



## BUILDING PRE-TRIAL ADMINISTRATIVE JUSTICE IN UZBEKISTAN

### KEY MESSAGE

- Uzbekistan’s landmark Law on Administrative Procedures (LAP), adopted in 2018, remains almost entirely unenforced. Neither administrative bodies nor administrative courts systematically apply the law, leaving citizens and businesses without reliable legal protection against unlawful state decisions.
- Compensatory mechanisms such as presidential reception offices, ombudsman institutions, and ad hoc appeal councils cannot substitute for a functioning system of administrative appeal. They resolve individual cases without changing systemic administrative practice, thereby undermining legal certainty
- Pre-trial administrative justice offers the fastest and most cost-effective path to enforcing the LAP and improving public administration. Unlike judicial reform, which may take decades, a well-designed administrative appeal system can deliver tangible results within several years.

- Success requires specialised jurisdictional units within administrative agencies, mandatory training of personnel in contemporary administrative law, and a phased transition to mandatory pre-trial appeal — but only once the quality of administrative complaint review is demonstrably adequate.

### INTRODUCTION

Uzbekistan has pursued administrative law reform for over two decades. The effort produced a genuine milestone: the Law “On Administrative Procedures” (LAP), signed into law in January 2018 and taking effect a year later.<sup>1</sup> In parallel, a two-tier system of administrative courts was established in 2017.<sup>2</sup> On paper, Uzbekistan now has the institutional framework of a contemporary administrative justice system.

The reality, however, is starkly different. Some research finds that the LAP remains

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<sup>1</sup> The LAP was signed by the President on 8 January 2018 and entered into force on 10 January 2019.

<sup>2</sup> Presidential Decree No. UP-4966 (2017) established a two-tier system of administrative courts and a judicial panel of the Supreme Court for administrative cases.

almost totally unenforced.<sup>3</sup> Administrative bodies continue to process complaints under the older Law ‘On Petitions of Natural and Legal Persons,’ bypassing the procedural guarantees of the LAP. Administrative courts, unprepared for the new principles, have failed to compel compliance. Citizens and entrepreneurs, in turn, have lost faith that an administrative complaint will receive a fair hearing. The result is a system in which landmark legislation exists on the statute books but has no practical effect on the ground.

### THE ENFORCEMENT GAP: A LAW WITHOUT APPLICATION

The LAP’s journey to adoption was itself remarkable. The first legislative campaign, launched in 2005, produced a bill of 140 articles that international experts considered among the best in the post-Soviet space. Parliamentary resistance gutted it, and the bill died in disputes between the two chambers of the Oliy Majlis in 2007. It took a second campaign, beginning in 2014 under the direct leadership of the Minister of Justice and involving national experts, to secure adoption in December 2017—more than thirteen years after reform began.

Yet adoption did not translate into implementation. Studies undertaken between 2019 and 2021 revealed systemic non-enforcement across almost every sphere of public administration. Administrative bodies continued to rely on sectoral subordinate legislation, many of

them inconsistent with the LAP, rather than applying the new law. Administrative courts, for their part, limited their review to checking the literal conformity of decisions with applicable regulations. This formalistic approach ignores the LAP’s requirements for procedural fairness, proportionality, and proper justification of discretion.

However, administrative judges were never adequately prepared to apply the LAP’s principles, proportionality, legitimate expectations, the right to be heard, and therefore could not compel administrative bodies to observe them. Legal formalism, inherited from Soviet-era enforcement practice, persists in both the judiciary and the bureaucracy. The principle of the supremacy of statutes, although enshrined in the Constitution, is routinely disregarded: officials cite that older, inconsistent regulations have not been formally repealed, revealing a fundamental misunderstanding of the hierarchy of legal norms.

### WHY COMPENSATORY MECHANISMS FALL SHORT

In the absence of a functioning administrative appeal system, the legal system has generated a range of compensatory mechanisms. The Presidential Public Reception Offices, opened in 2017, became by far the most popular channel for citizen complaints. The Business Ombudsman, the Chamber of Commerce and Industry, and the Ministry of Justice have all received expanded human-

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<sup>3</sup> WIUT. *Methodological Guide on Pre-Trial Resolution of Administrative Disputes*. Tashkent: WIUT, 2026.

rights and supervisory functions. Experimental Appeal Councils were established under the State Customs Committee, the State Committee for Land Resources, the Pension Fund, and several regional khokimiyats.

