

The Decision of the Administrative Court as a Means of Protecting the Violated Rights and Interests of Individuals

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Abstract:

This article analyzes the theoretical aspects of judicial decisions rendered by administrative courts. It examines in detail the court decision as a document issued by the administrative court on the basis of consideration of cases on the merits at the stage of first instance. The article examines the concepts and characteristics of decisions made by administrative courts based on the results of scientific research by domestic scientists and other lawyers such as D. Artikov, J. Nematov, Z. Esanova, D. Khabibullaev, M. Mamasidikov, M. Todzhiboyev and Sh. Shaizakov. The author also refers to the experience of foreign countries, comparing the functioning of administrative courts with systems similar to the administrative courts of the Republic of Uzbekistan. In addition, efficiency issues are analyzed using statistical data provided by the WJP.

Keywords: court documents, decision, administrative court, WJP, administrative dispute.

Introduction.

Article 11 of the Constitution of the Republic of Uzbekistan states: “the system of state power of the Republic of Uzbekistan is based on the principle of division of power into legislative, executive and judicial powers”. With this norm, we can see that the main tasks and functions carried out by the state are provided through this three-step system. Specifically, Article 91 of Constitution designates the Oliy Majlis of the Republic of Uzbekistan as the supreme representative body, exercising legislative power; Article 114 establishes that the Cabinet of Ministers of the Republic of Uzbekistan exercises executive power; and Article 130 specifies that justice in the Republic of Uzbekistan is administered solely by the courts. These are distinct constitutional provisions. This

framework serves as the primary criterion and fundamental basis for ensuring the rights and lawful interests of citizens and legal entities operating within the state.

In addition, article 138 of the Constitution establishes a new provision stating: “The documents of the judiciary are binding on all State bodies, other organizations, officials and citizens.” This indicates that the judiciary ensures the protection of disputed or violated legitimate rights and interests of individuals and legal entities through fair justice. This means that all court documents issued by the courts that administer justice are binding on all government agencies, their officials, legal entities and individuals. Consequently, the enforcement of judicial acts issued by administrative courts, which focus on resolving public law disputes and ensuring the protection of violated rights and legitimate interests of individuals and legal entities involved in the dispute, is mandatory. This mandatory nature emphasizes that the judicial guarantee of justice ensures the priority of the rights of legal entities and individuals in all structures and State bodies.

Another important aspect is that in the ranking of states for 2022, developed by WJP, there is a significant increase in Uzbekistan, and we can see an increase in the role of courts even when they record the 78th place in the total 140 States [1].

Thus, let us analyze on the basis of theoretical and practical sources that judicial acts, which are the basis for ensuring the real power of judicial bodies and justice, are the primary means of restoring violated rights and legitimate interests of persons. At the same time, first of all, the main object of analysis is the judicial acts adopted related to the activities of administrative courts.

The subject of the analysis is mainly the legislation of the Republic of Uzbekistan. But not limited to this, during the analysis, the norms of the legislation of other states, the results of scientific research, as well as the views of scientists are studied for comparison. Based on this, the main methods used throughout the article are meditations of social surveys, as well as meditations of comparative analysis, as well as meditations of detective and inductive research of legislation.

Main part.

It shows its relevance in the world to create favorable conditions for the protection of human rights and freedoms through the court, as well as to ensure guarantees of the rights of participants in the judicial process and interested persons to justice. After all, this guarantee is considered fully ensured only when a legal, justified and fair decision is made by the court and these decision decisions are enforced [2]. As the European Court of human rights correctly stated in one of its decisions, “... the court can provide sufficient ground to conclude that the decision of the settlement was a non-justifiable court hearing” (November 30, 1987, “H. v. Belgium”)[3].

The theory and practice of World procedural law also suggests that the right to a fair trial will depend on whether the decision decisions are followed in high quality, such as relying on specific grounds. Consequently, a lawful, reasoned and fair decision guarantees protection against arbitrariness and inadmissibility, enshrined in Article 8 of the Universal Declaration of human rights: “everyone, mobodo in it constitutions, as a violation of the fundamental rights enshrined by the law, practically ensures the norm that the prestigious national courts have the right to effectively recover their rights”[4].

