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MAIN TRENDS AND PROSPECTS FOR IMPROVING THE ADMINISTRATIVE JUDICIAL SYSTEM

Bakhtiyor Klichev

Independent Student of the Higher School of Judges, Uzbekistan

Abstract

The article is devoted to the analysis of the judicial system reform in the Republic of Uzbekistan, with a focus on the establishment and development of administrative courts. It describes the necessity of changes driven by democratic transformations and state modernization. The article provides data on judicial practice, highlighting the significance of administrative courts in protecting the rights and freedoms of citizens, as well as the interests of legal entities. Issues related to the jurisdiction of administrative cases and the territorial accessibility of courts are analyzed. The article examines international experience in the functioning of administrative courts, serving as a basis for proposals to further improve the administrative justice system in Uzbekistan. The importance of optimizing the activities of administrative courts is emphasized to ensure the rule of law and protect citizens' rights in the context of New Uzbekistan.

Keywords Administrative courts, judicial reform, legislation, public legal relations, independence of courts, democratization, law enforcement practice.

INTRODUCTION

One of the most important factors in the development of any industry is the improvement of its system, adaptation to modern requirements, and modernization. With the changing society and the beginning of a new stage in our country's development, the judiciary, formed over the years of independence, was unable to fully perform its functions and rationally distribute official duties. In the context of democratic changes and reforms, there arose a need for a fundamental reform of the judicial system and consistent democratization within the framework of New Uzbekistan.

In response to these challenges, a new phase of judicial reforms was initiated, aimed at fundamentally improving and optimizing the existing structure of the judicial system, enhancing

its efficiency, and transforming it into a truly independent state institution. During the revision of the current structure of judicial bodies, significant organizational and structural changes were made, taking into account the requirements of the new society and international standards.

By the Decree of the President of the Republic of Uzbekistan "On measures for the fundamental improvement of the structure and increase in the efficiency of the judicial system of the Republic of Uzbekistan" dated February 21, 2017, No. UP-4966, administrative courts of the Republic of Karakalpakstan, regions, and the city of Tashkent, as well as district (city) administrative courts, were established in order to further ensure genuine independence, increase the efficiency of activities and authority of the judiciary, and improve the structure of courts and the system of selection and

appointment of judges [1].

Before the establishment of administrative courts, until June 1, 2017, cases arising from administrative and other public legal relations were considered in civil and economic proceedings depending on the legal status of the persons involved in the case, based on Article 264 of the Civil Procedure Code of the Republic of Uzbekistan and Article 23 of the Economic Procedure Code of the Republic of Uzbekistan [2].

In the context of intensive democratic reforms, the introduction of modern and effective methods and mechanisms of state and society management, as well as the need for fair consideration of disputes arising from relationships between administrative bodies and individuals and legal entities, administrative courts were created, separate from other courts.

After the establishment of administrative courts in Uzbekistan:

1. The protection of the rights, freedoms, and legitimate interests of individuals and legal entities through the courts became more accessible, including the possibility of appealing illegal actions (inaction) of state authorities and administrations, officials, and civil society institutions.

2. The jurisdiction of administrative courts in resolving disputes arising from public legal relations was established. Before the establishment of administrative courts, disputes between citizens and state authorities, whose actions (inaction) violated the rights and interests of citizens and legal entities, were resolved depending on the legal status of the parties in civil and economic courts. Now they are considered by administrative courts based on the relevant articles of the Administrative Procedure Code of the Republic of Uzbekistan.

3. The protection of individuals and legal entities from decisions, actions (inaction) of state administration bodies and self-government, contrary to the law and violating the rights and freedoms of citizens, as well as the legitimate interests of business entities, is ensured.

4. In 2022, administrative courts considered 15,344 administrative cases, of which 7,458 were

satisfied, representing 49%. Of these, 9,215 cases were related to the annulment of decisions of administrative bodies, and 4,653 cases were related to the recognition of actions (inaction) of officials of administrative bodies as illegal. Among them, 4,623 cases concerned decisions of local state authorities, and 3,206 concerned decisions of officials of extrabudgetary pension funds and cases arising from other public legal relations.

In 2023, administrative courts considered 15,226 administrative cases, of which 7,113 were satisfied, representing 47%. Of these, 9,034 cases were related to the annulment of decisions of administrative bodies, and 5,005 cases were related to the recognition of actions (inaction) of officials of administrative bodies as illegal. Among these cases, 3,641 disputes arose from public legal relations concerning decisions of local state authorities, and 3,253 concerned decisions of officials of extrabudgetary pension funds and cases arising from other public legal relations [3].

