

The Gap Between Normative Recognition of Rights and Their Practical Realization: A Case Study of The Administrative Law System in Uzbekistan

 Dilshod Soliyev

Senior Lecturer, University of World Economy and Diplomacy, Tashkent, Uzbekistan

Received: 25 April 2026; **Accepted:** 20 May 2026; **Published:** 08 June 2026

Abstract: This article examines the development and functional effectiveness of administrative justice in Uzbekistan, conceptualized as a hybrid system that combines specialized administrative courts with a unified supreme judicial structure. While this institutional design seeks to balance judicial expertise with doctrinal consistency, its practical capacity to ensure effective rights protection remains underexplored.

Using a mixed-methods approach, the study integrates analysis of the World Justice Project Rule of Law Index (2020–2024) with empirical survey data from legal professionals. The findings indicate a persistent gap between formal institutional reforms and their practical implementation, particularly in relation to judicial independence, procedural consistency, and the enforcement of court decisions. Survey results further highlight judicial specialization as a critical determinant of institutional performance.

The article argues that although Uzbekistan has established the structural foundations of administrative justice, its transition toward a fully effective rights-protection mechanism requires strengthening judicial autonomy, improving enforcement practices, and advancing professional capacity within the judiciary. By providing a functional assessment of a hybrid administrative model, the study contributes to broader discussions on judicial reform in transitional legal systems.

Keywords: Administrative justice; hybrid judicial model; judicial independence; rule of law; administrative courts; judicial reform; enforcement of court decisions; judicial specialization; transitional legal systems; Uzbekistan

Introduction: The institutionalization of administrative justice represents not merely a structural reconfiguration of judicial authority but a deeper transformation in the normative architecture of state–society relations. Rooted in the evolving conception of the social contract, administrative adjudication embodies the transition from hierarchical governance toward a legal order grounded in accountability, rights protection, and judicial oversight of public power. In contemporary rule-of-law discourse, administrative courts are widely recognized as essential mechanisms for constraining executive discretion and safeguarding individuals from unlawful state interference (Ardiansyah et al., 2024).

For transitional and developing democracies, the

creation of an effective system of administrative justice carries particular significance. Beyond resolving disputes, such courts contribute to legal predictability, enhance public trust in institutions, and foster a culture of justification within public administration. Consequently, the maturity of administrative adjudication is increasingly viewed as a diagnostic indicator of democratic consolidation rather than merely a technical attribute of judicial organization (Carlos Botero et al., 2022)

Evolutionary Trajectory of Administrative Justice in Uzbekistan The development of administrative justice in Uzbekistan has unfolded through a multi-stage process characterized by institutional experimentation, normative recalibration, and gradual doctrinal

differentiation (Eshimbetov, 2023). This trajectory may be analytically structured into five phases.

Normative-Symbolic Phase (1991–2000). Following independence, the legal system retained substantial elements of Soviet jurisprudence, particularly the model of procuratorial supervision. Although administrative review mechanisms formally existed, they functioned largely as symbolic guarantees without the institutional autonomy necessary for meaningful judicial control over executive action (Исламходжаев, 2014).

Institutional Incubation (2001–2010). This period witnessed early legislative modernization aimed at strengthening the judiciary. However, administrative disputes remained procedurally subsumed within civil litigation, thereby constraining the emergence of a distinct public law methodology and limiting the courts' capacity to address the structural asymmetry between citizen and state (Eshimbetov, 2023).

Reform Catalyst (2011–2016). Rapid economic transformation and the expansion of regulatory governance intensified the demand for specialized judicial oversight. Academic and policy discourse increasingly framed administrative justice as indispensable to sustainable legal development, marking a shift from formal recognition toward functional necessity (Eshimbetov, 2023).

Specialization and Structural Separation (2017–2020). The establishment of a vertically organized system of administrative courts constituted a decisive institutional breakthrough. By departing from the universalist judicial model, the reform enabled the formation of professional expertise in public law adjudication and strengthened the judiciary's ability to scrutinize administrative decision-making under conditions of inherent party inequality (Nematov, 2020).

Human Rights–Oriented and Digitalized Justice (2020–Present). The current phase reflects a normative reorientation toward substantive rights protection, accompanied by the integration of digital technologies designed to enhance transparency, procedural efficiency, and accessibility (Nematov, 2020). The adoption of an "active court" model signals an emerging willingness to move beyond formal neutrality toward a more engaged form of judicial review.

