



## The Stages of Administrative Court Establishment and Development in Uzbekistan

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### **Abstract**

The special characteristics of the creation of the administrative justice institute in international law, its models, and the requirement for the creation of administrative courts are examined in this article. Also, the stages of this institution's development in Uzbekistan and the quick reforms put in place during those stages were reviewed, and the necessity of conducting administrative court hearings based on the idea of "active participation of the court" was established.

**Keywords:** *Public Legal Attitude; Administrative Justice; Administrative Court; Continental and Anglo-Saxon Model; Judicial Involvement; Active Participation of the Court*

### **Introduction**

The parties are not equal under the law while dealing with the public. Administrative agencies are always involved in this matter as one of the parties. Only one center, namely the state power, regulates relationships in the area of public law. This field forbids the possibility of freely defining the terms of a connection that is entered into voluntarily. Such legal relationships involve a unilateral exertion of force by one party on the other. In turn, this necessitates the creation of specialized courts that handle matters of this nature.

### **Discussion**

First and foremost, the creation of administrative courts with a focus on these types of issues improves economic allure. In other words, legal stability is particularly important to international investors. This comprises a functional judicial system and state apparatus. Investor confidence in that nation is increased by the judicial system's independence, the legal system's strict adherence to the law, the presence of independent courts that assess the propriety of executive decisions or actions, and other

factors. Secondly, administrative bodies will produce better work. In this situation, receiving instructions from outside the administrative authorities will improve the efficacy of the work. Independent courts that have reviewed their case issue these directives. In the future, administrative bodies will abide by the rules established by the courts. In turn, this denies administrative entities the chance to establish the best possible conditions for particular groups or businesses. **Thirdly**, there will be an increase in public trust in the government. When state bodies' judgments may be challenged in court, the public will have even more faith in the government. The courts overturn incorrect administrative body rulings. If the administrative body made the appropriate choice, it would inform the citizen of the legal status.

Many countries have established the administrative justice institution for this reason. Namely, an autonomous administrative justice system is present in around fifty countries worldwide. Namely, in 18 European countries, dedicated administrative courts have been established, in 12 countries, specialist chambers within the supreme courts, and in 2 countries, the constitutional court handles similar conflicts.

Two models—Continental and Anglo—Saxon—are distinguished based on the unique traits of the administrative justice system. The existence of specialist courts for handling administrative issues distinguishes the continental or European (Romano—Germanic) paradigm. The absence of a specific institution of administrative justice in the general court system and the broad authority of general courts to hear administrative conflicts set the Anglo—Saxon model apart from the first (Alkhimenko, 2004).

With the establishment of our country's independence and the requirements of the Constitution of the Republic of Uzbekistan (Economic Procedural Code, Article 371), which serves as the foundation of our legal system, democracy in our country is based on universally recognized ideals. Citizens have access to the judiciary, an independent branch of government with the significant and honorable duty of ensuring that the rule of law is upheld.

Large—scale legal and judicial reforms were implemented to ensure the accomplishment of this mission, and these reforms are still being implemented on a regular basis today.

It is appropriate to examine the emergence and resolution of conflicts resulting from public legal relations in our country's courts in three stages. The first stage (1991—1997). By this point, the judicial law framework had been developed and refined, and the courts' jurisdiction over conflicts involving public legal relations had also been established. In particular, Chapter XXII of our Constitution, which serves as the cornerstone of our independence, was devoted to the legal system of the Republic of Uzbekistan. Economic courts were established for the first time in our nation's history, and the Economic Procedural Code of the Republic of Uzbekistan, which governs how court proceedings are conducted, was adopted. Articles 12 and 14 of this Code (Economic Procedural Code, Article 371) as well as Article 1 of the Civil Code, both of which were changed on September 2, 1993, set down the process by which commercial and general jurisdiction courts will handle issues resulting from public legal relations. Additionally, the principles outlined in Article 12 of the Civil Code and Article 28 of the Law of the Republic of Uzbekistan "On Local State Power", (On Local State Power, Article 320) both of which were passed on September 2, 1993, once again provided legal protection for citizens' rights to file court appeals in relation to disputes arising from public legal relations. The right to appeal non—normative mandatory papers issued by the executive power, which is a system of state power in our country, to a judicial body that is independent of the executive power is therefore guaranteed at this point.

The second stage (1997—2016). At this point, the courts underwent extensive reforms, strengthening the law. The adoption of the new Civil and Economic procedural codes led to some clarification of the issues surrounding judicial procedures. New rules were explicitly added to the 1997—adopted Civil Procedure Code (Civil Procedure Code, No. 9) and the Economic Procedural Code, which govern the jurisdiction over this class of issues and the process for hearing them. Similarly, Article 11 of

the Tax Code of the Republic of Uzbekistan (Tax Code, Article 341) specifies the process for taking a tax authority's judgments and acts to court.

The process for appealing court decisions involving conflicts emerging from public legal relations was created and enhanced between 1991 and 2016, which covers the first and second stages. Particular aspects of this subset of court cases were created and improved.

The third stage (2016–2021). The creation of special courts and administrative courts with expertise in resolving conflicts resulting from public legal relations in the judicial system, as well as the enactment of the code establishing the procedural method for hearing disputes in court, are two distinctive features of this stage. This stage is directly related to the decrees issued by President Shavkat Mirziyoyev on October 21, 2016, “On measures to further reform the judicial system, strengthen the guarantees of reliable protection of citizens’ rights and freedoms”, and February 21, 2017, “Fundamental improvement of the structure of the Republic of Uzbekistan’s judicial system and the effectiveness of its activities”. By this point, changes and modifications to the Republic of Uzbekistan’s Constitution had been adopted, and administrative courts had been incorporated into the country’s legal system. The Law “On Courts”, Civil and Economic Procedural Codes were also amended and expanded to create administrative courts, which began operating on June 1, 2017. This naturally means that entirely new administrative courts have been founded for the first time in our nation’s history.

Since the establishment of the Institute of Administrative Court Processes and the adoption of its own procedural legislation in 2018, there has been a significant shift in the evolution of administrative courts in our nation. This procedural document now governs administrative court cases’ guidelines, processes, and scope. The primary procedural legal reference for administrative court judges is the Republic of Uzbekistan’s Code of Administrative Court Processes, which outlines the legal and procedural framework for the consideration of disputes resulting from public legal relationships.

It should be mentioned that the years 2017–2021 were a time when administrative courts gained some experience. Even now, there is a lot of effort being put into enhancing administrative courts in our nation. In particular, the decision of the President of the Republic of Uzbekistan dated January 29, 2022 Presidential Decree –107 was adopted in order to create the parties’ dispute and equality, as well as real opportunities to exercise their right to judicial protection, by increasing the court’s active role in administrative proceedings. The “active participation of the court” principle served as the foundation for the implementation of administrative court proceedings. Of course, since “authority–subordination” based public legal relations do not take equal rights of the parties into account, assuring the court’s active involvement gives a genuine chance for the parties’ disagreement and equality as well as the achievement of the right to judicial protection. Therefore, one of the most crucial principles required for making a legal decision after carefully and thoroughly examining the actual circumstances of the administrative case is the President’s initiatives to resolve administrative–legal disputes based on the principle of “active participation of the court”. Improvements to the Code of Administrative Procedures are being made quickly in order to achieve the priorities outlined in this Resolution.

## ***Conclusion***

In conclusion, the creation of administrative jurisdiction in the Republic of Uzbekistan, or courts with a focus on public legal conflicts, is another indication that the worth of people is of the highest value in our country. It was also one of the biggest successes of justice reforms.

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