As the court documents as described above, the decision of the court is of paramount importance. In particular, the decision of the court is considered to divide its final document and answer, and put the final point on the case. True, the decision of the settlement can be appealed or a protest can be brought. But if the resolution is issued following the norms of the law, its judicious power will never prevent it from being directed at execution by high instances. In administrative courts, which we receive as a subject, the issue of the decision of the court and its focus on execution is also considered important.

The legal concept of "decision", which is adopted by administrative courts, is given in Article 7 of the code of administrative judicial proceedings of the Republic of Uzbekistan . According to it, the court's decision was defined as "an admissible document in the court of First Instance on the results of a substantive viewing of a case" [5]. From this we can see that the decisions of administrative courts are made only in the courts of First Instance. In addition, the decision of the court is called by the same name in all categories of proceedings, that is, it is referred to in administrative courts as a kind of "decision" in all categories of cases.

As a rule, it is established in our legislation that documents with the same legal force as the decision of the court adopted in administrative courts are called differently in other courts. In particular, according to Article 6 of the civil procedural code : "the court of first instance makes a decision on the results of the content review of the case, and in cases provided for by Chapter 18 of the civil ptosessual code (proceedings in order of order), the adoption of a court order" is enshrined[6]. We can see that even in civil proceedings, it is established by legislation that the decision of the settlement is made only by the courts of First Instance.

We can also see the norm in Article 5 of the economic procedural code of the Republic of Uzbekistan, as in administrative and civil courts: "In the court of first instance, a decision is made to decide the case on the results of the content review" [7]. Unlike these proceedings in Criminal Procedural Law, the document that sees the case in content is considered a judgment. However, the definition of how the sentence is documented is not directly given in the Criminal Procedural Code. A separate Supreme Court Plenary decision can be seen about the verdict. In particular, the plenum of the Supreme Court of the Republic of Uzbekistan adopted the decision "On judicial judgment" No. 7 of May 23, 2014[8]. Paragraph 1 of this decision clearly states that the sentence of the Criminal Court: that every person who commits a crime is given a fair punishment or another measure of influence, and that no person who is not guilty shall be held accountable and not convicted is an important document of the fair trial on behalf of the Republic of Uzbekistan, which decides the main tasks of It is noteworthy that in other procedural legislation, decisions on the consideration of a case by content are made only in the courts of first instance, while in criminal courts, a sentence of such content can be made in all judicial instances.

In the process of reviewing and resolving administrative cases, the conclusions of the court are expressed in the form of judicial decisions issued in a specific procedural format. It is indicated that the decision of the first-instance court, which substantively resolves the case, is issued in the form of a judgment. This practice is not only followed by administrative courts but also by economic courts, based on Chapter 21 of the Economic Procedural Code of the Republic of Uzbekistan (hereinafter referred to as EPC), civil courts, based on Chapter 23 of the Civil Procedural Code of the Republic of Uzbekistan (hereinafter referred to as CPC), and arbitration courts. The similarities and differences among these judicial decisions are highlighted. Additionally, prominent scholars such as Sh.Sh. Shorakhmetov, M.M. Mamasidiqov, S.K. Zagaynova, and M.A. Gurvich have provided definitions of judicial judgments.

According to the opinions cited by scientists, in particular, M. Todjiboev, this decision is "a law enforcement document that is binding throughout the territory of the Republic of Uzbekistan and is compiled on the basis of current legislation and specific facts by the body authorized to administer justice"[9]. It will be possible to partially agree with this opinion, since we will also be able to include a decision and a ruling in the order of documents of such content. Therefore, it is considered the most significant aspect that the nature of the content resolution of the case prevails in the decision of the resolution.

According to legal scholars M. Mamasidiqov, Z. Esanova, and D. Habibullaev: "A judicial judgment is a procedural document issued by the court in a legally prescribed procedural form, which substantively resolves a dispute and restores violated or contested rights or legally protected

interests based on the substantive review of the case”[10]. This definition is also not devoid of certain shortcomings in terms of revealing the full features of a decision made by courts, in particular by administrative courts. In particular, it is controversial that it is a procedural document. The reason is that the decision of the settlement is considered a document that determines the viewing of the case in content, without being a procedural document, and only, as a rule, the first instance is accepted by administrative courts.

