



## LIABILITY FOR NON-ENFORCEMENT OF JUDICIAL ACTS AND ITS CONSEQUENCES: A COMPARATIVE LEGAL ANALYSIS WITH THE EXPERIENCE OF FOREIGN STATES

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**Abstract.** In this article, the author analyses the liability for non-enforcement of court decisions in the Republic of Uzbekistan, its consequences and causes; determines the legal nature of enforcement actions; identifies the requirements applicable to enforcement actions; examines the specifics of enforcement proceedings in foreign states; and addresses existing problems and shortcomings in this field, proposing ways to resolve them. In addition, a number of concrete proposals and recommendations have been developed.

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In his Address to the Oliy Majlis and the people of Uzbekistan dated 2025-year, December 26-our President emphasized: "Sithout unconditionally ensuring the enforcement of court decisions, it is impossible to achieve reliable restoration of the rights of citizens and entrepreneurs" di<sup>1</sup>.

Among the comprehensive reforms being implemented in our country in recent years, judicial and legal reforms occupy a particularly important place, especially efforts to enhance the legal culture and legal awareness of citizens. Indeed, the well-being of society and the supremacy of democracy are, first and foremost, linked to the rule of law and order in society. In this process, not only the perfection of existing laws, their implementation and oversight, but

<sup>1</sup> <https://president.uz/uz/lists/view/8834>

also individuals' recognition of existing rules and laws, their conscious compliance with, submission to, and active participation in the enforcement process are decisive factors.

While the adoption of a judicial act represents the final stage of the justice-rendering process, its enforcement determines the practical effectiveness of adjudication. If a court decision has entered into legal force but is not executed in practice, this situation not only harms the interests of one party, but also undermines the authority of the judiciary, disrupts the principle of legal certainty, and diminishes trust in legal protection mechanisms. In this sense, the institution of liability for non-enforcement of judicial acts in any rule-of-law state is not merely a punitive instrument, but a constitutional guarantee ensuring the binding force of judicial acts. In Uzbekistan, special attention has been paid to this issue, and the binding nature of judicial acts for all bodies, officials, legal entities, and natural persons has been enshrined at the legislative level.

Under Article 55, Part 2 of the Constitution of the Republic of Uzbekistan, everyone is guaranteed the right to protect their rights and freedoms through the courts, and to appeal to courts against unlawful decisions, actions and inactions of state bodies and other organizations and their officials<sup>55</sup> of the Constitution of the Republic of Uzbekistan, Part 2, everyone is guaranteed the right to protect their rights and freedoms through the courts, and to appeal to courts against unlawful decisions, actions and inactions of state bodies and other organizations and their officials<sup>2</sup>.

Furthermore, Article 138 of the Constitution stipulates that the acts of the judicial authority are binding on all state bodies and other organizations, officials, and citizens.

In addition, Article 54 of the Constitution provides that the State shall ensure the rights and freedoms of individuals and citizens enshrined in the Constitution and laws.

To fully implement these norms in practice, it is necessary to clearly define not only an independent, impartial and fair court, but also the competent bodies and legal mechanisms for ensuring the full enforcement of court decisions.

In Uzbekistan's legislation, the sphere of enforcement of judicial acts is primarily governed by the Law "On Enforcement of Judicial Acts and Acts of Other Bodies"<sup>3</sup>. The Law establishes as principal principles of enforcement proceedings: legality, priority of human rights and legitimate interests, binding nature of judicial acts, and timely and effective execution of enforcement actions. The Compulsory Enforcement Bureau under the Prosecutor General's Office is designated as the compulsory enforcement body, and the requirements of the state enforcement officer are binding on all persons within the territory of Uzbekistan. The Law provides for compulsory enforcement measures such as: levying execution against the debtor's funds and other property, withholding from wages and other income, levying execution against property held by third parties, seizure and transfer of specific items, attachment of property, announcement of search, and temporary restriction on travel abroad. Furthermore, digital mechanisms such as electronic document circulation, SMS notifications, electronic digital signatures, and electronic transmission of enforcement documents have also been introduced, serving the modernisation of the enforcement system.

Indeed, if the mechanisms for enforcing court decisions do not function fully in practice, recourse to justice itself becomes meaningless.

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<sup>2</sup> <https://lex.uz/docs/6445145>

<sup>3</sup> <https://lex.uz/docs/26477>



For several centuries, no state has been able to achieve voluntary compliance with judicial acts without coercive application, as the voluntary surrender of money or property to repay existing debts or fulfill obligations has not yet become an integral part of citizens' legal culture.

