

**PRINCIPLES OF ADMINISTRATIVE PROCEDURES IN UZBEKISTAN'S
LEGISLATION: REGULATORY FRAMEWORK AND COMPARATIVE LEGAL CONTEXT****Makhmudjanov Fakhriyor**

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Abstract: This paper examines the principles of administrative procedures under the Law of the Republic of Uzbekistan 'On Administrative Procedures' of January 8, 2018 (No. ZRU-457). Paper looks at Articles 8–19 through a formal legal lens and highlights where the rules fall short, both in how they are designed and how they work in practice. It also compares Uzbekistan's approach with Kazakhstan's 2020 Administrative Procedural and Processual Code, focusing on key structural and substantive differences. In the end, the paper offers practical recommendations, particularly on how to better define the limits of administrative discretion.

Keywords: administrative procedures, principles, administrative act, discretionary powers, protection of legitimate expectations, proportionality, Central Asia.

Introduction and Relevance of the Problem

Until 2018, Uzbekistan had no general law governing how state bodies should interact with citizens when making individual administrative decisions. Licensing, registration, and permit procedures were scattered across dozens of sector-specific regulations, each with its own logic, its own deadlines, and its own understanding of what an applicant could expect from the state. The Law 'On Administrative Procedures' (hereinafter the LAP), adopted on January 8, 2018, and effective from January 9, 2019, changed that. For the first time, the country's legal system acquired a unified framework of rules and, more importantly, a set of binding principles that apply to all administrative bodies.

The LAP drew on the German *Verwaltungsverfahrensgesetz* of 1976.¹ The final Uzbek text, however, was substantially reworked to fit the post-Soviet legal environment.² What emerged is a law with ten principles (Articles 8–18), whose mandatory application is stipulated by Article 19. This paper addresses a central question: to what extent do these principles function effectively in practice? And how do they compare with the system adopted by Kazakhstan two years later?

The Principles of the LAP: Structure and Implementation Gaps

¹Soyipov H., Juraeva A., Wang C. Administrative procedures: Uzbekistan's case // *Society and Innovations*. 2022. Vol. 3, No. 7/S. P. 292–300.

²Proceedings of the International Conference 'German Doctrine of Administrative Law and the Formation of the Institute of Administrative Procedures in Central Asia' (Tashkent, May 25, 2021) // *Scientific Notes of the Institute of State and Law, Academy of Sciences of the Republic of Uzbekistan*. 2022. Vol. 1. P. 19–20.

The LAP establishes ten principles: legality, proportionality, equality and non-discrimination, protection of legitimate expectations, openness and transparency, priority of the rights of interested persons, prohibition of bureaucratic formalism, substantive absorption, the 'one-window' rule, and lawfulness of administrative discretion. Several of these had no precedent in Uzbekistan's legal system. The principle of substantive absorption (Article 13), for instance, prohibits state bodies from requesting documents whose content is already covered by materials previously submitted. The principle of protection of legitimate expectations (Article 12) gives individuals the right to rely on the stability of an administrative act and to plan accordingly. These provisions reflect a conceptual shift from what Khamedov, Khvan, and Tsai (2012) describe as a system built around punitive functions toward one oriented at protecting the individual.³

That shift, however, has been incomplete. Yusupov (2024), analyzing how the LAP's principles operate in practice, found that many administrative bodies treat them as declarations rather than binding norms.⁴ Consider the 'one-window' principle (Article 14). The law requires the administrative body to obtain inter-agency documents on its own, without involving the applicant. In practice, applicants are routinely sent to collect certificates from other agencies themselves. Khvan (2020), examining the registration of non-governmental organizations, documented cases where justice officials demanded documents not required by law and rejected applications on grounds the LAP does not recognize. The principle of prohibition of bureaucratic formalism (Article 11) was directly violated, yet no consequences followed.

