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Subject-Matter Jurisdiction And The Allocation Of Public-Law Administrative Disputes Among Courts In Uzbekistan: From Formal Demarcation To A Functional-Causal Model Of Jurisdiction

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ABSTRACT

This article examines the reform of subject-matter jurisdiction and the allocation of public-law disputes among courts under the draft revised Code of Administrative Judicial Procedure of the Republic of Uzbekistan. The study draws on a doctrinal analysis of the Constitution, the current Code, Resolution No. PP-33 of the President of the Republic of Uzbekistan dated 30 January 2025, the draft Code, and its accompanying comparison table. It employs the comparative legal method and a qualitative analysis of a sample of judicial decisions retrieved from the Supreme Court's database at public.sud.uz. The findings indicate that the draft appropriately moves from an exhaustive list of cases to a framework combining a general jurisdictional clause covering public-law disputes, a system of administrative claim types, and a mechanism for transferring cases filed with the wrong court. However, the continued reliance primarily on a criterion based on the identity and status of the parties, together with the incomplete coverage of transfers between different court jurisdictions, creates new risks of negative conflicts of jurisdiction and infringements of the right to a "tribunal established by law." The study's original contribution lies in developing a functional-causal model for determining administrative jurisdiction, comprising institutional, functional, and rights-protection tests, alongside a criterion for determining whether a claim for damages is derivative. The article proposes a comprehensive mechanism for transferring cases to the competent court while preserving the original filing date, as well as detailed rules governing automated case allocation beyond territorial boundaries. The conclusions are intended to inform the revision of Articles 29–38 of the draft Code and the development of a predictable system for directing public-law disputes to the appropriate court.

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1. Introduction

The right to judicial protection has practical value only when a person can determine in advance which court is required to hear their dispute. An error in selecting the judicial branch or territorial court should not become a penalty in its own right for the legal complexity of the state. This consideration is particularly important in public-law disputes: a citizen or business faces an entity that enjoys organisational, informational, and coercive advantages. Jurisdictional rules are therefore not a neutral, "technical" part of procedure, but an element of the constitutional guarantee of effective judicial protection.

Article 55 of the Constitution of the Republic of Uzbekistan guarantees everyone judicial protection; the right to challenge unlawful decisions, actions, and omissions of state bodies and other organisations; the determination of their case by a competent, independent, and impartial court within the period prescribed by law; and compensation by the state for damage caused by the unlawful exercise of public authority. Article 20 requires irreconcilable contradictions and ambiguities in relations between individuals and state bodies to be interpreted in favour of the individual. These provisions establish both the institutional and the interpretative foundations for delineating judicial competence (Constitution of the Republic of Uzbekistan, 2023, arts. 20, 55).

The establishment of specialised administrative courts in 2017 was a structural response to the need for judicial review of public administration. According to the official data cited in Presidential Resolution No. PP-33 of 30 January 2025, administrative courts had examined approximately 120,000 applications and complaints, 57 per cent of which were upheld. Later official data, presented in September 2026, indicate that nearly 150,000 cases have been heard since 2017 and that unlawful decisions of state bodies were annulled in more than 70,000 of them (YUZ News, 2026). The difference can be explained by the different reporting periods and counting methods; both figures confirm the systemic importance of administrative justice, but neither substitutes for a transparent statistical methodology.

Presidential Resolution No. PP-33 of 30 January 2025 approved the Concept for Improving Legislation on Administrative Judicial Procedure and set the task of preparing a revised Code.

Its expressly stated objectives include clearly defined subject-matter jurisdiction for administrative courts; the assignment to those courts of all public-law disputes involving an administrative body; a review of competence across judicial levels; review of the legality of normative acts of local authorities; and extraterritorial adjudication through automated court selection. The draft Code of Administrative Judicial Procedure translates these policy and legal objectives into Articles 29–38.

The research problem is that expanding the list of cases does not, in itself, guarantee a gap-free jurisdictional framework. A new classification of claims may improve judicial protection while also creating questions at the boundaries of jurisdiction: when does an organisation act specifically as a holder of public authority; may a damages claim accompany a claim seeking a declaration that an administrative act is unlawful; what happens where a criminal court exercising jurisdiction over administrative offences is competent; and how can extraterritorial jurisdiction be reconciled with the principle of a tribunal established by law?

The article aims to evaluate the draft model of administrative courts' subject-matter, hierarchical, and territorial jurisdiction and to propose a legislative framework that minimises negative conflicts of competence. It pursues four objectives: (1) to reconstruct the current and proposed jurisdictional architecture; (2) to formulate a substantive test for identifying a public-law dispute; (3) to assess the adequacy of case-transfer and jurisdictional rules through judicial practice; and (4) to compare Uzbekistan's solutions with approaches in Germany, Estonia, Japan, and Kazakhstan and with international standards of access to court.

The central argument is as follows: a stable delineation of jurisdiction requires a shift from asking "which body is named as the defendant?" to asking "what function did it perform, in what legal relationship did the dispute arise, and what outcome must the court secure?" This functional-causal model preserves the specialisation of administrative courts without creating disputes for which no court assumes responsibility or artificially splitting interrelated claims.

2. Literature Review and Theoretical Framework

In comparative administrative law, the jurisdiction of specialised courts is viewed as deriving from the model for controlling public authority, rather than merely from the organisation of the judiciary. The distinction between monist and dualist systems does not displace a common requirement: access to judicial review must be effective, and rules of competence must be predictable (Harlow & Rawlings, 2009; Rose-Ackerman, Lindseth & Emerson, 2017; Cane, 2016).

