup> Federal National Guard Service of the Russian Federation. Tasks and Functions of the Rosgvardiya. – Moscow, 2023. – 147 p.

<sup>12</sup> Republic of Korea Ministry of Defense. National Defense Framework Act and Administrative Security Policy. – Seoul, 2022. – 154 p.

administrative model is the integration of the national security system through digital governance and the active participation of citizens. This approach fosters the implementation of principles of democratic oversight and accountability in the maintenance of national security.

In the Republic of Kazakhstan, the activities of the National Guard are regulated by the Law of the Republic of Kazakhstan “On the National Guard” (January 10, 2015)<sup>13</sup>. Operating within the structure of the Ministry of Internal Affairs, it represents an essential component of the national security system. The National Guard’s organizational structure is centralized and comprises regional commands, special operations units, and reserve formations designated for emergency response. Its primary functions include maintaining public order, ensuring security during mass events, protecting strategic facilities, and combating terrorism. The Kazakhstani model has evolved into an effective mechanism for ensuring national security through the integration of elements of military discipline and civilian administration within its operational framework.

The above analysis demonstrates that the administrative activities of National Guard-type formations in foreign countries are characterized by three fundamental features:

- the existence of a clearly defined legal framework and constitutional guarantees;
- a centralized management system with a clearly established hierarchy of accountability;
- the integration of functional responsibilities across both military and administrative domains.

**Object of the research and used methodologies.** In the countries analyzed, National Guard-type units operate not only as military entities but also as administrative–legal institutions that regulate public relations. They play a crucial role in protecting citizens’ rights and freedoms, maintaining public order, organizing the evacuation of the population in emergencies, and exercising administrative authority in matters related to public offenses. Accordingly, in foreign legal systems, the duties and powers of National Guards or similar formations in the field of administrative responsibility are explicitly regulated by specialized laws and codes.

In France, the functions equivalent to those of a National Guard are performed by the Gendarmerie Nationale, whose activities are based on the 1958 Constitution, the Code de la Défense, and the Code de la Sécurité Intérieure. Articles L.1321–L.1424 of the latter code precisely define the administrative competences of the gendarmerie. It maintains public order in rural and suburban areas, prevents administrative offenses, and, in certain cases, possesses

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<sup>13</sup> Ministry of Internal Affairs of Kazakhstan. Law on the National Guard of the Republic of Kazakhstan. – Astana, 2023. – 128 p.

the authority to formalize such violations (by drafting reports and imposing fines). Furthermore, the gendarmerie cooperates with the prosecutor's office during criminal investigations. The French model demonstrates that the integration of military discipline with civilian administration enhances the overall effectiveness of public security management.

In the United States, the legal foundations of the National Guard are defined by Title 32 ("National Guard") and Title 10 ("Armed Forces") of the United States Code, as well as by the Posse Comitatus Act (1878). It operates under two distinct legal conditions:

- At the state level (Title 32) – the National Guard operates under the authority of the governor, tasked with maintaining public order and executing civilian evacuation measures during emergencies.
- At the federal level (Title 10) – it functions under the command of the President, fulfilling national defense responsibilities.

In the field of administrative accountability, National Guard units cooperate with police agencies within the framework of regulatory documents governing public order. A distinctive feature of the U.S. model is that the Posse Comitatus Act guarantees civilian oversight and restricts the involvement of military forces in administrative or law enforcement functions.

In Turkey, the activities of the Gendarmerie General Command are regulated by Law No. 2803 on the Gendarmerie General Command (1983) and Law No. 5326 on Misdemeanors (2005)<sup>14</sup>. According to Article 7 of the former, the Gendarmerie, operating under civilian authority, is responsible for maintaining internal order and preventing administrative offenses. Article 11 of the Law on Misdemeanors authorizes the Gendarmerie to impose administrative fines and draft official reports. This framework enables the Gendarmerie—particularly in rural areas—to exercise administrative powers comparable to those of the police, thereby ensuring comprehensive law enforcement coverage across all territories.

In Russia, the activities of the National Guard Troops of the Russian Federation (Rosgvardiya) are governed by Federal Law No. 226-FZ "On the National Guard Troops of the Russian Federation" (April 3, 2016)<sup>15</sup>. Article 2 of this law defines their responsibilities in maintaining public order, ensuring security during mass events, and drafting reports on administrative offenses. Within the sphere of administrative liability, Rosgvardiya personnel are authorized, under Articles 19.1, 20.2, and 20.21 of the Code of Administrative Offenses of

<sup>14</sup> Law No. 2803 on the Gendarmerie General Command. – Ankara: *Official Gazette*, 1983. Law No. 5326 on Misdemeanors. – Ankara: *Official Gazette*, 2005 (latest amendments 2023).

