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**Bilul Rzayeva**  
Baku State University  
master student  
bilul.rzaeva@mail.ru

## PROBLEMS OF ADMINISTRATIVE RESPONSIBILITY OF MINORS

### Abstract

This article discusses the administrative responsibility of minors. On the basis of research, the features were identified both in the order of attraction and in the types of penalties that can be imposed for the Commission of an offense by these persons. During the analysis, existing problems related to the administrative responsibility of minors were identified. Within the framework of this article, various justifications for the need to eliminate these problems are provided, and various ways to solve them are proposed in accordance with current legislation and the principles of juvenile justice.

**Keywords:** *legal responsibility, administrative responsibility, administrative responsibility of minors, minor, administrative punishment, measure of influence, administrative offenses, administrative penalty*

**Bilul Rzayeva**  
Bakı Dövlət Universiteti  
magistrant  
bilul.rzaeva@mail.ru

## Yetkinlik yaşına çatmayanların inzibati məsuliyyətində problemləri

### Xülasə

Bu məqalədə yetkinlik yaşına çatmayanların inzibati məsuliyyəti nəzərdən keçirilir. Aparılan araşdırmalar əsasında həm cəlb etmə qaydasında, həm də cinayət törətdiklərinə görə həmin şəxslərə verilə biləcək cəza növlərində əlamətlər müəyyən edilir. Təhlil zamanı yetkinlik yaşına çatmayanların inzibati məsuliyyəti ilə bağlı mövcud problemlər müəyyən edilib. Bu maddə çərçivəsində bu problemlərin aradan qaldırılmasının zəruriliyi ilə bağlı müxtəlif əsaslandırılmalar verilmiş, mövcud qanunvericiliyə və yetkinlik yaşına çatmayanlara qarşı ədalət mühakiməsinin prinsiplərinə uyğun olaraq onların həllinin müxtəlif yolları təklif edilmişdir.

**Açar sözlər:** *hüquqi məsuliyyət, inzibati məsuliyyət, yetkinlik yaşına çatmayanların inzibati məsuliyyəti, kiçik, inzibati tənbehlər, təsir tədbiri, inzibati xətalər, inzibati cərimə*

### Introduction

In contemporary society, the issue of holding minors accountable for their actions remains a pivotal and multifaceted concern, resonating deeply within both legal frameworks and broader societal discourse. His text examines various types of liability that may be applicable to minors, including criminal, administrative, and civil liability. Each facet of this discussion is instrumental in shaping the legal landscape surrounding minors, delineating the boundaries of responsibility, and delineating the repercussions for both the minors themselves and their custodians.

**Criminal Liability:** Within the realm of criminal law, minors are subject to prosecution for offenses they commit. Their adjudication falls under the purview of juvenile justice systems, which are tailored to address the distinct needs and circumstances of young offenders. Through these systems, minors may face a spectrum of penalties, ranging from monetary fines and community service to periods of detention or rehabilitation. The overarching aim is not merely punitive but rehabilitative, seeking to redirect youthful transgressions towards constructive pathways while upholding societal standards of justice.

**Administrative Liability:** In addition to criminal sanctions, minors can incur administrative liability for breaches of regulations stipulated by administrative bodies. These regulations may govern various spheres of conduct, from public order and safety to educational attendance and welfare. Responses to administrative infractions can encompass diverse measures, including fines, warnings, educational interventions, or community service mandates. By addressing transgressions at the administrative level, authorities seek to foster compliance with societal norms and foster responsible citizenship among minors.

**Civil Liability:** Beyond the realm of statutory law, minors may also bear civil responsibility for damages inflicted upon individuals or property. Civil liability arises from actions or omissions that result in harm, obligating minors or their legal guardians to provide restitution or compensation to affected parties. This form of accountability not only serves to remedy harm but also fosters a sense of accountability and respect for others' rights and possessions. Moreover, it underscores the importance of fostering a culture of empathy and responsibility, irrespective of age or legal status.

