
SOME ISSUES OF IMPROVEMENT OF ADMINISTRATIVE JUSTICE IN THE REPUBLIC OF UZBEKISTAN

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Abstract: Currently, one of the most important areas of the legal doctrine of most foreign countries is the creation of a fair and stable legislative system. The complexity and acuteness of this issue is manifested not only in identifying and introducing effective norms into the process of legal regulation of social relations, but also in understanding its methodological and conceptual foundations, correctly defining the essence and subjects of legal regulation. In this case, scientific research is being conducted to further improve the work of rule-making in developed countries, including ensuring the legality and promotion of legislation, conducting a comprehensive examination, including prevention of disputes over departmental regulations. The norm has a special place in the field of creativity of legislative acts. In particular, a separate approach is needed on the part of public administration bodies when issuing departmental legal documents. The control over these documents by the court will prevent human rights violations. This article describes this problem.

Keywords: administrative justice, departmental normative-legal document, jurisdiction, public-legal dispute, administrative court.

Introduction

The formation of an effective judicial system requires a clear division of cases within the competence of different judicial bodies, in order to ensure timely legal and fair consideration of cases. Cases are the responsibility of the legislators among the courts, they must develop a clear order of rules and criteria for limiting the powers of courts to verify the legality (constitutionality) of regulations that are clear, meaningful, consistent and, most importantly, understandable, as well as in court. At this stage of development, rules and criteria for determining the jurisdiction of courts to review regulatory documents should correspond to the powers of various courts and avoid conflicts, and measures should be taken to eliminate them if conflicting circumstances are identified. To do this, first of all, it is necessary to develop the current procedural norms in the legislation in accordance with modern requirements.

To date, a number of measures have been taken to create an effective and fair judicial system in Uzbekistan and to address problems that have arisen in the past. For example, the Code of Administrative Procedure (CAP) was adopted, and according to this code, the authority to consider mass legal disputes was transferred to the administrative courts. As a result, it was established that the conduct of disputes under departmental regulations is regulated by this Code.

The Main Findings and Results

However, it was noted that working with such a function was poorly implemented and some problems arose due to the lack of clearly explained mechanisms. As a result, in a number of cases, the rights and interests of citizens and legal entities protected by the Constitution and laws are violated. This led to the formation of insecurity of citizens before the judicial

authorities and state bodies. To eliminate such shortcomings, administrative courts were created, and consideration of such cases was determined to come into their competence. In this case, according to the Article 30 of CAP, the consideration of cases of conflict of departmental regulatory legal acts was classified as cases falling under the jurisdiction of the Supreme Court. However, the implementation of such a system in practice was not fully compensated by scanning for the shortcomings that arose today, and we can see some shortcomings in practice. In particular, insufficient research work has been carried out on the theoretical foundations of court decisions on the recognition of departmental regulatory legal acts invalid. In addition, the institution of court resolution of cases on the recognition of departmental normative legal acts as invalid is considered an innovation for the legislation of our country and an integrated system for the consideration of such a case is not formed by scanning.

Implementation of departmental normative-legal regulations of the current legislation to as certain that it is not valid in the past period gives rise to a number of legal problems that need to be addressed. This may be followed by the following:

Firstly, the cases on recognition of departmental normative legal acts as invalid are not settled in detail in the issue of suitability; Secondly, the affiliation of cases to the judiciary to invalidate departmental normative legal acts is not fully regulated; Thirdly, the procedural procedure for examining cases on the invalidity of departmental regulatory legal acts is not perfect; Fourthly, the execution of court documents on the recognition of departmental

The emerging controversial aspect of the consideration of disputes of the Supreme Court on departmental normative legal acts is that we see that such cases do not have a clear border with the jurisdiction of the constitutional court.

Constitutional law of the Republic of Uzbekistan “On the constitutional court of the Republic of Uzbekistan” adopted on May 31, 2017, defines the issues within the competence of the court, in accordance with which the constitutional court determines the conformity of decisions of bodies of local public administration, interstate treaty and other obligations of the Republic of Uzbekistan Constitution of the Republic of Uzbekistan.

At the same time, the work on consideration of a dispute on regulatory legal acts adopted by ministries, state bodies and departments is not within the competence of the Constitutional Court. On the contrary, it was established that the consideration of such disputes falls within the competence of the Supreme Court. However, in accordance with the Constitution of the Republic of Uzbekistan, it is defined as “the Constitutional Court of the Republic of Uzbekistan considers the work to bring the documents of the legislative and executive authorities in accordance with the Constitution.” This means that the consideration of this type of dispute, in general terms, is within the competence of the Constitutional Court and can create a controversial situation when considering such disputed cases.

Belonging to the judgment. Despite the large number of departmental regulatory documents that contradict the Constitution and legislation of the Republic of Uzbekistan, the fact that citizens have fewer cases of going to court indicates the need to study the practice of this area. In this category, it can be assumed that there are certain problematic aspects when cases are referred only to the Supreme Court. If, in addition to this opinion, we take the legislation of the Russian Federation as an example, then Article 20 of the Code of Administrative Procedure of the Russian Federation^[1] considers the following administrative cases as the first instance of the Supreme Court of the Russian Federation, regional court, city court of federal significance, autonomous regional court. , representative bodies of city

authorities are authorized to view dispute work on their documents. Or we see that with such work in the Azerbaijani state, the right to appeal to the court of appeal and to appeal to a higher court is ensured. In Germany, too, this type of work is not considered the highest authority [2].

Proceedings. Departmental regulatory legal documents the third problem in the judicial review of cases that are recognized as invalid, these are problems directly related to the consideration of the case. Despite the fact that chapter 22 of the CAP is given a special procedure for considering this kind of work, today a number of problems arise.

Of these, the subject has the right to apply to the court. In accordance with applicable law, citizens and legal entities have the right to apply to the court. In accordance with Article 179, a citizen or legal entity in respect of whom a departmental regulatory document is applied, the right to apply to the court with a statement declaring this document to be fully or partially invalid is guaranteed. But October 9, 1997 in the Cabinet of Ministers

Conclusion

In general, today in the field of justice the tasks for the future to improve the activities of administrative courts are an effective factor determining the following: -further improvement of the system for ensuring constitutional human rights and freedoms, primarily their protection from unlawful actions and decisions of state bodies and officials; -effective protection of the rights and interests of citizens and legal entities in the event of judicial opposition; -improving the enforcement practice of administrative courts and creating a solid legal framework necessary for the effective functioning of the system.

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