

# LEGAL BASIS FOR THE IMPROVEMENT OF ADMINISTRATIVE COURTS IN UZBEKISTAN

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**Annotation:** This article deals with the establishment of Administrative Courts by reviewing the powers of the courts on the basis of the Action Strategy for the Development of the Republic of Uzbekistan for 2017-2021, the Codex of Administrative Procedure of the Republic of Uzbekistan opinion on measures to ensure the effective protection of the rights of the parties in administrative proceedings. Administrative interaction of justice with administrative bodies of individuals are legal entities to resolve disputes of a mass character that arise in a relationship the rights and duties of each person in the organizational, legal and protection of their freedoms through the court, state bodies, officials, appeal to the court over the wrong actions of Public Associations to serve the constitutional rights as a mean of providing coverage. The article describes the activities of the administrative courts of Germany, the USA and Japan. The tasks of the administrative court in Germany, the review of lawsuits, disputes, disputes between administrative territorial units under the leadership of the federal administrative court in the management system are analyzed.

The existence of a general judicial system in Russia and public legal disputes are considered by courts of general jurisdiction, the protection of human rights is provided in the US even if there are no specialized courts, and the administrative court in Japan examines disputes belonging to four groups of cases.

**Keywords:** jurisdiction, parties, conciliation agreements, strategy.

## ПРАВОВЫЕ ОСНОВЫ СОВЕРШЕНСТВОВАНИЯ АДМИНИСТРАТИВНЫХ СУДОВ В УЗБЕКИСТАНЕ

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**Аннотация:** В данной статье речь идет о создании административных судов путем пересмотра полномочий судов на основе принятия Стратегии развития Республики Узбекистан на 2017-2021 годы, Административно-процессуального кодекса Республики Узбекистан, правовая основа для совершенствования административных судов. Освещена деятельность административной юстиции как организационно-правового механизма, направленного на разрешение споров массового характера, возникающих при взаимодействии физических и юридических лиц с административными органами, оказания услуг каждому лицу по обеспечению конституционных прав на судебную защиту его прав и свобод, обжалование в суде неправомερных действий государственных органов, должностных лиц, общественных объединений.

Также описывается деятельность административных судов Германии, США и Японии. Обязанности административного суда в Германии, поданные иски против действий государственных служащих в административной системе. Рассмотрение споров между административно-территориальными единицами под руководством федерального административного суда, существование формы общего суда в России, публично-правовые споры рассматриваемые судами общей юрисдикции, защита прав человека в США при отсутствии специализированных судов. Также освещается рассмотрение в Японии споры административными судами в сфере государственных служащих в административной системы относящиеся к четырём группам освещаемых дел.

**Ключевые слова:** подсудность, стороны, административные суды, кодекс, стратегия, административная юстиция.

**Enter.** Today, special attention is paid to administrative justice in our Republic. In particular, in 2017-2021, the Strategy of Actions on the five priority directions of the development of the Republic of Uzbekistan is of great importance, by revising the powers of civil, criminal courts and commercial courts. establishment of administrative courts was envisaged. On April 6, 2017, changes and additions to the judicial system were made to our constitution, and administrative courts were established. [2]. According to the decree of September 8, 2017 "On approval of the concept of administrative reforms in the Republic of Uzbekistan", attention was paid to the further improvement of the administrative justice system. The organization of administrative courts is governed by the Law of the Republic of Uzbekistan "On Administrative Procedures" adopted on January 8, 2018 and the Law on Administrative Court Proceedings of the Republic of Uzbekistan, adopted on January 25, 2018. was strengthened by the Code on By the Decree of the President

of the Republic of Uzbekistan dated July 24, 2020 No. PF-6034 "On additional measures to further improve the operation of courts and increase the efficiency of justice" from January 1, 2021, regional and equivalent civil cases on the basis of criminal courts and economic courts, maintaining the strict specialization of judges and establishing separate judicial panels for the types of court proceedings, courts of general jurisdiction of the Republic of Karakalpakstan, regions and Tashkent city were established and The authority to review cases of administrative offenses was transferred from administrative courts to criminal courts. In order to determine the priority directions of reforms aimed at further increasing the well-being of our people, unconditionally predicting human rights and interests, and forming an active civil society, based on the principle of "for human dignity" based on a deep analysis of international experiences, processes, and the results of our country's progress. The development strategy of New Uzbekistan for 2022-2026 was approved by the President's Decree No. PF-60 dated January 28, 2022. In particular, the second direction of the development strategy was called "making justice and the rule of law the most basic and necessary condition for development in our country." With this decree, in order to establish effective judicial control over the activities of state bodies and officials and to increase the level of access to justice for citizens and entrepreneurs, by improving the mechanism of review of appeals against the decisions of officials in administrative courts, the field of judicial control expansion was given special importance.