The 2017 Institutional Turning Point Among these stages, the 2017 reform represents a paradigmatic shift in Uzbekistan's legal development. The structural differentiation of administrative courts signaled an explicit commitment to aligning domestic judicial architecture with globally recognized principles of administrative legality (Нематов, 2022). Specialized

adjudication is particularly critical in public law contexts, where the imbalance of power between the individual and the state necessitates heightened judicial vigilance.

Yet comparative experience demonstrates that institutional differentiation alone does not guarantee effective rights protection. European administrative traditions have long illustrated the distinction between formal judicial availability and substantive judicial effectiveness, emphasizing that procedural design, evidentiary standards, and judicial culture are equally determinative (Ardiansyah et al., 2024). (Thomas & Tomlinson, 2017)

Research Gap. Despite substantial legislative progress, an important analytical question remains insufficiently explored: to what extent has the formal establishment of administrative courts translated into practical and effective judicial protection? Existing scholars has largely concentrated on doctrinal reforms and statutory developments, often assuming a linear relationship between institutional creation and functional success.

Such assumptions risk obscuring persistent structural challenges, including:

- ambiguity in the allocation of the burden of proof;
- inconsistencies in judicial interpretation;
- residual administrative influence within adjudicatory processes;
- and tensions between formal legality and discretionary governance.

These dynamics suggest the possibility of a divergence between law on the books and law in action, a phenomenon well documented in comparative administrative law but insufficiently examined in the Uzbek context.

Research Objective and Contribution. This study seeks to bridge this scholarly gap by advancing a functionally oriented assessment of administrative justice in Uzbekistan. Moving beyond descriptive legal analysis, the research evaluates whether the contemporary system delivers substantive remedies capable of constraining public authority or whether it continues to operate predominantly within a formalist paradigm.

By situating Uzbekistan's experience within broader theoretical debates on judicialization, administrative accountability, and rights-based governance, the article contributes to comparative public law scholarship while offering insights relevant to other transitional legal systems undergoing institutional transformation.

THEORETICAL FRAMEWORK: THE "HYBRID" MODEL

Uzbekistan's system of administrative justice may be most accurately conceptualized as a hybrid institutional order, combining structural elements traditionally associated with both dualist and monist judicial architectures (Jalalov R, 2024). On the one hand, the establishment of specialized administrative courts reflects the Continental European commitment to differentiated public law adjudication. On the other hand, the integration of these courts within a unified Supreme Court structure preserves hierarchical coherence, a characteristic more commonly associated with Anglo-American judicial models.

Rather than representing a transitional anomaly, such hybridity should be understood as a deliberate strategy of institutional adaptation. Contemporary comparative scholars increasingly recognizes that legal transplants rarely produce pure doctrinal replicas (Nematov, 2020); instead, they generate context-sensitive syntheses shaped by political priorities, administrative capacity, and legal culture. In this respect, Uzbekistan's model reflects an effort to reconcile specialization with jurisprudential unity, ensuring consistency in legal interpretation while cultivating expertise in public law disputes.

The supervisory role of the Supreme Court's Chamber for Administrative Cases is particularly significant in this regard. By functioning as a doctrinal stabilizer, it mitigates the risk of fragmentation that often accompanies the creation of specialized jurisdictions. At the same time, excessive centralization may constrain the interpretive autonomy necessary for administrative courts to develop a robust rights-protective jurisprudence (Held, 2022). This structural tension—between unity and independence—constitutes one of the defining features of hybrid systems.

Philosophically, the Uzbek framework draws upon the Rechtsstaat tradition (Ахмедов И.А et al., 2012), which posits that all exercises of public authority must remain subject to legal constraint and judicial scrutiny. Within this paradigm, equality before the law is not merely a formal guarantee but a procedural reality achieved through accessible and effective judicial remedies. However, the operationalization of Rechtsstaat principles depends less on constitutional rhetoric than on institutional practice (Brito Bastos, 2021). Hybrid systems therefore present a critical analytical question: do they enhance accountability through pragmatic flexibility, or do they risk diffusing responsibility across overlapping institutional logics?

This study approaches Uzbekistan's administrative judiciary not simply as an organizational arrangement but as a normative project situated at the intersection

of imported doctrine and domestic legal evolution.

