

Strengthening Procedural Guarantees for Parties in Administrative Courts

Boltayev Asliddin Azimovich

Independent Researcher of The Law Enforcement, Academy of The Republic of Uzbekistan

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Abstract

This article examines the critical role of procedural safeguards in ensuring fair and just outcomes within administrative judicial systems. It highlights the importance of transparency, accessibility, and equality of arms in administrative court proceedings. The author discusses various legal frameworks and best practices from different jurisdictions that enhance procedural guarantees, aiming to protect the rights of parties involved in administrative disputes. Through a comparative analysis, the article identifies key challenges and proposes recommendations for reforming administrative court procedures to better uphold the principles of justice and due process.

Keywords: Administrative courts, procedural guarantees, due process, legal frameworks, transparency, accessibility, judicial reform, administrative justice.

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1. Introduction

The comparative legal method is an important methodological tool for the scientific analysis of the legal status of parties to administrative proceedings. This method allows for comparison of the organization of administrative justice in different countries, the legal status of participants in administrative proceedings, their procedural rights and obligations, and the role of the court in the proceedings. This method identifies the strengths and weaknesses of existing approaches in law enforcement practice and creates the opportunity to develop scientifically sound proposals for improving national legislation.

Parties, the main participants in administrative proceedings, occupy a central place in the administrative justice system. When a decision, action, or inaction by a

government agency or official affects the rights and legitimate interests of an individual, the procedural options available to the parties become crucial in resolving the dispute. Therefore, the development of administrative justice involves not only expanding the powers of the courts but also ensuring the legal status of individuals and legal entities in court with tangible guarantees.

Administrative justice reforms in the Republic of Uzbekistan reached a new level with the adoption of the Code of Administrative Procedure. While the Code initially defined cases pertaining to administrative courts based on certain categories, in recent years its scope of application has expanded due to the complexity of legal relations. In particular, new areas such as investment disputes, competition disputes, and complaints against enforcement documents have further enhanced the

practical significance of administrative justice.

Article 27 of the Code provides for the possibility of challenging decisions, actions, or inactions of departmental regulations, local government bodies, state administration bodies, other bodies implementing administrative and legal activities, and their officials. These provisions constitute the fundamental guarantee of the legal status of the parties, allowing individuals or legal entities to defend their position on equal procedural terms with government agencies.

The primary objective of enhancing the legal status of the parties is to ensure procedural equality in practice. Since one party in administrative disputes is usually a government agency, there is an imbalance in access to information, documents, and evidence. Therefore, during the consideration of the case, the court should place an active burden on the administrative agency to prove the grounds for the decision, the evidence, and the compliance with the procedure. This will prevent individuals or entrepreneurs from being placed in a procedurally vulnerable position.

The second priority is the clear systematization of case categories in administrative proceedings. Although the increase in the number of cases related to administrative justice is a positive development, their procedural characteristics are not uniform. For example, disputes related to the activities of electoral commissions require prompt action, investment disputes require a joint assessment of contractual and public law elements, and competition disputes require specialized economic expertise. Therefore, it is advisable to further clarify the practical mechanism of the rights and obligations of the parties in each category of cases.

The third priority is developing the institution of pre-trial review of administrative documents. By Decree of the President of the Republic of Uzbekistan No. PP-188 of May 19, 2025, a legal experiment was conducted in Tashkent on pre-trial review of administrative documents adopted for public services. As part of the experiment, interested parties were given the opportunity to defend their violated rights in court by appealing to appeals commissions. This institution is important for parties as a means of quick, inexpensive, and flexible protection. At the same time, the pre-trial procedure should not limit the parties' right to appeal in court. If the transparency, independence, and validity of the Appeals Commission's decisions are ensured, it will become an effective means of internal control over the activities of administrative

bodies. However, such a mechanism can only be assessed as a legal guarantee when it operates in harmony with judicial review. In this sense, the voluntary nature of pre-trial review and the subsequent preservation of the opportunity to file a complaint in court are important indicators of the status of the parties. The fourth priority is improving the institution of review of judicial acts based on newly discovered circumstances. A decision of the Plenum of the Supreme Court on April 29, 2025, clarified the application of this principle. Parties and their legal successors have the right to file a petition for review of a final judicial act. In this case, newly discovered circumstances are those that existed at the time the judicial act was rendered, but were unknown to the applicant and to whom they had no right to know.