**Materials and methods** The work uses general scientific and special methods of research and knowledge, such as logical, comparative-legal, systematic, historical-legal, analysis and synthesis method.

**Results of the research** Decision PQ-107 dated January 29, 2022 "On measures to ensure the effective protection of the rights of citizens and business entities in relations with state bodies and to further increase the trust of the population in the courts" accepted. The effectiveness of the reforms carried out on the basis of these normative documents depends on the availability of sufficient knowledge and imagination of our citizens about the goals and tasks of administrative courts, administrative justice.

Article 44 of our Constitution stipulates that every person is guaranteed the right to protect their rights and freedoms through the courts, to appeal to the courts against the illegal actions of state bodies, officials, and public associations. [2].

Administrative justice is an organizational legal mechanism aimed at resolving disputes of a public nature that arise in the interaction of physical and legal entities with administrative bodies, as well as protecting the rights and freedoms of each person through the courts, state bodies, officials, public associations. serves to ensure constitutional rights, such as appealing to the court over illegal actions.

According to the experience of foreign countries, it can be seen that administrative justice is organized in three different models in Germany, the USA, and Russia. That is, general, quasi, and special forms of administrative justice apply.

The German judicial system is divided into: constitutional courts, general courts (including civil and criminal courts), administrative courts, labor courts, social courts, financial courts. The uniqueness of German courts lies in their specialization. For example, administrative courts deal with financial, civil and constitutional offenses and all other legal relations, while general courts deal with criminal, civil, family and property matters, labor courts deal with disputes between workers and enterprises. social courts deal with social security cases, particularly health, insurance, pension and other social security issues, and financial courts deal with tax and levy cases [5].

Analysis of the results of the research, we can see that the expansion and specialization of judicial branches emphasized in Germany and the increase of requirements for the status and professional knowledge of judges and people's advisers considering the case have been applied to the judicial system of Uzbekistan. It is in the new version

Article 4 of the Law "On Courts" expanded the scope of duties assigned to courts [6]. Now the main tasks of the court are to protect the rights and freedoms of citizens guaranteed by the Constitution and other laws, international treaties, as well as international documents on human rights, as well as state and public interests, legal entities and individual entrepreneurs protected by law. entered. The establishment of administrative courts existing in the German judicial system in our republic and the determination of the duties of judges in the process of conducting court cases, such as protecting the interests of legal entities and individual entrepreneurs protected by law, are the basis for the formation of administrative courts as an institution of justice.

The experience of Japan and Germany was also studied. In particular, in accordance with the Law of Japan "On Conducting Administrative Court Cases", administrative cases arising from public-legal relations can be considered by district courts as courts of first instance, courts of general jurisdiction (summary courts) can impose fines or it was observed that it will handle cases of other offenses with lesser penalties. The role of the administrative courts in Germany is to hear claims by citizens against civil servants regarding the observance of the rights of citizens in the management process under the leadership of the Federal Administrative Court, disputes of civil servants regarding their rights, issues of environmental protection, etc. considers disputes between administrative territorial units.

It resolves public-legal disputes by considering complaints of individuals and legal entities against government documents. These courts serve to protect citizens in

interactions with state authorities. Thus, administrative offense cases are not heard by administrative courts in Germany[7]. The dispute is first of all considered by the higher administrative body. If a citizen is dissatisfied with the decision, he can appeal to the administrative court. On the one hand, this causes the volume of work of administrative courts to not increase, and on the other hand, it causes an increase in the activity of administrative bodies in considering public-legal disputes. Currently, the system of German administrative courts consists of the Regional Administrative Court, the Higher Regional Administrative Court, and the Federal Administrative Court. Relations with the establishment of administrative courts are regulated by the Law "On Administrative Courts" adopted in 1960. The law "On Conducting Administrative Court Cases" adopted in the same year regulates the procedural relations regarding the consideration of cases by administrative courts. , such as the organization of administrative courts - dissertation - M.U.) Administrative courts in France, like German administrative courts, only check the legality of administrative acts of state bodies based on complaints from citizens and conduct court cases of a public legal nature specialized in going. The general judicial form of administrative justice is also valid in the Russian Federation. According to it, public legal disputes are not specialized, i.e. they are considered and resolved by courts of general jurisdiction and are regulated by separate legislation. Justice in this regard will be conducted on the basis of the Code of the Russian Federation on the conduct of administrative court proceedings of March 8, 2015. Proposals for the establishment of administrative courts in the Russian Federation were made "Development of courts of general jurisdiction until 2023 and the Program on improving the organizational estimation of their activities" was approved [3].

