



## **SOME ISSUES OF ORGANIZING THE ACTIVITY OF ADMINISTRATIVE COURTS**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 11 <sup>th</sup> February 2023	In this article, the reforms carried out in the last 5 years in order to
<b>Accepted:</b> 11 <sup>th</sup> March 2023	properly organize the activities of the courts and ensure the quality and
<b>Published:</b> 17 <sup>th</sup> March 2023	efficient implementation of the judicial activities are briefly discussed. Also, based on the specific features of the cases handled by the administrative courts, proposals were made on the effective organization of their activities.

**Keywords:** Justice, judicial reforms, administrative court, organization of administrative court activities, extraterritorial jurisdiction, providing information to Local councils of People's Deputies.

### **INTRODUCTION**

Certain procedures and organizational measures are required to effectively carry out any activity, including the activity of courts related to the administration of justice.

Ensuring the quality and efficient implementation of judicial activities, which is the main task of the judiciary, depends on the proper organization of the activities of the courts.

Issues of the organization of judicial activities, including the organization of the work of courts and direct judges, organizational maintenance of the activities of courts, are of great importance for ensuring the effectiveness of justice [1, 102-103].

According to V. Nesterov, the organization of court activities is defined as organizing the work of courts in a systematic and thoughtful manner. [2, 2].

In other words, the organization of court activities is the creation of necessary and favorable conditions for courts, judges, and court officials for the effective implementation of judicial activities.

The correct organization of court activities serves to ensure the full accounting of the volume of work of judges and court employees, the fair distribution of court cases, the quick and high-quality performance of the duties assigned to the court system, and as a result, the goal of justice is achieved.

### **THE MAIN CONTENTS**

It should be noted that increasing the efficiency of judicial activity, creating all the conditions for its full and independent implementation is one of the issues that the leadership in our country is constantly paying attention to.

As a proof of this, the action strategy for the five priority directions of the development of the Republic of Uzbekistan in 2017-2021 and the new development strategy of Uzbekistan for 2022-2026

show that special attention is paid to the organizational and legal issues of court activities.

In particular, in these program documents, the issues of increasing the position of judges and court staff, the level of material and social support, strengthening the material and technical base of the courts, strengthening the court apparatus, introducing modern information and communication technologies into the activities of the courts are defined as the priority directions and goals of further reforming the judicial system.

A number of practical measures have been taken in our country to achieve these goals.

The term of office of judges has been changed, the procedure for appointing (election) them to the post for the first time for a period of five years, then for a period of ten years, and then for an indefinite period has been introduced [3].

The system of selecting candidates for the position of judge and appointing them to the position of judge has been fundamentally improved. The participation of judges in this process has been expanded, and most of the powers to appoint judges have been transferred from the President of the Republic of Uzbekistan to the community of judges. For this, the Supreme Council of Judges was established [4].

An independent and unified system of training of candidates for judicial positions, retraining of judges and court personnel, improvement of their qualifications has been created. The High School of Judges under the Supreme Council of Judges was established [5].

Practical measures were taken to independently solve the issues of material and technical support and financial provision of the courts. For this purpose, first of all, the Department of Ensuring the Activity of the Courts was established at



the Supreme Court [6]. The Department was entrusted with the task of providing the courts materially and technically and financially, creating the necessary conditions for the operation of the courts, improving working conditions, and organizing the material and social support of judges and employees of the judicial apparatus.

In order to ensure the independence of courts in matters related to material and technical support, the Fund for the Development of Judicial Authorities was established [7].

Starting from 2021, the salaries of judges and court employees have been fully transferred to the financing system from the State budget [8]. Salaries of judges and court officials have been significantly increased.

Modern information and communication technologies have been actively introduced into the activity of justice. In particular, systems have been created to apply to courts remotely, participate in court hearings using a video conference system, automatically distribute cases between judges, publish court decisions on the Internet, and send executive documents for mandatory execution electronically [9].

At the next stage of the introduction of information technologies into the activities of the courts, the types of interactive electronic services provided to citizens and business entities were expanded, and online monitoring of the progress of consideration of each appeal to the court was ensured. Measures were taken to transfer the information exchange of courts with other state bodies to a fully electronic form, for which the information systems of the courts were integrated with the information systems of 28 state bodies and organizations [10].

Measures were taken to ensure the openness and transparency of the activities of judicial bodies, to expand open dialogue with the population, and to strengthen the role of the public in the administration of justice.

For this purpose, the procedure of systematically publishing court decisions on the website of the Supreme Court was gradually introduced, the practice of explaining the court document's content which was read out, to the participants of the court proceedings was started, and also, to inform the public and the mass media about the activities of the courts, quarterly briefings by the chairmen of the regional courts and their deputies were established [11].

## OFFER AND CONCLUSION

There is no doubt that the reforms carried out on the organizational and legal support of court activities will serve to ensure the effective implementation of judicial activities and the independence of courts, including administrative courts.

However, taking into account that in disputes considered by administrative courts, there is always a state body or organization with authority as a party, it is a constant necessity to further strengthen the activity of such courts from the organizational and legal point of view.

It should be noted that today, in the event that authorities (local governments), other state bodies or organizations, or their officials violate the rights and legal interests of citizens or business entities, their protection is carried out by the administrative court in the place where these governments, other state bodies or organizations are located.

In such a case, there is a high probability that the administration, other state body or organization will interfere in the administrative court case and influence it, and because officials are in constant contact with the judge on the basis of their official duties, there is an opportunity for corruption.

This leads to the emergence of reasonable doubts about the impartiality of the administrative court in citizens or business entities whose rights have been violated, as well as to the rightful objections.