These delineations of liability collectively constitute a comprehensive framework for addressing the actions of minors within society. By understanding and navigating the nuances of these legal and ethical considerations, stakeholders can forge pathways towards equitable justice, rehabilitation, and social cohesion. It is through such informed and nuanced approaches that societies can uphold the principles of fairness, accountability, and collective well-being, ensuring the holistic development and integration of minors into the fabric of society.

#### **Administrative responsibility.**

One of the key instruments ensuring the observance of public order is legal responsibility, primarily in the form of administrative responsibility. In legal literature, administrative responsibility is often considered a sphere of activity related to the imposition of administrative penalties, representing a specific form of negative reaction and a variety of legal relationships.

Administrative responsibility is an institution of administrative law that most fully expresses the peculiarities of administrative-legal regulation of public relations and performs law enforcement and legal protection functions. As a means of coercion, this type of legal responsibility involves a wide range of subjects, such as judges of general jurisdiction courts, officials of the executive branch, other state bodies, and certain institutions. In accordance with the provisions of the Code of the Republic of Azerbaijan on Administrative Offenses, a person who has reached the established age and meets certain requirements may be a subject of this responsibility. According to Article 16 of the mentioned Code, a person who has reached the age of sixteen by the time of committing an administrative offense may be held administratively responsible.

Currently, the issue of administrative responsibility of minors for administrative offenses in Azerbaijan is of high importance. This type of responsibility is specific as it entails peculiarities in the procedure for prosecution and the types of penalties imposed for committing offenses. Cases of administrative offenses committed by minors are considered either by a special commission, the status of which is regulated by the "Regulation on Commissions for the Protection of the Affairs and Rights of Minors" approved by the Law of the Republic of Azerbaijan dated May 31, 2002, or by judges in cases where the commission does not have the competence to impose specific types of penalties.

The main tasks of commissions for minors include organizing work to prevent neglect and offenses by minors, identifying and eliminating the causes and conditions of such negative phenomena, ensuring the protection of their rights, and coordinating the actions of state bodies and public organizations on these matters (2).

Among the administrative penalties provided for in the Code of the Republic of Azerbaijan on Administrative Offenses, violations among minors are most often sanctioned by the following types of penalties:

1. Administrative warning, which is an official reprimand to an individual.
2. Administrative fine, representing a monetary penalty measured in manats.

The targeted application of administrative sanctions against minors who have committed offenses is primarily aimed at their correction and prevention of repeated offenses. It is important to

note that administrative measures applied to minors also have educational purposes, aiming to instill in the adolescent a strong disapproval of antisocial activities and unlawful behavior.

A citizen aged 16 to 18 may be exempt from administrative responsibility by the decision of the commission for minors and the protection of their rights. This process is carried out based on the application of educational measures, taking into account the specific circumstances and information about the person who committed the offense.

It is necessary to emphasize that the commission for minors and the protection of their rights deals with the consideration of cases of administrative offenses covering articles 189.1, 189.3, 189.4, 212.3, 512, and 522 of the Code of the Republic of Azerbaijan on Administrative Offenses.

For example, Article 189.1 describes the non-performance or improper performance of duties on the upbringing and education of minors by parents or persons replacing them without valid reasons. This offense is subject to a warning or a fine ranging from forty to sixty manats. Article 189.3 specifies that if the actions under Article 189.1 of this Code lead to the neglect of minors, a fine ranging from sixty to one hundred manats is imposed. Article 189.4 defines acts under Article 189.1 of this Code as the commission of socially dangerous acts by minors who have not reached the maximum age, allowing them to consume alcohol, narcotics, or psychotropic substances or engage in vagrancy, leading to the commission of an offense or an act with signs of an administrative offense by children aged four to sixteen, punishable by a fine ranging from sixty to one hundred manats.

Article 212.3 describes involving minors in the process of tobacco consumption by offering or demanding them to use tobacco products, with the purchase or transfer of tobacco products resulting in a fine of one hundred manats.

Article 512 deals with petty hooliganism committed by minors aged fourteen to sixteen, resulting in a fine for parents or persons replacing them ranging from sixty to one hundred manats.

Article 522 describes the intoxication of a minor by an adult and imposes a fine ranging from sixty to one hundred manats (1).