This position is reflected in a number of judgments of the European Court of Human Rights, which has held that "if a State's legal system permitted a final binding judicial decision to be quashed in respect of one party, the right of access to a court would be illusory."

In our country, a series of consistent measures are being implemented to rapidly develop enforcement activities for judicial acts.

In particular, it is noteworthy that liability in this field is structured in a graduated manner. First of all, if a debtor fails to comply with an enforcement document, the question of administrative liability arises. Following the 2023 amendments to the Code of Administrative Liability of the Republic of Uzbekistan<sup>4</sup>, Article 198-1 provides that for failure to comply with an enforcement document, citizens may be fined up to **5 base calculation amounts**, and for officials **10 base calculation amounts**, with the additional stipulation that the fine amount shall not exceed the amount to be recovered under the enforcement document. This approach, on the one hand, makes the penalty relatively proportionate, and on the other, limits the risk of imposing unjustifiably high fines in respect of small debts.

Criminal liability is governed by Articles 232 and 232-1 of the Criminal Code of the Republic of Uzbekistan. According to the explanations of the Plenum of the Supreme Court, criminal liability under Article 232 arises primarily in cases of **non-pecuniary nature**, i.e., evasion of compliance with a judicial act imposing an obligation to perform a certain action or to refrain therefrom. An important prerequisite for criminal liability is that the person must first have been brought to administrative liability and given a written warning by the state enforcement officer regarding criminal liability; only if the evasion continues thereafter does the criminal mechanism engage. The Plenum also noted that Article 232-1 provides for liability for interference in the enforcement process or unlawful influence on a state enforcement officer, and that whether the document is pecuniary or non-pecuniary in nature is of no decisive significance in this regard.

This reveals the key conceptual aspect of the Uzbekistan model: the State responds to non-enforcement of judicial acts not with immediate criminal measures, but first through **enforcement-conciliatory and administrative**, and only then through **criminal** measures of influence. This, on the one hand, ensures humanity and proportionality; on the other hand, in some cases it may reduce enforcement effectiveness, as there is a possibility that a debtor may "hide behind" administrative measures for a certain period. The Plenum's interpretation regarding the specific warning period of up to five days clarifies law enforcement practice in this area, but in protracted enforcement proceedings, preventive-economic pressure mechanisms may prove more effective than criminal sanctions.

Comparative legal analysis demonstrates that in developed states, several distinct models have emerged for ensuring the enforcement of judicial acts.

Germany, compulsory enforcement is regarded as a sovereign state prerogative and is regulated primarily by the Code of Civil Procedure and the laws on compulsory sale. Here, enforcement officers (Gerichtsvollzieher) act as independent judicial bodies, with powers

<sup>4</sup> <https://lex.uz/docs/97664>

clearly distributed according to the type of enforcement document: one mechanism applies to monetary and property claims, while a separate form of judicial supervision exists for obligations to perform or refrain from specific actions. German law under §§887, 888, and 890 ZPO distinguishes between substitutable acts, acts that only the debtor may perform, and obligations to refrain from certain conduct; accordingly, measures ranging from enforcement by a third party at the debtor's expense, to compulsory fines, or even imprisonment may be applied. The advantages of this model are: **functional differentiation, comprehensive access to asset information, and procedural precision of enforcement actions.**

France: while voluntary compliance with a court decision is considered paramount, in the absence of voluntary enforcement, compulsory execution is carried out through a commissaire de justice; the decision must, as a rule, have been served and accompanied by an enforcement warrant, and the general enforcement period is **10 years**. Most significantly, French law has developed a financial pressure tool known as “**astreinte**”. This is not a damages remedy but a financial sanction used to compel compliance with a court order, often escalating on a daily or periodic basis. Under the official French legal framework, a creditor may apply to the enforcement judge requesting compensation, protective measures, or a penalty payment, i.e., a monetary coercive measure.

The theoretical effectiveness of the French *astreinte* institution has also been widely acknowledged in academic literature. Carlos de Landrove describes *astreinte* as a “monetary, threatening, accessory, contingent, and non-compensatory sanction” and demonstrates that its primary function is not to punish the debtor but to induce voluntary compliance with the court order. The author notes that *astreinte* is independent of damages, may be applied by the court even *ex officio*, and when implemented in a periodically escalating form, “almost no financial capacity can withstand such pressure for long.” This view indicates that in enforcing judicial acts, **economic compulsion may be more effective than criminal sanctions.**

In the US federal legal system, non-compliance with court orders is also addressed within the framework of **contempt of court**. According to the Federal Judicial Center, contempt of court is a legal mechanism protecting the orderly conduct of judicial proceedings and the authority of the judiciary, applied in cases of violation of court orders, disrespect for the court, or obstruction of judicial proceedings. Historically, US federal courts have had the authority to impose fines or imprisonment for such conduct. Moreover, in US practice, civil contempt is viewed less as a punitive measure and more as a tool for compelling compliance with a court order. This approach reflects the balance between “coercive influence” and “procedural discipline” in the enforcement of judicial acts.