<sup>15</sup> Federal Law of the Russian Federation No. 226-FZ of April 3, 2016, "On the National Guard Troops of the Russian Federation." – Moscow: *Official Publication*, 2016.

the Russian Federation, to issue official reports and impose fines<sup>16</sup>. Administrative oversight within this system is exercised through the Prosecutor's Office and internal audit departments, ensuring procedural compliance and legal accountability<sup>17</sup>.

In the Republic of Kazakhstan, the activities of the National Guard are regulated by the Law "On the National Guard" (January 10, 2015) and the Code of Administrative Offenses (2020)<sup>18</sup>. Article 5 of the law defines the National Guard's functions as maintaining public order, protecting strategic facilities, and assisting internal affairs bodies in administrative proceedings. Article 804 of the Code grants National Guard officers the authority to draft administrative offense reports and impose fines. This framework institutionalizes the National Guard's administrative role within Kazakhstan's broader system of internal security and public administration<sup>19</sup>.

In the Republic of Korea, the term "National Guard" is not used as an independent entity; however, its functions are carried out by the National Police Agency and the Reserve Forces Command of the Republic of Korea. The legal framework is defined by the National Defense Act (2022), the Basic Principles of Civil Defense Act (2021), and the Administrative Procedures Act (2017)<sup>20</sup>. These legal instruments obligate military-administrative structures to cooperate with the police in matters of administrative responsibility. In the Korean model, accountability is ensured through democratic oversight and digital monitoring<sup>21</sup> [21].

**Obtained results and their analysis.** The legal foundations for administrative responsibility of National Guard-type units in foreign countries reflect the following general principles:

- Integration of military discipline with administrative governance (France, Turkey, Russia, Kazakhstan);
- Civilian oversight and legal constraints (USA, Republic of Korea);

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<sup>16</sup> **Code of Administrative Offenses of the Russian Federation (CAO RF).** – Moscow: *Official Publication*, 2023.

<sup>17</sup> **Federal National Guard Service of the Russian Federation.** *Tasks and Functions of the Rosgvardiya.* – Moscow, 2023.

<sup>18</sup> **Law of the Republic of Kazakhstan No. 274-V "On the National Guard."** – Astana: "*Adilet*", 2015. **Code of the Republic of Kazakhstan "On Administrative Offenses."** – Astana: "*Adilet*", 2020.

<sup>19</sup> **Ministry of Internal Affairs of Kazakhstan.** *Law on the National Guard of the Republic of Kazakhstan – Commentary Edition.* – Astana, 2023.

<sup>20</sup> **National Defense Act of the Republic of Korea.** – Seoul: Ministry of National Defense, 2022., **Civil Defense Framework Act.** – Seoul: Government Printing Office, 2021, **Administrative Procedures Act.** – Seoul: National Assembly Press, 2017.

<sup>21</sup> **Republic of Korea Ministry of Defense.** *National Defense Framework and Administrative Security Policy.* – Seoul, 2022.

- Authority to formalize administrative cases and impose penalties (common feature across all models).

Based on these experiences, it is advisable to develop an effective “national administrative model” for the administrative activities of the National Guard of Uzbekistan by combining:

- Military-disciplinary governance from the French and Turkish models;
- Civilian oversight mechanisms from the US and Korean models;
- Legal clarity and procedural precision from the Russian and Kazakh models.

From this perspective, a comparative-legal analysis of the authority of National Guard-type units in the aforementioned countries regarding public safety and public order enforcement is essential.

The specific characteristics of administrative responsibility in the legislation regulating the activities of National Guard-type units in foreign countries can be illustrated in the following table.