METHODOLOGY

To evaluate the functional effectiveness of administrative justice, this research adopts a mixed-methods design integrating quantitative benchmarking with empirical perception data. Such triangulation strengthens analytical validity by enabling cross-verification between macro-level indicators and micro-level institutional experiences.

Secondary Data Analysis. The study examines Uzbekistan's performance in the World Justice Project Rule of Law Index from 2020 to 2024 (Carlos Botero et al., 2022), with particular attention to sub-factors directly associated with administrative adjudication, including judicial independence, procedural timeliness, and enforcement capacity. International indices serve not as definitive measurements but as comparative diagnostic tools that illuminate structural trajectories over time.

Empirical Survey. A pilot survey was conducted among 100 legal professionals whose institutional proximity to administrative proceedings provides informed evaluative perspectives. The sample included judges (10%), court personnel (20%), practicing lawyers (50%), and legal officers within public institutions (10%). Although exploratory in scope, the survey offers valuable insight into operational dynamics that remain underrepresented in doctrinal literature.

Statistical Reliability. Survey data were processed using demographic and reliability analysis using SPSS Statistics 27. Internal consistency across thematic clusters was assessed through Cronbach's Alpha, with coefficients exceeding 0.70 interpreted as demonstrating acceptable reliability. The resulting values indicate strong coherence within respondent groups, supporting the analytical credibility of the dataset.

By combining international benchmarking with practitioner-based evidence, the methodology enables a more nuanced assessment of whether institutional reforms have translated into measurable improvements in judicial protection.

RESULTS

1 International Benchmarking. Data derived from the World Justice Project reveal a cautiously concerning trajectory regarding the practical autonomy of administrative justice. Most notably, the sub-factor measuring the absence of government influence declined from 0.09 in 2020 to 0.07 in 2024, suggesting persistent vulnerabilities in judicial independence.

Although indicators related to freedom from unreasonable delay (0.20) and effective enforcement

(0.12) remained relatively stable, their modest scores point to systemic constraints rather than operational maturity. Stability at low levels should not be mistaken for institutional equilibrium; instead, it may reflect entrenched structural limitations resistant to incremental reform.

Taken together, these findings underscore a familiar phenomenon in comparative public law: the coexistence of formally advanced legal frameworks with uneven practical implementation. The Uzbek case thus illustrates a divergence between institutional architecture and functional autonomy.

2 Survey Findings and Reliability Analysis. Survey responses clustered around four principal dimensions of administrative performance:

- **Institutional and Structural Issues ($\alpha = 0.829$).** High reliability suggests broad professional consensus regarding jurisdictional ambiguity, infrastructural limitations, and organizational inefficiencies.
- **Judicial Independence ($\alpha = 0.755$).** Respondents expressed sustained concern about executive influence and the reluctance of administrative bodies to fully comply with judicial directives.
- **Procedural Quality ($\alpha = 0.808$).** While formal procedural safeguards are widely acknowledged, their application appears inconsistent, revealing a gap between legislative design and courtroom practice.
- **Judicial Specialization ($\alpha = 0.940$).** The exceptionally high coefficient identifies professional competence and targeted training as the most decisive variables shaping institutional effectiveness.

Collectively, the data suggest that the future trajectory of administrative justice may depend less on additional legislative reform than on investments in professional capacity and adjudicatory expertise.

DISCUSSION

1 The Active Court Principle and Substantive Equality. A defining feature of Uzbekistan's administrative procedure is the adoption of the active court principle, rooted in inquisitorial traditions of public law adjudication. Unlike adversarial civil proceedings, this model obliges judges to engage proactively in evidence-gathering, thereby compensating for the structural asymmetry between individuals and state authorities (Xamedov et al., 2023).

In theory, such judicial engagement operationalizes substantive equality by preventing informational imbalances from predetermining case outcomes. Yet both survey data and recent scholarship indicate that this principle remains only partially institutionalized. Limited investigative practice among judges suggests

the persistence of procedural formalism, where courts rely excessively on party submissions despite possessing broader evidentiary powers.

This tension highlights a deeper transformation still underway: the shift from passive legality toward an adjudicatory culture oriented around rights protection.

2 Enforcement Deficits and Systemic Constraints. The research identifies enforcement as the system's most consequential structural vulnerability. Even when courts successfully invalidate administrative acts—illustrated by the annulment of 2,720 regional executive decisions in 2024—the restoration of violated rights is frequently delayed by bureaucratic resistance.