The decreasing trust of citizens or business entities in the administrative court is seen in the fact that in 2018 the administrative courts considered 17 424 complaints against the decision of a state body or the actions of an official, while this number 16 255 in 2019, 15 066 in 2020, 15 146 in 2021, and 15 344 in 2022 [12].

In order to prevent the above-mentioned situation, it is proposed to introduce to the activity of administrative courts a mechanism of extraterritorial jurisdiction at the request of a citizen or a business entity whose rights have been violated.

This mechanism is used in the following order:

When a citizen or business entity whose rights have been violated has doubts about the impartiality of the administrative court, he/she has the right to file an application for hearing the case in an administrative court in a region other than the one where the authority (local government), other state body or organization is located;

in the case of such an application, the complaint will be transferred to an administrative court



in another region for review through an automated system introduced into the operation of administrative courts.

It should be noted that such an opportunity is created only for cases decided by inter-district administrative courts and regional administrative courts.

The introduction of the proposed mechanism into the activity of administrative courts will ensure the effective protection of the rights and legal interests of citizens or business entities by such courts, the elimination of suspicions of the population regarding the corrupt situations in the activities of the courts, also serves to further strengthen the independence of administrative courts in the process of considering cases involving the authority or organization.

In addition, in the process of studying the organizational issues of the activity of administrative courts, it is appropriate to pay attention to the issues of providing information by the chairmen of the courts to the Councils of People's Deputies.

According to the first part of article 52 of the Law "On Courts", chairperson of the Administrative Court of the Republic of Karakalpakstan, Administrative Court of the region and Tashkent city shall submit not less than once a year to the Jokargy Kenes of the Republic of Karakalpakstan, the regional, Tashkent city Local councils of People's Deputies information on the activities of the court in the implementation of judicial protection of the rights and freedoms of citizens, as well as the rights and legally protected interests of legal entities.

The same procedure is established in inter-district administrative courts, according to the first part of article 56 of the Law "On Courts" chairperson of the Inter-district Administrative Court shall submit not less than once a year to the relevant Local councils of People's Deputies information on the activities of the court in the implementation of judicial protection of the rights and freedoms of citizens, as well as the rights and legally protected interests of enterprises, institutions and organizations.

By the decision of the Supreme Council of Judges No. SOKQ-798-III dated September 14, 2018, the Procedure for providing information to the Jokargy Kenes of the Republic of Karakalpakstan, the Local councils of People's Deputies of the relevant regions, districts and cities was approved, in which some recommendations have been made to the chairmen of the courts, including the chairmen of the administrative courts, regarding the provision of information.

According to the contents of paragraph 2 of this Procedure, court chairmen, including administrative court chairmen, are required to address the following issues in their information:

- the composition of the presiding court and cases related to the trial of this court;
- the total number and categories of work performed in the relevant area (region, district, city) during a certain period, the dynamics of growth or decline and its reasons;
- analytical information on the number and resolution of appeals;
- analytical information about open dialogues with population, mobile court sessions;
- a brief summary of some important cases considered in court and court decisions made in connection with them;
- directions of cooperation with law enforcement, citizens' self-governance bodies and public organizations (Youth Union, Veterans Foundation, Women's Committee, etc.) and its effectiveness;
- carried out legal promotion work (newspaper, magazine, radio, television);
- the conditions that cause the occurrence of crimes and offenses in the territory and enable them to be committed, as well as the measures taken by the court to eliminate them;
- brief information about the submissions made by the court against the guilty persons, the private decisions issued and their execution;
- the work being done to improve the quality of justice, to ensure openness and transparency, and public opinion in this regard;
- measures being taken to improve the efficiency of the execution of court documents;
- various threats, pressure, influence, cases of direct or indirect interference in the judicial process against judges and court officials and other similar information.

According to this Procedure, the members of the Local councils of People's Deputies may ask questions to the chairmen of courts, including the chairmen of administrative courts, only on the basis of the given information, or make suggestions and opinions related to the court's activity, and it is determined that it should be accepted by the Council of People's Deputies as information and that this information should not be negotiated or discussed.

The Council of People's Deputies will make a decision based on the results of hearing the information of the chairmen of the court.



In accordance with article 24 of the Law "On Local Bodies of State Authority", the decision of the Council of People's Deputies on this issue is sent to the Supreme Council of Judges of the Republic of Uzbekistan.

In its decision, the Council of People's Deputies, based on the information provided in the information, gives assignments relevant state and public organizations on the prevention of crimes, violations and other illegal acts in the territory, including illegal decisions of state bodies, illegal actions of their officials, and the elimination of the conditions that allow them to be committed.

However, in practice, there are cases where the Councils of People's Deputies have assigned tasks to the courts themselves in their decision, and in some cases, they have been assigned tasks that are not related to the judicial activity.

For example, in the decision of the People's Deputies of the Uzun District Council of the Surkhandarya Region on February 8, 2022, the Supreme Council of Judges is asked to study the activities of judges working in the courts of first instance and to give a legal assessment, and to pay special attention to the selection and placement of personnel.

Taking into account that the mayor (hokim) of the region, district, city is considered the chairman of the Council of People's Deputies at the same time, in our opinion, it is appropriate to cancel the procedure of providing information to the Council of People's Deputies for administrative courts.

The abolition of this procedure will undoubtedly lead to further strengthening of the independence of administrative court judges.

Ensuring the independence of judges serves to accelerate democratic processes, and only independent judges can be an effective tool in implementing the principle of mutual restraint and balance in state administration.

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