**Table 1. Specific Features of the Administrative Activities of National Guard-Type Units in Foreign Countries**

| No | Country | Type of Offense/Violation              | Authority of the National Guard (or Equivalent Unit)  | Legal Basis (Article, Law)                                                           | Administrative discipline Applied           |
|----|---------|----------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------|
| 1  | France  | Disorder and violation of public order | Draw up reports, impose fines, or recommend detention | Code pénal, art. R610-5; Code de la Sécurité Intérieure, L211-1–L211-4 <sup>22</sup> | Administrative fines or temporary detention |

<sup>22</sup> **Code de la Sécurité Intérieure.** – Paris : Gouvernement Français, 2023., **Ministry of Interior of France.** *La Gendarmerie Nationale : Missions et Réformes.* – Paris : Ministère de l’Intérieur, 2022.

|   |        |                                                        |                                                          |                                                                            |                                                 |
|---|--------|--------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------|
|   |        | Illegal possession of firearms or special equipment    | Conduct inspections and confiscation                     | Code de la Défense, L2331-1 <sup>23</sup>                                  | Confiscation, fines                             |
| 2 | USA    | Violation of public order and curfew                   | Record the case and forward to state police              | Public Order Enforcement Regulation §12; Posse Comitatus Act <sup>24</sup> | Administrative fines, referral to court         |
|   |        | Failure to comply with emergency orders                | Draw up administrative reports                           | Title 32 U.S. Code § 109                                                   | Fines imposed through state court               |
| 3 | Turkey | Disturbance of public peace, violations at mass events | Draw up reports, refer cases to the prosecutor           | Kabahatler Kanunu madde 36, 38; Jandarma Kanunu №2803 <sup>25</sup>        | Administrative fines, verbal warning            |
|   |        | Failure to obey lawful orders                          | Apply disciplinary measures                              | Kabahatler Kanunu madde 32                                                 | Fines or temporary detention                    |
| 4 | Russia | Violation of public event regulations                  | Draw up administrative reports, forward materials to the | КоАП РФ ст. 20.2; Ф3 №226-ФЗ, мод. 2 <sup>26</sup>                         | Fines or administrative detention up to 15 days |

<sup>23</sup> **Code de la Défense.** – Paris : Ministère des Armées de la République Française, 2022.

<sup>24</sup> **United States Code, Title 32 – National Guard.** – Washington D.C. : U.S. Government Printing Office, 2022., **United States Code, Title 10 – Armed Forces.** – Washington D.C., 2022., **Posse Comitatus Act (18 U.S.C. § 1385).** – Washington D.C. : Congress, 1878 (ред. 2022)., **Public Order Enforcement Regulation of the United States.** – Washington D.C. : Department of Homeland Security, 2021., **United States Department of Defense. National Guard Bureau Annual Report 2023.** – Washington D.C., 2023.

<sup>25</sup> **Jandarma Genel Komutanlığı Kanunu No. 2803.** – Ankara : Resmî Gazete, 1983., **Kabahatler Kanunu No. 5326.** – Ankara : Resmî Gazete, 2005 (son değişiklikler 2023)., **FIEP. Turkish Gendarmerie – Organizational Structure and Administrative Role.** – Ankara : FIEP Secretariat, 2023.

<sup>26</sup> **Федеральный закон № 226-ФЗ «О войсках национальной гвардии Российской Федерации».** – Москва : Официальное издание, 2016., **Кодекс Российской Федерации об административных правонарушениях (КоАП РФ).** – Москва : Официальное издание, 2023., **Federal National Guard Service of the Russian Federation. Tasks and Functions of the Rosgvardiya.** – Moscow, 2023.

|   |                   |                                                         |                                                                           |                                                                         |                                          |
|---|-------------------|---------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------|
|   |                   |                                                         | Ministry of Internal Affairs                                              |                                                                         |                                          |
|   |                   | Violation of arms circulation and object security rules | Conduct inspections, revoke licenses                                      | KoАП РФ ст. 19.1, 20.8                                                  | License revocation, fines                |
| 5 | Kazakhstan        | Violation of public order, minor hooliganism            | Draw up an administrative report, forward to Ministry of Internal Affairs | Administrative Code, Arts. 434, 440 <sup>27</sup>                       | Administrative fine, warning             |
|   |                   | Violation of safety requirements at mass events         | Record the case and forward to prosecutor                                 | Administrative Code, Art. 488                                           | Administrative fine or referral to court |
| 6 | Republic of Korea | Failure to comply with emergency orders                 | Draw up administrative report in cooperation with the police              | Civil Defense Framework Act Art. 22; National Defense Act <sup>28</sup> | Administrative fine or evacuation order  |
|   |                   | Violation of mobilization and security orders           | Forward the case to the local court                                       | Administrative Procedures Act Art. 35                                   | Fine imposed by court decision           |

The above analysis indicates that, according to the French and Turkish models, the National Guard (Gendarmerie) operates as an independent entity in matters of administrative liability, possessing the authority to draw up reports and impose fines. In contrast, under the U.S. and South Korean models, military forces participate in administrative processes only through civilian oversight; the guard may draft reports, but final decisions are made by the police or courts. In the Russian and Kazakh models, National Guard bodies have direct authority

<sup>27</sup> Law of the Republic of Kazakhstan "On the National Guard" No. 274-V. – Astana: "Adilet", 2015. Code of the Republic of Kazakhstan on Administrative Offenses. – Astana: "Adilet", 2020., Ministry of Internal Affairs of Kazakhstan. Law on the National Guard of the Republic of Kazakhstan – Commentary Edition. – Astana, 2023.