These mechanisms have provided some relief for individual complainants. But in fact they cannot serve as an adequate substitute for a properly functioning system of administrative appeal, for the following interrelated reasons.<sup>4</sup>

First, they fragment the legal order. Multiple overlapping channels for challenging administrative acts create the appearance of improved protection, but in practice, they generate legal uncertainty. An administrative act may have dual effects, favorable for one party and unfavorable for another, and additional appeal options for one interested party become a source of instability for the other. Advisory decisions from Appeal Councils, which carry no binding force, add further ambiguity.

Second, they relieve administrative bodies of self-discipline. Administrative agencies lose the incentive to develop internal quality control when external supervisory bodies take on responsibility for rights protection. This deficit of administrative self-monitoring entrenches chronic deficiencies across the system.

Third, they fail to change systemic practice. These compensatory mechanisms typically resolve individual problems through

administrative instructions ‘from above,’ not through legal means. A complaint resolved, for example, at the Reception Office may conclude satisfactorily for one citizen; analogous cases continue unaffected. By contrast, when a superior administrative body reviews and corrects an administrative act, the resulting change in departmental policy can immediately eliminate a category of recurring errors.

## THE CASE FOR PRE-TRIAL ADMINISTRATIVE JUSTICE

Pre-trial administrative justice, the review and resolution of administrative disputes through administrative appeal to a superior body, offers decisive advantages over both court-based reform and compensatory mechanisms.

*The scope of review is broader than judicial review.* A superior administrative instance can examine both the lawfulness and the expediency of a contested decision. It can substitute its own assessment for that of the first-instance body on all questions, including discretionary ones, something an administrative court cannot do without intruding on executive prerogatives.

Administrative appeal activates self-monitoring. Systematic review of complaints enables agencies to identify patterns of error, correct administrative policy, and improve practice across the board. This feedback loop is the most effective mechanism for raising the quality of public administration.

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<sup>4</sup> Presidential Resolution No. PP-4754 of June 17, 2020. “On Measures to Further Improve Mechanisms of Alternative Dispute Resolution.”

*The timeline for results is realistic.* Reforming the administrative courts requires overcoming deep institutional pathologies rooted in post-Soviet legal culture. This may take a generational change in the judiciary. By contrast, a well-designed system of pre-trial administrative justice can demonstrably improve dispute resolution within several years, provided the necessary organizational and staffing reforms are undertaken.

The upcoming version of the LAP reflects this approach by making pre-trial appeal a required step before a judicial challenge, with a two-year delay in implementation to give time for developing the necessary institutional capacity.<sup>5</sup> The German model, where pre-trial appeal is mandatory, demonstrates that such a requirement is workable and effective in a mature rule-of-law state.<sup>6</sup>

## **BARRIERS TO OVERCOME**

The principal challenge is deep public distrust. Citizens and entrepreneurs do not believe that a complaint to a superior administrative body will receive a thorough and impartial review. This skepticism is historically rooted: during the Soviet era, administrative appeals provided no dependable safeguard against bureaucratic

caprice. The opening of the Presidential Reception Offices in 2017 completely overshadowed administrative appeal as an institution, because trust in presidential authority far exceeded trust in the administrative hierarchy.

Structural problems sustain this distrust. Administrative bodies lack institutionally separate jurisdictional units independent of 'active administration.' No official reviewing a complaint can realistically adopt a decision contrary to the interests of its own agency. Administrative bodies universally ignore the LAP's complaint procedure, applying instead the older petitions law<sup>7</sup>. Qualified specialists trained in contemporary administrative law are absent from legal services. And the prevalence of command-administrative management methods leaves little room for the rule-of-law culture that effective administrative appeal requires.