However, it is important to note that according to Part 3 of Article 150 of the Code of the Republic of Azerbaijan on Administrative Offenses, if a teenager has no income, the fine is paid by parents or other legal representatives.

The issues pertaining to the administrative responsibility of minors encompass a spectrum of concerns and necessitate a holistic approach for efficacious resolution.

The primary challenges associated with the administrative responsibility of minors include:

1. **Inadequate Educational System:** A fundamental issue lies in the absence of an effective educational system within families, educational institutions, and the broader society. Insufficient educational efforts may contribute to the recurrence of offenses by minors.

2. **Challenges in Delineating Responsibility:** The determination of a minor's responsibility for their actions can pose difficulties, occasionally leading to the underestimation or overestimation of culpability in disparate cases.

3. **Absence of Alternative Impact Measures:** There exists a requisite need to formulate alternative impact measures, encompassing initiatives such as social support programs, counseling, and educational interventions, aimed at averting the imposition of administrative responsibility on minors.

4. **Judicial System Challenges:** Challenges within the judicial system concerning minors may manifest as the absence of specialized courts or a deficiency in judges' knowledge within the realm of juvenile law.

5. **Social Environment:** Familial, societal, and educational challenges can exert a substantial influence on the conduct of minors. Establishing conducive conditions for their development and upbringing becomes imperative.

The conclusion underscores the imperative of adopting a comprehensive approach to effectively redress the challenges associated with the administrative responsibility of minors. This involves fortifying the educational system, devising alternative impact measures, enhancing the judicial system, and accounting for the social milieu surrounding minors (6) (Zabirova, 2016).

The administrative responsibility of minors possesses distinctive attributes specific to this category of legal accountability, thereby enabling the delineation of the following features:

1. **Non-attainment of eighteen years:** The failure to attain the age of eighteen is regarded as a mitigating circumstance in the context of administrative responsibility. Minors are presumed to lack sufficient life experience to accurately assess the nature of their actions and comprehend potential adverse consequences.

2. **Restrictions on the application of punitive measures:** Punitive measures akin to those applicable to individuals attaining the age of eighteen cannot be imposed on minors.

3. **Presence of a legal representative:** In cases involving administrative offenses committed by individuals below the age of eighteen, legislation mandates the obligatory presence of the legal representative of the said individual in court or the administrative body adjudicating the offense.

4. **Responsibility for socially dangerous acts:** Legislation stipulates administrative responsibility for minors who commit offenses categorized as socially dangerous.

5. **Application of responsibility measures for individuals aged 16 to 18 on general grounds:** The prospect of applying measures of administrative responsibility to minors aged 16 to 18 on general grounds, such as in the case of traffic violations.

Consequently, the imposition of administrative responsibility on minors encompasses a set of fundamental characteristics determined by their status and societal position, as well as the legislative framework governing their treatment (4; Karimova, 2019).

Administrative offenses committed by minors warrant special attention, given that individuals under the age of eighteen represent a source of development and the future formation of the state. In contemporary society, individuals undergo various influences during their growth and development, encompassing both positive and negative aspects. Primary among these influences are mass media and provocative events, which exert daily impacts on the still-forming intellect and sentiments of young individuals in moral and ethical terms (9).

This factor significantly contributes to the increasing number of administrative offenses committed by minors within the state. It is deemed crucial to devise and implement measures for the prevention and deterrence of administrative responsibility for minors. One effective approach to achieving this goal involves the development of a comprehensive program, encompassing the jurisdiction of state authorities and local self-government bodies (5; Kibalnik, 2015).

Such a program should become an integral part of the routine administrative activities of entities, including executive authorities and other bodies possessing executive and governmental powers. It should be based on laws and subordinate normative acts, envisaging specific administrative forms. An essential aspect involves the utilization of methods, tasks, and functions of executive authorities in organizing, functioning, and interacting with society (7; Zherebtsov, 2018). This program, undergoing repeated application in everyday administrative practice, can evolve into an effective instrument for preventing administrative offenses by minors (8; Zherebtsov, 2019).