This points to a deeper problem. Article 19 makes the principles mandatory, but the LAP does not specify what happens when they are breached. There is no provision stating that an administrative act adopted in violation of a principle is unlawful or subject to annulment. Ashurov (2025) identifies this enforcement gap as one of the central obstacles to making the LAP effective.⁵

The principle of lawfulness of administrative discretion (Article 18) raises a separate difficulty. Discretionary powers are always at risk of sliding into arbitrariness. The LAP states a general requirement that discretion must be exercised lawfully, but says nothing about how to evaluate whether a particular exercise of discretion was proper. What criteria should apply? The Yearbook of Public Law 2018, devoted to the topic of principles, examined how various Central Asian jurisdictions have approached this question and found Uzbekistan's formulation to be among the least detailed.⁶

³Khamedov I.A., Khvan L.B., Tsai I.M. Administrative Law of the Republic of Uzbekistan. General Part. Tashkent: Konsauditinform-Nashr, 2012. P. 409–410.

⁴Yusupov S. Some aspects of the application of the basic principles of administrative procedures in Uzbekistan. 2024.

⁵Ashurov Sh. Administrative Law of the Republic of Uzbekistan: Current State, Challenges and Development Prospects. 2025.

⁶Pudelka J. (ed.) Yearbook of Public Law 2018: Principles. Moscow: Infotropic Media, 2018. P. 2–11, 37–61.

Comparative Analysis: The Kazakhstan Model

Kazakhstan adopted its Administrative Procedural and Processual Code (APPK) on June 29, 2020, three years after Uzbekistan's LAP. The APPK entered into force on July 1, 2021. Unlike Uzbekistan's approach, the APPK integrates administrative procedures and administrative court proceedings within a single codified act. Its system of principles (Article 6) covers both domains.⁷

Two differences with Uzbekistan's LAP deserve attention. First, the APPK contains twelve principles, compared to Uzbekistan's ten. The additional principles are the active role of the court (Article 16), and fairness (Article 8). The active role of the court allows judges to investigate facts on their own initiative, compensating for the structural inequality between a citizen and a government body in a public-law dispute. Musayev (2026), comparing Kazakhstan's principles with foreign models, argue that these additions were deliberately designed to offset the power imbalance between the state and the individual.⁸

Second, the APPK explicitly ties the violation of principles to legal consequences. Under Article 6, a breach of the principles — depending on its nature and severity — results in the recognition of administrative acts as unlawful and their annulment. The LAP has no equivalent provision. This asymmetry weakens the regulatory force of Uzbekistan's principles: if violating a principle carries no stated consequence, officials have limited incentive to comply.

Third, the APPK devotes a separate article (Article 11) to the limits of administrative discretion. It prohibits the use of discretion for discriminatory purposes or for objectives not contemplated by the empowering legislation. Podoprighora (2021), in his commentary on the APPK, explains that this provision was drafted in response to persistent problems with arbitrary decision-making by local executive bodies.⁹ Uzbekistan's Article 18 lacks this level of specificity.

Conclusions and Recommendations

The LAP introduced a principled framework for administrative procedures that did not previously exist in Uzbekistan's legal system. The principles themselves are sound in concept. The problem lies in enforcement and specificity. Based on the analysis above, three recommendations can be formulated.

⁷Podoprighora R.A. Explanatory Memorandum on the Provisions of the APPK of the Republic of Kazakhstan. Almaty, 2021. P. 8–12.

⁸Musayev P. Principles of Administrative Procedure and Proceedings in Kazakhstan against the Background of Foreign Experience. 2026.

First, the LAP should establish a direct link between the violation of procedural principles and the invalidity of the resulting administrative act, following the model of Article 6 of Kazakhstan's APPK. Without this link, principles remain aspirational.

Second, the principle of lawfulness of administrative discretion (Article 18) needs operational criteria. The law should specify the boundaries of discretion and the grounds on which it can be challenged, as Kazakhstan has done in Article 11 of the APPK.

These changes could be implemented through the new edition of the LAP, a draft of which has been under discussion since 2021. Whether the political will exists to adopt them remains to be seen. What is clear is that without stronger enforcement mechanisms, the gap between the principles written in the text and the procedures followed in practice will persist.

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