From a comparative perspective, unenforced judgments risk undermining the very legitimacy of judicial review. European human rights jurisprudence has consistently affirmed that access to a court is illusory if final decisions lack practical effect (Rastorhuiev et al., 2021). Administrative justice, therefore, must be evaluated not only by adjudicatory quality but also by the state's willingness to internalize judicial authority.

The persistence of administrative inertia suggests that institutional reform must extend beyond the judiciary to encompass the behavioral norms of public administration itself.

CONCLUSION AND RECOMMENDATIONS

Uzbekistan has succeeded in constructing the institutional foundations of administrative justice; however, the transition from structural presence to substantive effectiveness remains incomplete. Bridging this gap requires reforms that prioritize operational autonomy, procedural depth, and enforcement credibility.

Strengthening Judicial Independence. Eliminating reporting obligations from court leadership to local political bodies would reduce channels of informal pressure and reinforce decisional neutrality.

Reinforcing the Active Judicial Role. Clarifying evidentiary responsibilities within the Code of Administrative Court Procedure could accelerate the transition toward genuinely inquisitorial adjudication.

Ensuring Effective Enforcement. The introduction of escalating financial penalties and personal liability mechanisms for non-compliant officials would enhance the practical authority of judicial decisions.

Advancing Deep Specialization. Developing narrowly focused training pathways—such as tax, land, and customs adjudication—within the Higher School of Judges would strengthen doctrinal sophistication and improve the consistency of legal reasoning.

Final Analytical Insight. The Uzbek experience illustrates a broader lesson for transitional legal systems: institutional architecture alone cannot produce the rule of law. Courts must evolve from symbolic guarantors into operational centers of accountability, supported by administrative cultures that recognize the binding force of judicial review. Administrative justice in Uzbekistan thus stands at a critical inflection point. Having constructed the structural “skeleton” of rights protection, the next phase of reform must cultivate the jurisprudential vitality and institutional reflexes necessary for a truly living system of legality—one in which the supremacy of law is reflected not only in statutes, but in everyday governance.

