

**FURTHER IMPROVEMENT MECHANISMS OF THE LEGAL PROTECTION
MECHANISM OF ADMINISTRATIVE PRE-TRIAL APPEAL COUNCILS**

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“Justice must not only be done, but must also be seen to be done”

Lord Hewart

Annotation: Pre-trial administrative appeals play an important role in protecting citizens’ rights against state decisions and increasing trust in public administration. This article analyzes the experience and reforms being implemented by Uzbekistan in this regard, in particular the appeal councils under the Ministry of Justice. At the same time, differences in the effectiveness aspects of the United Kingdom and the Netherlands are analyzed. The article highlights the reform of public administration, increasing digital transparency, and the modernization of legal systems in the field of administrative justice. The analyses and approaches presented in this article examined the mechanism of resolving administrative disputes before trial not only as a technical procedure, but also as a profound transformation of legal culture, based on the experiences of the appeal councils within the framework of Uzbekistan’s 2024–2025 pilot project and the practices of the United Kingdom and the Netherlands.

Keywords: Administrative appeal, pre-trial protection mechanism, appeal councils under the Ministry of Justice, comparative administrative law, United Kingdom tribunals, Netherlands bezwaar procedure, public administration, independence of appeal bodies, mediation in administrative law, OECD public governance, protection of citizens’ rights.

Administrative pre-trial appeal councils are an important mechanism for protecting the rights of citizens and legal entities against administrative decisions and actions adopted by state bodies. This system makes it possible to resolve disputes in a faster and less expensive way before applying to the court. The main purpose of this is to ensure the fairness of administrative decisions, reduce corruption, and increase citizens’ trust in the state. This mechanism is a fundamental principle of administrative law, which grants citizens the right to appeal against the decision of a state body to a higher authority or a special council. Pre-trial appeal mechanisms make it possible to correct errors internally and, in developed systems, reduce the burden on courts by 60–80%. According to international standards, such as the requirements of the European Union, such a mechanism must be independent, transparent, and mandatory¹.

Since 2016, special attention has been paid in Uzbekistan to the development of citizen-oriented governance. The Code on Administrative Court Proceedings adopted in 2018 made pre-trial appeal mandatory in many cases. In accordance with Resolution No. PQ-188 of the President of the Republic of Uzbekistan dated May 19, 2025 “On the introduction, as a legal

¹ <https://lawgazette.com.sg/practice/global-news/judicial-and-legal-reform-in-uzbekistan/>



experiment, of a new procedure for pre-trial consideration of disputes concerning administrative documents related to the provision of public services,” appeal councils were established under the Ministry of Justice in order to ease the activities of administrative courts². Appeal councils were established under the Ministry of Justice of the Republic of Uzbekistan and the Tashkent City Department of Justice, and many responsibilities were assigned to the appeal councils by administrative bodies in accordance with legislation. Through these councils, an opportunity was created for the prompt and effective protection of the rights and legitimate interests of citizens and business entities. Through this mechanism, the appeal councils were granted the right to adopt decisions on amending, partially, or completely revoking the relevant administrative documents. At the same time, administrative documents that may be revoked or amended only through judicial procedure were established as exceptions in legislation, and this was aimed at ensuring the principle of separation of powers and the independence of the judiciary.

In general, these powers granted to the appeal councils in the Presidential Resolution were intended to serve as a logical continuation of administrative reforms in ensuring openness, accountability, and the rule of law in public administration. As a result, the institutional role of justice bodies is strengthened, creating a basis for increasing citizens’ trust in state bodies³. In particular, within the framework of the Presidential Resolution, it was established as a legal experiment that the legality of administrative documents adopted regarding 25 types of public services would be reviewed collegially by the appeal councils without charging any fee⁴. The appeal councils carry out their activities independently from state bodies, other organizations, and officials, and their decisions are placed in the “E-qaror” electronic system in accordance with the procedure established by law.

This is regulated by the Law of the Republic of Uzbekistan “On Administrative Procedures,” and in practice, the main part of these services is provided through Public Service Centers within the system of the Ministry of Justice. In accordance with Article 82 of this Law, if an administrative body fails to fulfill an obligation under an administrative document adopted by it within the prescribed period, or within ten days if such period is not specified, the interested person has the right to file a complaint in the prescribed manner. Usually, such disputes are considered by administrative courts in accordance with the Code “On Administrative Court Proceedings”⁵.

In the Republic of Uzbekistan, various reforms are being implemented in order to effectively carry out and improve the activities of appeal councils introduced in the field of public services. Uzbekistan’s reforms aim to modernize public administration and adapt it to OECD standards, namely the standards of an organization that helps improve policy through the exchange of experience among countries, analysis of information, and the creation of common standards⁶. Uzbekistan is not a full member of the OECD, but a memorandum of cooperation has

² <http://lex.uz//ru/docs/-7532799>

³ Adliya vazirligi huzuridagi apellyatsiya kengashining birinchi yig‘ilishi bo‘lib o‘tdi (2025). GOV.uz.