The importance of this principle lies in its aim to assess not judicial error, but newly discovered circumstances that may influence the court's decision. Therefore, the parties must be provided with deadlines for filing the petition, a complete list of grounds, and a clear explanation of the distinction between new evidence and newly discovered circumstances. In practice, uncertainty in this matter may hinder the parties from fully exercising their procedural rights.

The fifth priority is to combine international experience with national specifics. In Germany, administrative disputes are considered within the general mandate of administrative justice, without strictly dividing them into separate categories [1]. Russian lawyers, on the other hand, offer varying assessments of the independent procedural nature of administrative justice, the balance of private and public interests, and the codification of administrative procedural norms [2]. These approaches indicate that the development of administrative justice in Uzbekistan should be based on critical analysis rather than mechanical replication. The sixth priority is expanding the procedural capabilities of the parties through the use of digital technologies in administrative justice. Electronic filing of administrative documents, appeals commission decisions, and information on court proceedings reduces time and costs for the parties. However, digitalization should be viewed not only as a technical convenience but also as a means of ensuring procedural equality. If the electronic system clearly records the time of receipt, dispatch, and review of documents, disputes related to deadlines will decrease, and the administrative body's liability will increase.

The seventh priority is aimed at eliminating conflicts of legislation in administrative proceedings. Although the

legislation on administrative offenses and the rules of administrative procedure are similar, their subject areas and objectives differ. The first determines administrative liability, while the second determines the procedure for resolving public law disputes in court. Therefore, it is necessary to harmonize the concepts of norms concerning the procedural status of the parties, the form of appeal, the procedure for presenting evidence, and the grounds for reviewing court documents.

In conclusion, it should be noted that enhancing the legal status of parties in administrative proceedings is an important component of judicial and legal reforms. In this regard, the key objectives are to ensure genuine procedural equality, clarify the categories of administrative cases, link pre-trial review mechanisms with judicial review, adapt the review procedure for newly identified cases to practice, and integrate international experience into the national context. By implementing these guidelines, administrative justice will become a more effective, transparent, and reliable means of protecting the rights of citizens and legal entities.

Judicial protection of the rights and legitimate interests of citizens is one of the key characteristics of any democratic state governed by the rule of law. In administrative proceedings, this issue becomes even more pressing, since one of the parties to a dispute is usually an administrative body or official wielding authority. Therefore, the legal status of the parties in administrative proceedings should not be limited to formal equality, but should serve to eliminate the practical imbalance between the state body and the individual.

Article 55 of the Constitution of the Republic of Uzbekistan guarantees everyone the right to judicial protection of their rights and freedoms, and to appeal to the court against unlawful decisions, actions, and inactions of state bodies and other organizations, and their officials. Article 40 of the Code of Administrative Procedure defines the applicant and the defendant as the primary parties to the legal process. If the applicant is an individual filing a claim to protect their rights and legitimate interests, then the defendant is the administrative body, self-governing body, or official to whom the claim is addressed.

Article 55 of the Constitution of the Republic of Uzbekistan guarantees everyone the right to judicial protection of their rights and freedoms, and the right to

appeal unlawful decisions, actions, and inactions of state bodies and other organizations, as well as their officials. In administrative court cases, not only citizens but also legal entities, foreign organizations, international organizations, and public and religious organizations may participate as applicants. Defendants may include state bodies, citizens' self-governing bodies, election commissions, and authorized bodies handling notarial or civil acts. This situation demonstrates the wide range of parties in administrative justice and the need to correctly determine the procedural status in each category of cases.

Experience in foreign countries shows that there are various models for organizing the participation of parties in administrative justice. The general approach is that the primary goal of administrative justice is to protect citizens from illegal or unjustified interference by state bodies. Since a state body acts as an influential actor in legal relations, its predominance in the judicial process must be reasonably limited by compensatory procedural mechanisms. In the United States, administrative proceedings are based on the Administrative Procedure Act, which governs the procedures for federal agencies to adopt regulations, issue permits and licenses, and make administrative decisions. In the American model, administrative law encompasses both substantive and procedural rules. Administrative judges and specialized bodies oversee agency decisions. An important feature of the parties' participation in this system is that applications may, in some cases, be considered at the pre-trial stage and then submitted for judicial review.