One of the scientists, A. Vlasov, states that only specialized courts can consider cases arising from administrative-legal relations. [4]. A. Sapojnikov, one of the scientists, supports his opinion saying that "establishment of administrative courts is the constitutional duty of the legislator, and it will bring Russia to the level of European standards by strengthening the rule in the constitution." One of the scientists, A. Chirinov, suggested that judges should specialize in administrative cases and said that there is no need to establish administrative courts in the Russian Federation. Mury explains that it is not less than Germany, where the law exists. In the USA, quasi-courts or tribunals have been established to control the legality of the decisions of executive authorities and their officials. An example of quasi-type courts is the United States Tax Court, established in 1969. The Armed Forces Appellate Court, which was established in 1950, as the first instance, hears cases arising from decisions taken by military tribunals. Established in 1988, the United States Court of Appeals for Veterans Affairs has jurisdiction over decisions of

veterans' appeals boards. More than 1,300 judges on administrative disputes operate in tribunals established as part of state management bodies in the branch of executive power. [3].

In Japan, the entire judicial power is vested in the Supreme Court and, in cases specified by law, in the lower courts, it is specified in Article 44 of the Constitution. Professor Nobuyoshi Ashibe stated that the role of the judiciary is to interpret and apply the law and then decide specific cases. Article 81 of the Japanese Constitution establishes judicial review and vests all judicial power in the Supreme Court and, in cases specified by law, in lower courts.

It is recognized that there are specific features of the judicial review of the legality of a regulatory legal document in the legislation of the Japanese administrative court. In Japan, the Laws "On Administrative Complaints" adopted on September 15, 1962 and "Administrative Court Proceedings" on October 1, 1962 are in force. In Article 2 of the Law of Japan "On the Operation of Administrative Courts" administrative cases a) cases related to disputes over decisions made by administrative bodies with public authority; b) cases related to determination of legal facts within the framework of public-legal relations; c) public claims of the population; g) there are such types as disputes between public authorities. Japan's Law "On Administrative Court Operation" is the main law of administrative court operation. It contains 5 sections including 46 articles. This law does not have a large volume, it mainly contains special rules related to the operation of the administrative court, and the rest of the issues are regulated by the norms of the Japanese Civil Procedure Code. [10].

That is why, in Japanese administrative law, court proceedings are paid attention only to the specific aspects of administrative court proceedings that differ from civil proceedings.

In Japan, it is provided that the legality of the normative document can also be considered within the court case, which is considered on the basis of the complaint, application submitted by individuals against the administrative individual documents (decisions) of the state administration bodies that affect their rights and freedoms, legal interests (or otherwise affect them). If you pay attention, you can see that in Japan legal documents are indirectly checked for legality by the court, and if it is found that the legal documents contradict the law, the court does not apply this document.

Administrative justice is an organizational-legal mechanism aimed at solving disputes of a public-legal nature that arise in the interaction of individuals and legal entities with administrative bodies, and the experience of national and foreign countries shows it in three different forms, that is, the form of general court, showed that it is possible to organize a quasi-trial form, a special trial. Today, in order to

optimize the system of administrative courts, district administrative courts have been transformed into inter-district courts, the introduction of amendments to legal documents as a result of studying and analyzing foreign experiences has led to a decrease in the volume of work of administrative courts, public-legal and the efficiency of dealing with cases arising from relations has been increased.

**Summary** Decision PQ-107 of the President of the Republic of Uzbekistan on January 29, 2022 "On measures to estimate the effective protection of the rights of citizens and business entities in relations with state bodies and to further increase the public's trust in the courts" and in order to strengthen the role of administrative courts in the society, to make them real defenders of citizens and business entities, to give the parties the right to conclude an agreement on cases arising from public-legal relations, state bodies or organizations in cases arising from public-legal relations to execute the decision within one month from the date of its entry into legal force and to notify the administrative court about it, to apply court fines to officials for non-execution of the court document, to file lawsuits, petitions and appeals by the courts admission as not relevant to the court refusing to do so or verifying the termination of the proceedings in the case, which includes filing a lawsuit, application, complaint or transferring the case to a court competent to consider them.

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