

## TRANSFORMATION OF SOVIET ADMINISTRATIVE LAW: UZBEKISTAN'S CASE STUDY IN JUDICIAL REVIEW OVER ADMINISTRATIVE ACTS

*Judicial protection against individual and normative acts of the public administration continues to be problematic in Uzbekistan. One central reason for this mischief is the continuing prevalence of Soviet-style ideas and patterns in legal thinking as well as the legal practice. This article describes the problems of jurisdictions face when trying to overcome their Soviet heritage by developing legal protection in administrative matters, and analyses the strategies for the improvement of this situation. Key factors are a comprehensive and harmonised development of administrative procedure and administrative litigation in the field of legislation, and what might be termed a "constitutionalisation" of legal thinking, theory and teaching – i.e. the respect for values enshrined in Constitution such as the rule of law and access to judicial protection against the public administration – in the field of legal science. Uzbekistan is a good example how foreign partners and donors of international legal assistance can help strengthen these factors.*

*This paper explores (1) to what extent Soviet thinking on judicial review over administrative acts has been set aside or to what extent is it still alive in today's Uzbekistan, and (2) what are the transformation points of judicial review. Overall, I argue that Soviet thinking on judicial review over administrative acts has big change in legislation level under new regime of Uzbekistan, however legal reforms are not still accepted by legal practice, doctrine and legal education.*

*To analyse these statements, the first step is to describe the main characteristics and legal reforms on judicial review over administrative acts taken in Soviet period (part II). Part III and IV analyses the current legal system and judicial practise of Uzbekistan. Lastly, I map out recent steps taken to introduce some reforms in the field of judicial review over administrative acts in Uzbekistan (part V).*

**Key words:** Soviet style administrative justice, administrative litigation, administrative procedure, legal education, the Strategy Action 2017–2021, administrative courts, jurisdiction, case study, textual positivism, judge-made law.

# Soviet Administrative Law Theory And Policy

**K Morrison**



## **Soviet Administrative Law Theory And Policy:**

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George Ginsburgs, Ger P. van den Berg, Gianmaria Ajani, William B. Simons, 2024-12-30 *Soviet Administrative Law*, 1968

*Public Policy And Law in Russia: In Search of a Unified Legal And Political Space* Robert S. Sharlet, F. J. Ferdinand Joseph Maria Feldbrugge, Donald D. Barry, 2005 This work traces the attempt to complete the creation of a unified legal and political system in contemporary Russia Multiple political and legal aspects of the problem are examined by both political scientists and legal scholars The volume focuses on post Soviet developments in Russia especially during the Putin administration The contributors perspectives include constitutional law judicial development law reform human rights federalism and international law The collective study finds that much progress has been made toward the unification of political and legal space in Russia although significant problems remain to be addressed in order for the process to continue to move forward

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European Law ,1999      **Legal and Institutional Framework for Empowerment of Rural Communities in the Kyrgyz Republic** Asel Ibraimova,2009 This research assessed whether democratic decentralisation in Kyrgyzstan has empowered rural communities and also focused on self organisation efforts that evolved in rural communities after independence Seven case study villages were studied and interviews with key informers were conducted including members of local governance bodies organisations introduced by development agencies and organisations existing since Soviet times A literature review and an analysis of the Kyrgyz legislation and government policies were carried out A model was developed adapting criteria for effectiveness of organisations to assess existing Kyrgyz rural organisations and institutions      Administrative Law and Governance in Asia Tom Ginsburg,Albert H.Y. Chen,2008-10-30 This book examines administrative law in Asia exploring the profound changes in the legal regimes of many Asian states that have taken place in recent years Political democratization in some countries economic change more broadly and the forces of globalization have put pressure on the developmental state model wherein bureaucrats governed in a kind of managed capitalism and public private partnerships were central In their stead a more market oriented regulatory state model seems to be emerging in many jurisdictions with emphases on transparency publicity and constrained discretion This book analyses the causes and consequences of this shift from a socio legal perspective showing clearly how decisions about the scope of administrative law and judicial review have an important effect on the shape and style of government regulation Taking a comparative approach individual chapters trace the key developments in the legal regimes of major states across Asia including China Japan Korea Malaysia Taiwan Hong Kong Indonesia Singapore the Philippines Thailand and Vietnam They demonstrate that in many cases Asian states have shifted away from traditional systems in which judges were limited in terms of their influence over social and economic policy towards regulatory models of the state involving a greater role for judges and law like processes The book also considers whether judiciaries are capable of performing the tasks they are being given and assesses the profound consequences the

judicialization of governance is starting to have on state policy making in Asia

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Donald D. Barry, 2019-07-26 The contributors to this volume all specialists on Soviet law and politics offer a comprehensive examination of the effort to create a law based state in the Gorbachev era U S S R thus effecting a fundamental change in the relationship between the state and private groups and individuals Gianmaria Ajani Donald Barry Harold Berman Frances Foster Simons George Ginsburgs John Hazard Kathryn Hendley Eugene Huskey Dietrich Loeber Peter Maggs Hiroshi Oda Nicolai Petro Robert Sharlet Louise Shelley Will Simons and Peter Solomon with commentary by Soviet scholars discuss conceptual historical social cultural and institutional aspects of Soviet legal development and supply detailed analysis of recent developments in the areas of civil criminal and labour law and the rights of individuals economic organizations and political and social groups **University of Michigan Official Publication**, 1959 Democratic Theory and

Post-communist Change Robert D. Grey, 1997 With the demise of authoritarian governments in Europe and South America the fall of Communism in eastern and central Europe and the dissolution of the Soviet Union scholars of democratization have been provided with an opportunity to test their theories against reality Democratic Theory and Post Communist Change represents the result of a collaborative effort of scholars trained in political science sociology law and economics These scholars analyze relevant democratic theory and apply it to recent events in the formerly communist states Editor Robert D Grey introduces this analysis by tracing the rise and fall of communism and examining democracy in the post communist world Other sections examine what political entities need to do to make the transition to democracy and ensure its stability whether or not The People matter to democracy and what political orientations are supportive of it The conversion to Rule of Law and Constitutionalism and their relationship to democracy and the free market are studied How democracy will fare in an environment of cultural diversity what the development and impact of economic policy will be and how the promotion and support of democracy by international powers will affect its success are among the topics considered An interdisciplinary fusion of theory and empirical analysis Democratic Theory and Post Communist Change represents a comprehensive and informative study of the conditions for and processes of democratization in the former communist world **Complaints to**

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period of over 100 years and shows how and why at major historical crossroads Russia chooses between full fledged legal modernization and saving the authoritarian social contract between the state and society This book will be especially useful to scholars researching Soviet society and Post Soviet transformations socio legal studies and liberal legal reforms but will also appeal to those working in the broader fields of Russian politics the history of Soviet society and justice issues more generally     *Guide to International Legal Research* ,2009

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