United Kingdom : the model is based, in accordance with the common law tradition, on the institution of “**contempt of court**” — contempt of court. Under CPR Part 81, non-compliance with a court order is preceded by a penal notice warning; if a person violates the court order, contempt proceedings may be initiated and the court has the right to apply a fine, sequestration of assets, imprisonment (committal), or other sanctions permitted by law. Important procedural safeguards also apply: the right to engage a solicitor, access to legal aid, the right to use an interpreter, reasonable time for preparation, the right to remain silent, and the requirement that guilt be established by the court to the standard of “**beyond reasonable doubt.**” Thus, the British model relies on the authority of the judiciary in ensuring enforcement, while simultaneously protecting individual rights through strong procedural standards.



The research of CEPEJ (the European Commission for the Efficiency of Justice) research on the enforcement of court decisions demonstrates that no single model exists across European states. In civil matters, the **public** status of enforcement bodies is recorded in **26 states**, **private** status in **11 states**, **mixed** status in **9 states**. Among the **38 responding states**, **21** have fewer than 5 enforcement officers per 100,000 inhabitants. Furthermore, **in 35 out of 42 states** a system ensuring transparency of enforcement costs is recorded. According to CEPEJ's findings, specialised training of enforcement officers, professional standards, cost transparency, and an independent complaints mechanism are of decisive importance for effective enforcement.

From an academic perspective, the attitude towards non-enforcement of judicial acts is also linked to the nature of legal families. Carlo Vittorio Giabardo argues that in common law systems, non-compliance with a court order is perceived as disrespect towards the court itself, i.e., as "contempt," whereas in continental law systems it is viewed more as an enforcement problem between the parties<sup>5</sup>. In his view, since the social and symbolic status of a common law judge is higher, non-compliance with a court order is assessed as an act against public order; in the continental tradition, procedural-economic coercive instruments such as the *astreinte* are relied upon more heavily to remedy the situation. This observation is also significant for Uzbekistan: if the system is centered not merely on punishment, but on **economic and organisational incentives for compliance**, effectiveness would increase.

The Criminal Code also does not currently contain incentive provisions exempting from imprisonment those who have fully remedied non-enforcement of court decisions during criminal proceedings.

When examining the experience of foreign states on this matter, it is apparent that a comprehensive definition of the concept of judicial acts is provided, liability is also established for non-enforcement of acts of other bodies, and the existing relations in this sphere are clearly defined.

For example, Article 382, Part 1, of the Criminal Code of Ukraine establishes criminal liability for intentional non-enforcement or obstruction of the enforcement of a court verdict, decision, or a court decision that has entered into legal force, while Part 4 establishes liability for officials' intentional non-enforcement of a judgment of the European Court of Human Rights, a decision of the Constitutional Court of Ukraine, and a conclusion of the Constitutional Court of Ukraine.

Furthermore, Article 430 of the Criminal Code of the Republic of Kazakhstan establishes criminal liability for non-enforcement of a sentence, court decision, or other judicial act or enforcement document that has entered into legal force for a period of more than six months, as well as for obstructing their enforcement; Part 4 of that Article contains an incentive provision whereby a person who has committed the offence provided for in Part 3 of the Article and has paid the full amount of the debt prior to the pronouncement of the court verdict shall not be sentenced to imprisonment.

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<sup>5</sup> Carlo Vittorio Giabardo, *Disobeying Courts' Orders—A Comparative Analysis of the Civil Contempt of Court Doctrine...* [LSU Law Digital Commons](#).



Article 306, Part 1, of the Criminal Code of the Republic of Azerbaijan establishes “liability for non-enforcement or obstruction of the enforcement of a court decision, sentence, ruling, or order that has entered into legal force,” while Part 3 of that Article contains incentive provisions exempting from criminal liability a person who has committed such acts if, prior to the verdict entering into legal force in connection with the actions provided for in Parts 1 or 2, that person fully complies with the effective court decision, sentence, ruling, or order.

Concrete proposals also exist in Uzbek legal scholarship in this area. S. Ramazanov, having studied the legislation of certain foreign states and drawing in particular on Kazakhstan’s experience, argues for the need to clarify Article 232 of the Criminal Code of Uzbekistan, specifically by defining in law the period of evasion of enforcement<sup>6</sup>. The author proposes introducing into law the criterion of intentional non-enforcement for a period exceeding three months. The strength of this proposal lies in the fact that it enhances certainty and predictability in the application of criminal liability, providing law enforcement bodies with a clear answer to the question: “from what point does criminal risk arise?”