REFERENCES

1. Ardiansyah, Wandu, Suparto, Rafi, M., & Amri, P. (2024). Bibliometric analysis and visualization of state administrative law in Scopus database from 2017–2021. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2310935>
2. Brian Z. Tamanaha. (2004). *On the Rule of Law. History, Politics, Theory*. University Press.
3. Brito Bastos, F. (2021). Doctrinal Methodology in EU Administrative Law: Confronting the “Touch of Stateness.” *German Law Journal*, 22(4), 593–624. <https://doi.org/10.1017/glj.2021.20>
4. Carlos Botero, J., David Agrast, M., Ponce, A., Campbell, E., Davis, J., Evangelides, A., Fuller, J., Futtner, N., Jardon, N., Omer, S., Primiani, T., Rodríguez Cajamarca, N., Thomaidis, V., Woodbury, M., the assistance of Said Aarji, with, Jacobs, S., Le, V., Matchum, K., Mousa, N., ... Stoyanov, P. (2022). *The world justice project. Rule of law index 2022*. <https://worldjusticeproject.org/sites/default/files/documents/WJPIndex2022.pdf>
5. Cosens, B. A., Craig, R. K., Hirsch, S. L., Tony Arnold, C. A., Benson, M. H., Decaro, D. A., Garmestani, A. S., Gosnell, H., Ruhl, J. B., & Schlager, E. (2017). The role of law in adaptive governance. *Ecology and Society*, 22(1), 12. <https://doi.org/10.5751/ES-08731-220130>
6. Eliantonio M., & Ranchordas S.H. (Eds.). (n.d.). *Review of European Administrative Law* (p. 287). REALow.
7. Eshimbetov, M. U. (2023). The Stages of Administrative Court Establishment and Development in Uzbekistan. *International Journal of Social Science Research and Review*, 6(2), 543–546. <https://doi.org/10.47814/ijssrr.v6i2.1058>
8. European court of human rights. (1999). https://www.hrw.org/legacy/lgbt/pdf/smith_and_grady.pdf
9. Held, M. (2022). The Development of the Administrative Court Systems in Transition Countries and Their Role in Democratic, Economic and Societal Transition. *Croatian and Comparative Public Administration*, 22(2), 209–236. <https://doi.org/10.31297/hkju.22.2.5>
10. Jalalov R. (2024). Инсон Ҳуқуқлари Ғоясининг Шаклланиши. *Eurasian Journal of Law, Finance and Applied Sciences*, 4(10). <https://doi.org/10.5281/zenodo.14021035>
11. Kaplunov, A., & Ukhov, V. (2023). International scientific and practical conference «Actual problems of administrative and administrative-procedural law» (Sorokin readings) (24 March 2023, St. Petersburg). *Vestnik of the St. Petersburg University of the Ministry of Internal Affairs of Russia*, 2023(3), 267–279. <https://doi.org/10.35750/2071-8284-2023-3-267-279>
12. Kleandrov, M., & Pluzhnik, I. (2018). The range of administrative justice specializations in Russia and the other brics countries. *BRICS Law Journal*, 5(2), 24–48. <https://doi.org/10.21684/2412-2343-2018-5-2-24-48>
13. Nematov, J. (2020). Transformation of Soviet Administrative Law: Uzbekistan’s case study in judicial review over administrative acts. *Administrative Law and Process*, (1 (28)), 105–125. <https://doi.org/10.17721/2227-796x.2020.1.08>
14. Ospanova, D., Kussainov, D., Suleimanov, A., Kussainov, A., & Abilsheeva, R. (2018). Problems of administrative law in the system of public administration. *International Journal of Law and Management*, 60(6). <https://doi.org/10.1108/IJLMA-08-2017-0177>
15. Perlingeiro, R. (2016). A Historical Perspective on Administrative Jurisdiction in Latin America: Continental European Tradition versus U.S. Influence. *British Journal of American Legal Studies*, 5(1), 241–289. <https://doi.org/10.1515/bjals-2016-0008>
16. Prasetyo, F. N. A., & Jaelani, A. K. (2022). The Changing of Environmental Approval Administrative Law Perspective. *Journal of Human Rights, Culture and Legal System*, 2(3), 191–208. <https://doi.org/10.53955/jhcls.v2i3.55>
17. Rastorhuiev, O., Makushev, P., Pukhtetska, A., Hridochkin, A., & Smaznova, I. (2021). Protection of Human Rights and Freedoms in the Administrative Proceedings of the European Union. *Hasanuddin*

- Law Review, 7(3), 210–225.
<https://doi.org/10.20956/HALREV.V7I3.3215>
18. Rose-Ackerman, Susan., & Lindseth, P. L. . (2013). Comparative administrative law. Edward Elgar.
19. RSilkenat James EHickey Jr Peter DBarenboim Editors, J. (2014). The Legal Doctrines of the Rule of Law and the Legal State (Rechtsstaat) (Vol. 38). Springer International Publishing.
<http://www.springer.com/series/7888>
20. Skóra, A., Srebalová, M., & Papáčová, I. (2022). Administrative judiciary is looking for a balance in a crisis. Juridical Tribune, 12(1), 16.
<https://doi.org/10.24818/TBJ/2022/12/1.01>
21. Thomas, R., & Tomlinson, J. (2017). Mapping current issues in administrative justice: austerity and the ‘more bureaucratic rationality’ approach. Journal of Social Welfare and Family Law, 39(3), 380–399.
<https://doi.org/10.1080/09649069.2017.1363526>
22. Tsymbaliuk, V., Yakymchuk, M., Pasichniuk, V., Grygus, I., & Stankiewicz, B. (2020). Problems of the application of the national administrative legislation system in studying the “administrative law” discipline. Journal of Physical Education and Sport, 20.
<https://doi.org/10.7752/jpes.2020.s2134>
23. Ахмедов И.А, Хван Л.Б, & Цай И.М. (2012). Административное право Республики Узбекистан. Общая часть. Консультинформ-нашр.
24. Исламходжаев, Х. С. (2014). Основные этапы реформирования судебно-правовой системы Республики Узбекистан. Studia i Analizy, 32.
25. Нематов, Ж. (2022). Ўзбекистонда МаъмурийОдил Судлов Муаммолари ва Маъмурий Судлар Фаолияти Самарадорлигини Ошириш Имкониятлари. Yurisprudensiya, (1), 15–29.
26. Хамедов, И. А., Кутыбаева, Е. Д., Цай, И. М., & Файзиёв, Ф. М. (2023). Современное административное право Республики Узбекистан. Dimal.