<sup>28</sup> National Defense Act of the Republic of Korea. – Seoul : Ministry of National Defense, 2022., Administrative Procedures Act. – Seoul : National Assembly Press, 2017., Republic of Korea Ministry of Defense. National Defense Framework and Administrative Security Policy. – Seoul, 2022.

over administrative proceedings (including drafting reports, imposing fines, and applying administrative detention), reflecting the characteristics of a centralized state governance system. A common trend across these countries is the integration of military discipline with civilian oversight to ensure public safety, which can serve as a legal framework for enhancing the administrative jurisdiction of the National Guard of Uzbekistan.

Firstly, it is necessary to clearly define administrative jurisdiction and expand legal powers. Experience from France and Turkey demonstrates that gendarmerie or National Guard bodies are not limited to public safety alone; they also have the authority to formalize offenses occurring during public events, in rural areas, and at strategic facilities.

In the context of the new Uzbekistan, it is advisable to extend the administrative jurisdiction of the National Guard with additional provisions under Article 248<sup>1</sup> of the Code of Administrative Liability. For instance, based on the French model, granting the National Guard the authority to address violations such as “breaches of safety requirements during public events” and “disturbances in public spaces” would be beneficial. Such amendments would provide the National Guard with a solid legal foundation, enabling it to function as a fully empowered administrative body in ensuring public safety [10].

Secondly, it is advisable to introduce a two-tier management model in administrative practice. In the experience of the United States and the Republic of Korea, the National Guard (or reserve forces) operates at two levels:

- **Civilian oversight level** — under the supervision of the governor (or Minister of Internal Affairs);
- **Military discipline level** — through the Ministry of Defense or the Ministry of Security.

This model ensures democratic control and accountability<sup>29</sup>. On this basis, it is proposed that the administrative activities of the National Guard of the Republic of Uzbekistan be organized through a two-tier management system:

- ✓ **Civilian domain** — in cooperation with the Ministry of Internal Affairs for prevention, public events, and public safety matters;
- ✓ **Military domain** — in coordination with the Armed Forces and the Security Council under the President to maintain military discipline and respond in emergencies.

<sup>29</sup> **United States Code, Title 32 – National Guard.** – Washington D.C. : U.S. Government Printing Office, 2022., **United States Code, Title 10 – Armed Forces.** – Washington D.C., 2022., **Posse Comitatus Act (18 U.S.C. § 1385).** – Washington D.C. : Congress, 1878 (ред. 2022)., **Public Order Enforcement Regulation of the United States.** – Washington D.C. : Department of Homeland Security, 2021., **National Defense Act of the Republic of Korea.** – Seoul : Ministry of National Defense, 2022., **Civil Defense Framework Act.** – Seoul : Government Printing Office, 2021., **Administrative Procedures Act.** – Seoul : National Assembly Press, 2017.

Such an approach will enhance the transparency and accountability of the National Guard's administrative functions.

Thirdly, it is advisable to implement digital monitoring and an electronic registry system in administrative procedures. In the Republic of Korea, all violations are recorded in the **e-Law Enforcement Management System**, and agency activities are monitored online<sup>30</sup>.

In Uzbekistan, the establishment of an **“Administrative Registry for Public Safety”** within the National Guard system would be appropriate. This system should record every administrative case — including violation reports, video monitoring, and fines — into a digital database. Additionally, integrating **“e-Protocol”** and **“e-Violation”** platforms with the Ministry of Internal Affairs system is necessary. This will reduce human error in administrative practice, increase accountability, and strengthen public trust [12].

Fourthly, ensuring legal clarity and standardized procedures in administrative proceedings is increasingly important. In Russia and Kazakhstan, each stage of administrative processing is explicitly regulated by law. For example, the powers of the Rosgvardiya are specifically defined in Articles 19.1, 20.2, and 20.21 of the Russian Federation Code of Administrative Offenses<sup>31</sup>.