On this basis, in response to the question “which state’s legislation can be applied to Uzbekistan?” degan savolga javob sifatida, meningcha, **the most suitable solution is not wholesale transplantation, but rather the introduction of the astreinte institution based on the French model, harmonised with Germany’s functionally specialised enforcement system and CEPEJ recommendations.** This is because criminal and administrative liability already exist in Uzbekistan; the problem is not their absence but the lack of robust **economic-incentive and digital enforcement mechanisms** that operate prior to them. Full adoption of the British contempt of court institution would not be entirely conceptually compatible with Uzbekistan’s continental legal system. The German model, while highly effective, requires a high degree of institutional specialisation and a comprehensive asset information infrastructure to function fully. The French astreinte model, however, appears practically the most suitable solution specifically for the Uzbekistan context — that is, a system in which it is frequently necessary to economically compel a debtor to comply more quickly rather than imprison them.

On this basis, the following scientific and practical proposals may be advanced. First, it is advisable to introduce into Uzbekistan’s legislation a periodic monetary compulsory measure applied by the court (an institution analogous to astreinte). This measure would be particularly effective in cases involving non-pecuniary claims — such as reinstatement to employment, cessation of an infringement, performance of a specific action, surrender of a child, or removal of an obstruction.

Drawing on the experience of Ukraine, Azerbaijan and Kazakhstan, it is necessary to introduce into the Criminal Code incentive provisions exempting from imprisonment those who have fully remedied non-enforcement of a court decision during criminal proceedings.

Second, establishing a clear criterion for “prolonged evasion” that triggers criminal liability under the disposition of Article 232 of the Criminal Code — for instance, by introducing a three-month or six-month threshold — would enhance legal certainty. Third, the automatic identification of debtor assets within the activities of the Enforcement Bureau, and the further expansion of deep integration with banking, cadastral, tax, notarial, and other registries, must

<sup>6</sup> Ramazanov Sayfillo Narzilloevich, xorijiy davlatlarda sud hujjatlarini ijro etmaganlik uchun jinoiy javobgarlik tahlili. <https://uzbekscholar.com/index.php/uzs/article/view/591>



be pursued; statistical data confirm that the presidential-level instructions to create a unified electronic platform in this regard represent precisely the right direction. Fourth, in line with CEPEJ recommendations, the specialized training of enforcement officers, workload norms, and the transparency of enforcement costs should be strengthened. Fifth, if the administrative and criminal liability mechanisms applicable in cases of non-enforcement of judicial documents are linked to a unified digital tracking system among the courts, the Enforcement Bureau, and the prosecutor's office, identifying and proving "repeat evasion" will become considerably easier. By way of conclusion, it should be noted that the true effectiveness of the institution of liability for non-enforcement of judicial acts is measured not by the severity of the penalty, but by **how swiftly, how cost-effectively, and how inevitably** manner in which it enforces compliance. In Uzbekistan, a normative framework exists in this field, a mechanism of administrative and criminal liability has been established, and significant steps have been taken toward digitalization. However, the enormous workload in enforcement practice, the difficulties in identifying debtor assets, the high proportion of low-value yet mass enforcement documents, and the limited availability of effective procedural pressure instruments for non-pecuniary claims all require further improvement of the system. From this perspective, the most appropriate path for Uzbekistan — while preserving the national model — is to harmonize the French *astreinte* institution, Germany's specialized enforcement approach, and CEPEJ's standards of transparency and professionalization **hybrid model** that harmonises the French *astreinte* institution, Germany's specialised enforcement approach, and CEPEJ's transparency and professionalisation standards. Only then will the binding force of judicial acts become not a declaratory rule, but a genuine legal guarantee.

### References:

1. Constitution of the Republic of Uzbekistan. <https://lex.uz/docs/6445145>.
2. Criminal Code of the Republic of Uzbekistan. <https://lex.uz/docs/111453>
3. Law of the Republic of Uzbekistan of 29 August 2001--"On Enforcement of Judicial Acts and Acts of Other Bodies" No. 258-II // Collection of Legislative Acts of the Republic of Uzbekistan, 2001, No. 21, Article 145.
4. Resolution No. 7 of the Plenum of the Supreme Court of the Republic of Uzbekistan of 10 April 2009 "On Certain Issues of Application of Laws on Criminal Liability for Evasion of Enforcement of Judicial Acts and Obstruction of their Enforcement".