Additionally, it is important to highlight a gap within the current legislative framework of the Code of the Republic of Azerbaijan on Administrative Offenses. This gap pertains to the absence of a dedicated chapter specifically addressing the procedural aspects of administrative responsibility concerning minors. Presently, the Code lacks a comprehensive section that outlines the processes involved in holding minors accountable for their actions, including the roles and responsibilities of their legal representatives, and the authorization of entities empowered to enforce administrative measures against minors.

These observations necessitate the establishment of a distinct section within the Code aimed at regulating the administrative responsibility of minors. Such a section should encompass a broad spectrum of considerations, including delineating various types of administrative offenses committed by minors, outlining the procedures for holding them accountable, and defining the rights and duties of their parents or other legal guardians. Moreover, it should articulate the overarching objectives of administrative responsibility concerning minors, emphasizing both corrective measures and preventative strategies.

Furthermore, it is advisable to explicitly specify the roles and functions of entities authorized to invoke administrative responsibility against minors. This clarification would ensure a transparent and coherent enforcement mechanism, thereby enhancing the efficacy of the legal framework in addressing juvenile offenses.

One notable aspect of administrative responsibility for minors aged 16 to 18 is the discretion granted to the commission on minors' affairs and protection of their rights. This commission holds the authority to exempt minors from administrative responsibility, taking into consideration the specific circumstances of each case and relevant data pertaining to the individual who committed the offense. Such discretionary powers underscore the need for a nuanced and flexible approach in administering justice to minors.

In light of the foregoing, there is a compelling need for the development and implementation of a comprehensive plan of action. This plan should encompass legislative amendments aimed at rectifying the existing lacunae in the legal framework governing the administrative responsibility of minors. The provisions outlined in this text underscore the critical importance of refining the legal and regulatory mechanisms to ensure the effective management of juvenile offenses (3; Baranov, 2015).

Consequently, it is imperative to introduce legislative reforms to the Code of the Republic of Azerbaijan on Administrative Offenses. These reforms should involve the creation of a dedicated section that meticulously regulates the administrative responsibility of minors. Such a section should not only delineate the procedural aspects but also delineate the rights and obligations of relevant stakeholders, thereby fostering a more equitable and effective approach to juvenile justice. Thorough scrutiny of the roles and functions of entities authorized to administer administrative measures against minors is also indispensable in ensuring the integrity and efficacy of the legal framework.

### **Conclusion**

Teenagers represent one of the most vulnerable segments of our society due to their susceptibility to stress and tendency to become easily influenced. Their emotional and psychological well-being can be significantly impacted by the pervasive influence of media and social networks, which often expose them to harmful content and unrealistic standards.

In Azerbaijan, the administrative and legal framework concerning minors is characterized by several distinct features. These features are not only rooted in domestic legislation but are also reinforced by international commitments, notably the Convention on the Rights of the Child, ratified by Azerbaijan in 1992. This convention, adopted by the United Nations General Assembly in 1989, places a paramount emphasis on ensuring the special protection and rights of minors by the state.

Recognizing the multifaceted nature of addressing issues related to minors, there is a growing consensus on the imperative need for a holistic approach. This approach extends beyond punitive measures to encompass proactive initiatives aimed at education, prevention, and support. An effective educational system is crucial in equipping teenagers with the necessary knowledge and skills to navigate the complexities of the modern world. Moreover, the provision of alternative intervention measures, such as counseling and community outreach programs, can offer constructive alternatives to punitive measures.

Furthermore, there is a pressing need to enhance the efficiency and fairness of the judicial system concerning minors. This entails not only strengthening legal protections but also ensuring that legal proceedings are conducted in a manner that upholds the rights and dignity of minors.

Central to this comprehensive approach is the creation of a nurturing social environment that fosters the well-being and development of minors. This involves supporting families and educational institutions in their role as primary agents of socialization and providing them with resources and guidance. Additionally, initiatives aimed at promoting self-development and positive peer interactions among teenagers can cultivate resilience and empower them to make informed choices.

By adopting a multifaceted approach that combines preventive measures with support and empowerment initiatives, we can effectively address the challenges facing its teenage population. Such an approach not only serves to deter administrative offenses but also promotes the cultivation of positive values and life skills among young people, thereby contributing to their overall well-being and societal integration.

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