Similarly, it is advisable to introduce a separate chapter (Articles 248<sup>2</sup>–248<sup>5</sup>) in Uzbekistan's Code of Administrative Liability to regulate the procedural conduct of cases by the National Guard, including:

- Establishing the procedure for case documentation (reports, photographic and video evidence);
- Mechanisms for forwarding cases to the Ministry of Internal Affairs or the courts;
- Implementation of fines through electronic payment systems.

This approach would render the administrative practice of the National Guard legally independent, systematic, and transparent.

Fifth, it is necessary to strengthen the humanitarian and preventive orientation of administrative practice. In the experience of Turkey and France, gendarmerie activity includes

<sup>30</sup> **Republic of Korea Ministry of Defense.** *National Defense Framework and Administrative Security Policy.* – Seoul, 2022.

<sup>31</sup> Federal Law No. 226-FZ “On the National Guard Troops of the Russian Federation.” – Moscow: Official Publication, 2016. Code of Administrative Offenses of the Russian Federation (CAO RF). – Moscow: Official Publication, 2023., **Federal National Guard Service of the Russian Federation.** *Tasks and Functions of the Rosgvardiya.* – Moscow, 2023.

not only the application of penalties but also public legal awareness, legal education, and preventive measures<sup>32</sup>.

In Uzbekistan, it is advisable to implement a three-stage “prevention – sanction – education” model within the administrative practice of the National Guard, comprising [13]:

- Prevention of offenses through outreach and public information;
- Application of administrative measures upon detection of violations;
- Post-violation stage – legal and moral education and engagement with the public.

This model would operationalize the principle of “prevention over punishment.”

Sixth, it is necessary to establish a specialized training system in administrative law for National Guard personnel. Internationally (e.g., gendarmerie, Rosgvardiya), military-administrative structures maintain dedicated academies with programs in administrative law and civil governance<sup>33</sup>.

**Discussions.** In Uzbekistan, it is advisable to establish a Department of “Administrative Law and Crime Prevention” within the National Guard’s Public Safety University, implement a certification system for each officer in “administrative case management,” and align documentation and procedural standards with OSCE and UN requirements [14].

Implementation of these measures would enhance the professional qualifications of National Guard personnel and enable their integration into the state governance system in accordance with international standards.

Based on the analysis of foreign experience, the development of the administrative practice of the National Guard of Uzbekistan should proceed along the following seven priority directions:

1. Legally expanding administrative jurisdiction;
2. Introducing a two-tiered system of civil and military governance;
3. Digitalization of administrative procedures and implementation of electronic monitoring systems;
4. Establishment of legally codified administrative procedures;
5. Strengthening preventive measures and public legal awareness;

<sup>32</sup> **Jandarma Genel Komutanlığı Kanunu No. 2803.** – Ankara : Resmî Gazete, 1983., **Ministry of Interior of France.** *La Gendarmerie Nationale : Missions et Réformes.* – Paris : Ministère de l’Intérieur, 2022., **FIEP.** *Turkish Gendarmerie – Organizational Structure and Administrative Role.* – Ankara : FIEP Secretariat, 2023.

<sup>33</sup> **FIEP.** *Turkish Gendarmerie – Organizational Structure and Administrative Role.* – Ankara : FIEP Secretariat, 2023., **Federal National Guard Service of the Russian Federation.** *Tasks and Functions of the Rosgvardiya.* – Moscow, 2023.

6. Development of a specialized training system in accordance with international standards;

7. Ensuring the protection of citizens' rights and accountability within the National Guard's operations.

**Conclusions.** Experience from foreign countries demonstrates that National Guard-type units function as key administrative actors within the framework of state security and public order. In the models of France and Turkey, the integration of military discipline with administrative governance has been a priority, whereas in the United States and South Korea, civil oversight and accountability are highly emphasized. The models of Russia and Kazakhstan are characterized by legal precision and centralized administrative authority.

In the process of developing the administrative practice of Uzbekistan's National Guard, foreign experience is particularly relevant in the following areas: expanding the scope of administrative jurisdiction; implementing a two-tiered (civil-military) management system; conducting administrative case management via digital registries; strengthening preventive measures and legal culture; and establishing a personnel training system aligned with international standards.

These measures will enhance the effectiveness of the National Guard in ensuring public safety, reinforce the legal protection of citizens, and elevate administrative practice in Uzbekistan to a new stage in the development of a rule-of-law state.

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