The US experience demonstrates the priority of procedural fairness and the principle of "due process" in administrative justice. The constitutional requirement that deprivation of life, liberty, or property may only be carried out pursuant to a lawful procedure is also binding on administrative agencies. Therefore, when making administrative decisions, important elements of the procedural status of the parties include the opportunity to be heard, present evidence, justify the decision, and subsequently appeal it in court.

German administrative justice is considered one of the most developed models in international practice. In Germany, the principle of discretion applies to administrative proceedings, meaning that the individual whose rights have been violated files a lawsuit voluntarily. However, in court proceedings, the legal equality of plaintiff and defendant is ensured not only verbally but also through procedural guarantees. The plaintiff is usually a private individual, and the defendant

is the state or an agency vested with state powers.

In Germany, the parties to administrative proceedings include the plaintiff, the defendant, third parties involved in the case, and, in some cases, representatives of state interests. The involvement of third parties is related to the public law nature of administrative disputes and is particularly important in cases where a court decision may affect the interests of a wide range of parties. For example, in a dispute over a building permit, the interests of the owner, a neighbor, and the administrative agency may simultaneously collide.

Another important aspect of the German experience relates to the precise determination of the responsible agency. The question of which body or public-law structure should be used to file a claim against an illegal action or conduct of an administrative body is clearly.

The Scandinavian legal model was formed on the basis of the experience of Sweden, Norway, Denmark and Finland, and its main feature is that it is based on simplified and open mechanisms for protecting citizens' rights [3].

In this model, alongside judicial review of administrative bodies, the ombudsman institution also functions effectively. Under this model, the legal status of parties to a case is determined based on the principles of procedural equality, transparency, and expeditiousness. The court actively examines all the circumstances of the case but also respects the procedural independence of the parties. Administrative bodies must provide detailed justifications for their decisions, and individuals must have the opportunity to express their opinions before making a decision. Indeed, it is particularly important that a key aspect of the Scandinavian model is increasing the openness of administrative bodies, developing principles of dialogue with citizens, and simplifying administrative procedures. In this regard, the administrative justice model of Eastern European and Baltic countries has been shaped by the experience of Poland, the Czech Republic, Slovakia, Lithuania, Latvia, and Estonia, which successfully incorporated German and French administrative law institutions into their national legislation during the transition from the former socialist legal system to a democratic rule-of-law model [4].

A comparative analysis shows that, although all models are aimed at achieving the same goal – protecting the public rights of individuals through the courts – the

mechanisms for achieving this goal remain diverse.

The Scandinavian model is characterized by openness, simplified procedures, and citizen-oriented governance. The Eastern European and Baltic models are distinguished by their harmonizing of continental legal systems with European standards. Therefore, it would be advisable for Uzbekistan not to fully adopt only one of these models, but to develop a national model that integrates their most effective institutions. An analysis of the aforementioned models reveals that, although the current Code of the Republic of Uzbekistan on Administrative Procedure guarantees the fundamental procedural rights of parties to a case, there is a need to further improve the mechanisms for their implementation. In this regard, we believe that the concept of an "Integrated Administrative Procedural Model" will serve to further clarify the legal status of parties to a case.

The implementation of the above proposals will allow the Republic of Uzbekistan to strengthen the legal status of persons participating in administrative and judicial proceedings, increase the effectiveness of judicial protection and will contribute to the formation of a modern, transparent and internationally compliant administrative justice system in the Republic of Uzbekistan.

In conclusion, it should be noted that the specifics of party participation in administrative proceedings abroad are aimed at ensuring a legal balance between the administrative body and the individual. When improving administrative proceedings in Uzbekistan, priority tasks include supplementing the formal equality of parties with real procedural guarantees, identifying the person responsible for the case, effectively organizing the participation of third parties, linking pre-trial appeal mechanisms with judicial review, and strengthening the specialization of judges. These areas will help transform administrative justice into an effective institution protecting the rights of citizens and entrepreneurs.

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