At the same time, we see that lawyer Artikov has developed scientific and practical proposals and recommendations concerning the importance for the court, the parties, the scope of the legality check, and the settlement decisions aimed at improving the effectiveness of reliable protection of the rights and freedoms of citizens and legal entities in conducting disputes on the territory of the Russian Federation. the basics of studying the current legislation of the Republic of Uzbekistan and [11].

Artikov paid attention to the special features of the decision on this proceedings in his scientific work on the topic “Administrative and legal aspects of seeing a case in court regarding the invalidity of a departmental normative legal document” on “cases on disputes over departmental and normative acts”, which is a kind of case in a separate order in the Administrative Court. From the fact that it is within the framework of a single proceedings, not much importance is felt in revealing the general content and essence of the decision.

Additionally, considering the experience of foreign countries, specifically, according to the opinion of Yuriy Aleksandrovich Barashkin, a judicial judgment is defined as: "a decision issued in the name of the state regarding the dispute between the parties in a claim, as well as in a special proceeding or in a case arising from administrative-legal relations[12]. However, it is difficult to say that this view is a definition that reveals the whole essence of the court decision. Because here the decision of the settlement is defined as a document issued on the object of the case being taken in court. We will also be able to include in the ranks of documents of this category. The reason for the finding is also taken directly on the object of a particular dispute.

Also, according to The Code of administrative judicial proceedings of the Russian Federation, the decision of the settlement is determined by the court of first instance in the name of the Russian Federation to be taken in essence in solving an administrative case[13]. It is also expressed that the decision of the settlement can be made by the court in the advisory room, and that the decision of the court in the advisory room can only be a judge who hears an administrative case alone, or judges who are part of the court that hears an administrative case. So, these definitions express the fact that a court decision can only be made by the courts of First Instance, and it can be made on the basis of the result of the consideration of the case in essence. At the same time, it was established that in the event of an administrative case being considered by the court in a collegial composition, judges would make a decision by voting. It has been established that judges cannot disclose information that has occurred during deliberation and decision making, and that judges should not otherwise disclose the secret of their meeting.

Also, according to The Code of administrative judicial proceedings of Ukraine, the decision of the settlement is established: “that it is a court decision that will end the consideration of the case in an administrative court, and that it will be adopted in the name of Ukraine”[14]. In the Code, judicial decisions that have acquired legal force are specified in a norm directly related to Ukraine, indicating their mandatory nature for all state authorities, local self-government bodies, their officials, both physical and legal persons, and their associations. Furthermore, provisions are articulated outside the Law on Court Proceedings that affirm the responsibility for non-compliance with a judicial decision and emphasize that if a decision is made regarding their rights, freedoms, benefits, or obligations, individuals who did not participate in the proceedings have the right to

appeal to the court. It is noted that the Code also includes a norm outlining the general aspects of judicial decisions.

According to article 7 of the Code of Administrative Procedure of the Republic of Uzbekistan, we see that in connection with the decision of the settlement agreement, the following rule is given: "in the court of first instance, a decision is made based on the results of consideration of the case on the merits." It can also be seen that article 154 of this Code defines the specifics and some aspects of the settlement decision. In particular, the Administrative Court makes a decision based on the results of the consideration of the case on the merits; the Administrative Court makes a decision on behalf of the Republic of Uzbekistan.; The decision of the Administrative Court is made after the end of the hearing; it is firmly established that the decision of the Administrative Court must be lawful and justified and that it can only be based on evidence considered during the hearing. These features are considered important criteria in the development and implementation of a theoretical definition of a court decision. If we pay attention to the definition of the decision as a judicial document expressed in article 7, it is impossible to understand the full content of the decision. Because it only establishes that it was adopted by the courts of first instance and that the decision on the case is made based on the results of consideration of the content. This legal definition is not enough, in our opinion, to reveal the general essence of the decision rendered by the administrative courts.

Conclusion.

Based on the above, a judicial decision accepted by administrative courts is defined as follows for the intended purpose: a judicial decision issued by administrative courts after examining the substance of the case at the first instance and concluding the proceedings, mandated by the Republic of Uzbekistan for all involved parties. This definition suggests that a judicial decision is accepted by administrative courts only as a first-instance court's examination of the case. Additionally, such a judicial decision is accepted in the name of the Republic of Uzbekistan. Therefore, a judicial decision determines mandatory compliance for all participants and stakeholders involved in the issues addressed and resolved through the decision.

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