The establishment of administrative courts has elicited varying opinions among legal scholars. Some scholars advocate for the creation of an administrative justice system, while others argue that there is no necessity for such an institution. Additionally, there is a viewpoint that judges specializing in administrative cases should be appointed instead of creating separate courts. Thus, there is no consensus among scholars regarding the existence of administrative courts. However, analysis shows that many countries have established specialized administrative courts.

A.I. Sapozhnikov, a Russian legal scholar, supports the necessity of creating an administrative judicial institution. According to Sapozhnikov, "the introduction of administrative courts is a constitutional duty of the legislator. The creation of administrative justice bodies not only fulfills the provisions laid down in the Constitution but also brings Russia to a European level in this regard" [4]. Another Russian scholar, V.T. Azizov, states that "the judicial system is created in each country based on its conditions, but historical traditions form the foundation for the creation of administrative courts in the Russian Federation" [5]. The renowned jurist I.N. Grachev believes that

"the most optimal solution to this issue (in this case, the question is whether to create administrative courts. Author's comment) is to establish the jurisdiction of specialized and administrative courts by creating administrative courts within the judicial system" [6].

In our opinion, it is advisable to deeply study and analyze the experience of various countries where administrative courts and bodies have long been established.

Today, the institution of administrative justice is well-developed in the USA, Austria, Bulgaria, Germany, Spain, China, Sweden, and other countries. For instance, in Bulgaria, administrative cases are handled by administrative courts. The administrative justice system includes 28 district administrative courts and the Supreme Administrative Court. Administrative courts have jurisdiction over the following actions:

- Modification or annulment of documents issued by administrative bodies;
- Termination of contracts concluded in violation of the Administrative Procedure Code;
- Establishment of judicial control over unreasonable actions or inactions of administrative bodies;
- Verification of the validity of administrative documents and compliance with the requirements of the Administrative Procedure Code [7].

In Lithuania, disputes arising from administrative legal relations are handled by the Supreme Administrative Court of Lithuania and district administrative courts. The district administrative court considers complaints (appeals) against administrative documents and actions (inactions) of administrative bodies and resolves disputes arising from the failure of state bodies to fulfill their duties. The Supreme Administrative Court is the final instance and has the authority to ensure the legality of administrative cases. It is considered an appellate court and reviews judicial documents issued by district administrative courts [7].

In Spain, administrative courts review the legality of actions taken by authorities and financial claims against them. The central administrative courts are

located in Madrid, the capital of the country, and their jurisdiction extends throughout Spain [7]. One reason for the significant attention given to administrative procedures in the USA is that judicial cases related to public legal disputes are conducted based on the legality of reports compiled following administrative procedures [8].

As evidenced by international experience, many developed countries have established administrative courts that play a crucial role in resolving disputes between administrative bodies and individuals or legal entities.

Nearly seven years have passed since the establishment of administrative courts in Uzbekistan. Judicial practice during this period has shown the necessity of further improving the administrative case management system. In this regard, a short-term plan for bringing the judicial system to a qualitatively new level for 2023-2026 was approved by the Presidential Decree of the Republic of Uzbekistan dated January 16, 2023, No. PF-11 "On additional measures to further expand access to justice and increase the efficiency of courts." Clause 5 of the Action Program for the implementation of the strategy sets the task of "taking measures to improve the work of administrative courts based on a critical analysis of law enforcement practices and considering advanced foreign experience" [9].

Analysis of the practice of administrative courts has revealed the necessity of addressing the issue of "resolving all disputes between administrative bodies and citizens and entrepreneurs, as well as improving the rules related to their appeal to the court" [9]. Today, there are problems associated with clarifying the jurisdiction of administrative cases and disputes.

One of the primary tasks of administrative courts is to check the legality of decisions made by administrative bodies or the compliance of actions (inactions) of officials of state bodies with the law, as well as to provide a legal assessment of the overall legality of these administrative bodies or officials. Assessing the legality of the activities of any administrative body or its systematic study requires the court to spend a significant amount of time. The specificity and complexity of disputes

arising from administrative and other public legal relations necessitate the optimization of the activities of administrative courts.

Currently, there are problems with the participation of parties in inter-district administrative courts established in the Republic of Karakalpakstan, the city of Tashkent, and regional centers. For example, some districts are located almost 200 km from the regional center, creating difficulties for participants in judicial processes. Therefore, it is advisable to consider the issue of reorganizing district (city) administrative courts.

In short, further development of the administrative courts system serves to ensure the rule of law, the rights, and the legitimate interests of citizens and business entities in their interactions with administrative bodies at the modern stage of development of New Uzbekistan.

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