Experimental Appeal Councils have failed to overcome these barriers.<sup>8</sup> The councils established in 2020 possessed only advisory competence, making them expert bodies rather than organs of genuine pre-trial justice. The more promising experiment under Presidential Decree No. UP-80 of 2024, which granted appeal councils the power to adopt binding decisions, was undermined by the adoption of a flat rather

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<sup>5</sup> The new edition of the APL, Part 4 of Article 82, establishes mandatory pre-trial appeal with a two-year deferred entry into force

<sup>6</sup> In Germany, pre-trial appeal in the administrative procedure is mandatory; an action in an administrative court is generally inadmissible if the dispute has not first been reviewed by the superior administrative instance

<sup>7</sup> Law of the Republic of Uzbekistan "On the Appeals of Individuals and Legal Entities."

<sup>8</sup> Presidential Decree No. UP-80, "On further increasing the responsibility of justice bodies and institutions and forming a compact management system within the framework of administrative reforms," May 24, 2024; Presidential Resolution No. PP-188, "On the introduction of a new procedure for the pre-trial consideration of disputes concerning administrative acts related to the provision of public services as a legal experiment," May 19, 2025.

than two-tier model, the absence of dedicated funding and staffing, and the failure to retrain council members in contemporary administrative law, which collectively hindered the councils' effectiveness in addressing appeals and ensuring fair administrative processes.

## **CONCLUSION AND POLICY RECOMMENDATIONS**

Uzbekistan's administrative law reform stands at a critical juncture. The legislative foundation exists in the LAP, but without a functioning system of pre-trial administrative justice, the law will probably remain a dead letter. Compensatory mechanisms have reached the limits of their effectiveness. The two-year deferred implementation of the mandatory pre-trial appeal system in the upcoming new edition of the LAP creates a window that demands urgent, targeted action.

### **INSTITUTIONAL REFORMS**

Establish specialized jurisdictional units within each administrative agency, structurally separate from the 'active administration' and vested with competence to review administrative complaints with a meaningful degree of independence from departmental management. These units must have the authority to adopt decisions binding on the first-instance administrative body.

Design future Appeal Councils on a two-tier model with binding decision-making authority, dedicated funding, and staffing drawn from specialists trained in contemporary administrative law—not on

the model of interagency commissions with advisory competence.

Resolve the institutional conflict between administrative justice and prosecutorial supervision by progressively transferring administrative-law protection functions to administrative justice bodies and confining the prosecutor's office to its core criminal prosecution mandate.

### **REGULATORY REFORMS**

Enforce the supremacy of the LAP over inconsistent sub-statutory acts. Issue clear guidance that provisions of subordinate legislation conflicting with the LAP are void and not subject to application, without requiring formal repeal of each inconsistent act.

Ensure that the transition to mandatory pre-trial appeal under the new LAP is accompanied by measurable quality benchmarks. The requirement should take effect only when the system can demonstrably deliver thorough, impartial, and timely review of administrative complaints.

Align the Code of Administrative Judicial Procedure with the LAP to eliminate ambiguity about the relationship between administrative appeal and judicial challenge.

### **CAPACITY-BUILDING MEASURES**

Launch a comprehensive retraining program for the legal services of administrative bodies, focusing on the principles of the LAP: proportionality, legitimate expectations, the right to be heard, and the proper exercise and justification of administrative discretion.

Develop specialized training for administrative judges on the review of discretionary powers, the margin of appreciation, and the interpretation of indeterminate legal concepts, areas the research identifies as particularly underdeveloped in domestic practice.

Invest in legal literacy programs for citizens and businesses to rebuild trust and ensure that interested parties are aware of their rights under the LAP, including the right to challenge preliminary administrative acts, procedural acts, and enforcement acts.

## DISCLAIMER

The study's findings, interpretations, views, conclusions, and recommendations, as contained in this publication, reflect the authors' and do not necessarily reflect the official opinion of WIUT or CPRO.

## AUTHOR

Igor Tsay, Research Coordinator of the Laboratory of Public Law and Governance at the Center for Policy Research and Outreach, WIUT

To recommend a topic for a policy brief or collaborate with the CPRO, e-mail [cpro@wiut.uz](mailto:cpro@wiut.uz).