



ADMINISTRATIVE JUSTICE IN UZBEKISTAN: WHAT ARE THE MAIN TRENDS

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Abstract

The article reveals the concept of administrative justice, by indicating the rules governing legal relations between private parties and administrative bodies in the Republic of Uzbekistan. Administrative justice is an instrument that provides truly equal legal opportunities for the parties to protect their interests.

Keywords: administrative justice; administrative act; administrative procedures

In legal science there is no common understanding of administrative justice. The term “administrative justice” refers to concepts that are unequal in scope and content. At the same time, administrative justice is a means of judicial (compulsory) restoration of the subjective, public rights of individuals and legal entities as a result of their violations by the public administration.

The institution of administrative justice arose more than two hundred years ago in France and was widely developed in Western Europe in the second half of the 19th century.¹ Nowadays it represents a highly developed system of legal and organizational means, norms, mechanisms and principles, designed primarily to resolve disputes, the parties of which are connected by relations of power (public administration) and subordination (citizens and organizations).

In Uzbekistan, public legal disputes with private bodies are resolved in accordance with the Code of Administrative Proceedings. Article 27 of the Code stipulates that administrative courts in the Republic of Uzbekistan adjudicate following cases:²

- 1) on challenging departmental normative legal acts;
- 2) on challenging decisions, actions (inaction) of government bodies, other organizations authorized to carry out administrative and legal activities (hereinafter referred to as administrative bodies), self-government bodies of citizens and their officials which do not comply with the legislation and violate the rights and interests of citizens or legal entities protected by law;
- 3) on challenging the actions (decisions) of election commissions;
- 4) on challenging the refusal to perform a notarial act, registration of civil status records or actions (inaction) of a notary or an official of the civil status register;
- 5) on appealing against the refusal of state registration or evasion of state registration within the prescribed period;
- 6) on investment disputes specified in article 272 of this Code;

¹ Say I Xamedov I., Xvan L., *Административное Право РУз. Общая Часть*. (2012) <<https://library-tsul.uz/administrativnoe-pravo-ruz-obshhaya-chas/>> accessed 23 October 2022.

² Code of Republic of Uzbekistan on administrative proceedings. 2018.

7) on the competition specified in article 272 of this Code.

8) on appealing an executive or other document, according to which collection is carried out in an indisputable manner, according to requirements arising from administrative and other public legal relations.

At the same time, a dispute where a government body is a party has its own characteristics: legal proceedings in such cases must consider the unequal opportunities of private individuals and government bodies. In this respect, the citizen is limited in collecting evidence, since in most cases the evidence is in the documents of bodies or officials who do not seek to present it, especially if it is not in their favor.

Accordingly, a more active role of the judge in collecting evidence is consolidated. The judge must oblige the administration to provide justification for its actions, request materials and other evidence.³ In this case, the judge acts not only as an arbiter, but also, to a certain extent, as an “assistant” of citizens in a dispute with the administration.⁴

Since gaining independence, administrative reform has been gradually carried out in Uzbekistan. As part of this reform, a whole range of measures is being implemented to modernize the public administration system, helping to strengthen and improve the performance of government bodies.

Administrative justice system is characterized not only by improving the activities of the state apparatus, but also by ensuring the rights of citizens and legal entities both to receive timely and high-quality public services, and to the ability of citizens to achieve, through the institution of administrative justice, the fulfillment of tasks assigned to state bodies.

In this regard, the introduction of administrative justice in Uzbekistan provided citizens with the opportunity to act as an equal participant in relations with government authorities.

Control over the decisions, actions and inactions of administrative bodies through the institute of administrative justice, is an important tool for increasing the efficiency of the actions of administrative bodies, fighting against corruption, and strengthening citizens' trust in the legal and judicial system as a whole.⁵

In addition, such control is also essential for foreign investors, since any of them, before making a decision to invest, think about how protected they are from decisions of government bodies, and in the event of a violation of rights, which independent specialized court can they turn to check the legality these decisions.

Thus, an independent institution of administrative justice, on the one hand, creates conditions for the protection of the rights and legitimate interests of citizens and organizations, and on the other, stimulates government bodies to strictly comply with laws, competent and effective management and law enforcement activities.

³ Jurabek Nematov, 'Issues of Application of the Principle of Trust Protection in the Administrative Procedures of the Republic of Uzbekistan' [2022] Niso poligraf 215.

⁴ Nargiza Janalieva, 'The Role of the German Doctrine of Administrative Law in the Legislation of the Kyrgyz Republic in the Field of Administrative Procedures' [2022] Niso poligraf.

⁵ Nadezhda Pisarenko, 'Some Issues Relating to the Definition of Administrative Contracts in Ukraine' [2021]

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