⁴ https://uza.uz/uz/posts/fuqarolarning-davlat-xizmatlariga-oid-shikoyatlari-korib-chiqildi_744389

⁵ O‘zbekiston Respublikasining “Ma’muriy tartib-taomillar to‘g‘risida”gi Qonuni 82-moddasi

⁶ OECD Public Governance Reviews: Uzbekistan, 2024



been signed between our state and the OECD, covering 19 priority areas. Even without being an OECD member, Uzbekistan applied the adaptation method, which is a common practice used by many developing countries such as Kazakhstan or Brazil. For Uzbekistan, this is considered an effective way to accelerate economic growth and improve citizens' lives. For this purpose, our state has been implementing the following stages:

2017–2018: Administrative courts were established, and pre-trial appeal was made mandatory (30-day period).

2020: The principle of “one court – one instance” was introduced, reducing the risk of corruption.

2023: Appeal processes were digitalized and structures were simplified⁷.

These reforms, adapted to OECD goals such as ensuring sustainable economic growth, employment, and improving living standards while maintaining financial stability, brought forward issues such as digitalization, strengthening communication with citizens, increasing responsibility, paperless appeals, and prompt resolution.

In assessing the activities of appeal councils being introduced in the field of public services in Uzbekistan, it is first appropriate to analyze foreign experiences that are legally and institutionally close to our country.

The main reforms and activities implemented in the field of administrative courts and appeal systems in the United Kingdom include the following:

The first stage began with the adoption of the “Tribunals, Courts and Enforcement Act 2007 (TCE Act 2007).” This law is considered one of the most important documents that fundamentally reformed the tribunal system of the United Kingdom. Creation of a unified tribunal system – previously, separate tribunals and committees existed in different areas. The TCE Act unified them and created a two-tier unified system. Tribunal members are independent from the judicial system and possess special qualifications, operating separately from state bodies.

At the same time, Procedure Rules were introduced in tribunals, making the processes uniform and fair. Subsequently, online tribunal platforms were introduced by HM Courts & Tribunals Service (HMCTS). Citizens gained the opportunity to submit complaints online, upload documents, and monitor processes. In the United Kingdom, the tribunal system resolves a large portion of administrative disputes (often 70–80%) before trial. This system complies with European Union and international standards in terms of independence, transparency, and efficiency. Most cases were carried out in the fields of immigration, social assistance, taxation, and education⁸.

In the Netherlands, reforms in the field of administrative law and pre-trial appeals have a long history, with the main changes implemented in the late twentieth and early twenty-first centuries. The most important reform was the Algemene wet bestuursrecht (AWB) – the General

⁷ OECD Public Governance Reviews (2024)

⁸ Tribunal Statistics Quarterly: July to September 2025. GOV.UK.



Administrative Law Act, which is considered the main document of Dutch administrative law. It entered into force on January 1, 1994. This law is considered the first document to codify administrative law into a unified and general system. More than 30 amendments were introduced into the AWB, and the bezwaar process⁹ was made mandatory throughout the country, through which citizens or companies were required to object to the decision of a state body. This is the stage before applying to the court.

It was established that bezwaar must be submitted within 6 weeks after the announcement of the decision. The administrative body became obliged to reconsider its decision and amend or revoke it if there was an error. The main purpose of this was to enable administrative bodies to correct their own mistakes internally and prevent unnecessary cases from reaching the courts. Mediation is widely used in the bezwaar process – this helped resolve disputes quickly and through agreement. As a result, 70–75% of administrative disputes are resolved before trial. It became possible to apply to the court only if the bezwaar was rejected. Administrative courts began to consider only serious disputes. Appeals could be submitted to a higher court (Raad van State or another instance). The AWB model is considered one of the most successful administrative law codes in the European Union and serves as a model for many states. This system serves to make relations between citizens and the state fair and effective¹⁰.

Based on these experiences, the success of the Appeal Councils established in Uzbekistan primarily depends on ensuring their independence, strengthening the mandatory enforcement of decisions, and increasing transparency. Uzbekistan's mandatory appeal procedure resembles the bezwaar procedure of the Netherlands, since it applies to all administrative decisions, whereas in Uzbekistan, pre-trial administrative complaints are required only in certain fields such as taxation, licensing, and others. Therefore, applying the pre-trial administrative complaint system to all areas would contribute to the prompt resolution of administrative complaints and to the more effective organization of administrative court proceedings.

At the same time, elevating relations between citizens and authorities to a new level, adapting to OECD standards, and adapting foreign experiences – for example, the independence of the United Kingdom tribunal system and the promptness of the Netherlands bezwaar procedure – may become for Uzbekistan not only a reform tool, but also an important strategic direction for democratizing society. The improvement of pre-trial administrative appeal mechanisms in Uzbekistan is a fundamental pillar of building a rule-of-law state, serving to effectively protect citizens' rights against decisions of state bodies, reduce the burden of bureaucracy, and strengthen the sense of justice in society.

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⁹ Davlat organining qaroriga qarshi chiqishning birinchi bosqichi hisoblanadi

¹⁰ Algemene wet bestuursrecht (AWB) (Niderlandiya).



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