Continental legal systems typically combine a general clause covering public-law disputes with specific exceptions and a typology of claims. This combination enables courts to classify disputes by their substantive nature, without reducing jurisdiction to an exhaustive list of administrative bodies or acts.

For Uzbekistan, criticism of the legacy of the Soviet model of administrative law is particularly significant. J. Nematov has shown that legislative recognition of judicial review is not always accompanied by a change in legal thinking: textual positivism, classification primarily by the identity and status of the parties, and the insufficient constitutionalisation of judicial practice can restrict effective access to administrative courts (Nematov, 2020). This finding remains relevant to the revised Code. The more detailed the legislation becomes, the greater the risk that a list will mistakenly be treated as exhaustive and that protection will be denied to a dispute that does not fit the literal template. L. Golovko similarly shows that legal reform in Central Asia is shaped both by political limits and by theoretical deformations in legal doctrine (Golovko, 2011).

In post-Soviet legal scholarship, the terms “podvedomstvennost” and “podsudnost” traditionally denote two successive levels of case allocation. Podvedomstvennost identifies the competent jurisdictional system or judicial branch; podsudnost identifies the particular court by level and territory. For an international audience, the closest equivalents are, respectively, subject-matter jurisdiction and hierarchical/territorial jurisdiction (venue).

These equivalents are not exact, however. The national concept of podvedomstvennost encompasses both subject matter and the delineation of different judicial procedures; podsudnost combines competence by category of case, judicial instance, and territory. Accordingly, this article uses the overarching concept of “judicial routing”: the legally regulated process of identifying the competent judicial branch, level, and territory.

International standards do not prescribe a particular model of specialised courts, but they do establish requirements concerning the outcome. Article 14(1) of the International Covenant on Civil and Political Rights guarantees equality before courts and the right to a competent, independent, and impartial tribunal established by law.

The UN Human Rights Committee emphasises that this guarantee serves the proper administration of justice and the rule of law (Human Rights Committee, General Comment No. 32, 2007).

Recommendation Rec(2004)20 of the Committee of Ministers of the Council of Europe requires judicial review of administrative acts to be available at least to persons whose rights or interests are directly affected. The case law of the European Court of Human Rights permits procedural conditions on access, but assesses their foreseeability, legitimate aim, proportionality, and freedom from excessive formalism (Zubac v. Croatia [GC], 2018, §§ 76–99).

These provisions are used as comparative benchmarks for effective judicial protection, rather than as ECHR standards formally binding on Uzbekistan.

On this basis, a jurisdictional rule should perform three functions. First, a positive function: clearly identifying the court required to hear a public-law dispute. Second, a negative function: preventing parallel adjudication of a single substantive conflict by different judicial branches. Third, a remedial function: if the applicant makes an error, the system should itself complete the routing process without loss of the filing deadline or repeated payment of costs. It is this third function that remains the most vulnerable.

3. Materials and Methods

The research reflects the position as at 4–14 August 2026. The corpus of primary sources comprises the Constitution of the Republic of Uzbekistan; the current Code of Administrative Judicial Procedure (hereinafter, the current CAJP); Presidential Resolution No. PP-33 of 30 January 2025 and the Concept approved by it; the Constitutional Law “On the Cabinet of Ministers of the Republic of Uzbekistan”; resolutions of the Plenum of the Supreme Court; and the draft revised CAJP (hereinafter, the draft CAJP). Statistical data were updated as at 22 September 2026.

The study employs formal legal analysis of legislative texts; systemic interpretation informed by the constitutional guarantee of judicial protection; the comparative legal method; functional analysis of types of administrative claims; and the case-study method.

The systems selected for comparison offer different but relevant solutions: a general jurisdictional clause and mandatory transfers between judicial branches in Germany; a model in Estonia under which the court returns the complaint but must explain the competent forum (a contrasting example); a developed typology

of administrative claims and alternative territorial connecting factors in Japan; and a closely related post-Soviet and regional model, including extraterritorial jurisdiction, in Kazakhstan.

Judicial practice was examined through purposive, rather than statistical, sampling of decisions from the public database at public.sud.uz. The sample included decisions suitable for testing the draft provisions on jurisdiction and remedies. The ruling of the Tashkent Interdistrict Administrative Court of 19 February 2025 in case No. 5-1001-2502/321 and the judgment of the same court of 21 January 2025 in case No. 5-1001-2406/3190 are analysed in detail. The sample does not claim to be representative and is used to identify how the problem arises, rather than the frequency of particular outcomes.

4. The Current Model: A Broad General Clause and Fragmented Judicial Routing

Article 26 of the current CAJP establishes a broad rule: administrative courts have jurisdiction over cases concerning the protection of the rights, freedoms, and legitimate interests of citizens and legal entities arising from administrative and other public-law relationships, except for cases within the jurisdiction of the Constitutional Court and the civil, economic, and military courts.

Legislation may assign additional cases to administrative courts; claims falling within different judicial branches may not be joined. Article 27 lists the principal categories: challenges to departmental normative acts; decisions and actions of administrative bodies, citizens' self-government bodies, and electoral commissions; notarial and registration actions; and other public-law cases.

This framework contains an internal tension. The general clause directs the court towards the substantive nature of the legal relationship, whereas the list directs it towards the type of body and document. In practice, the list often begins to perform a restrictive, rather than illustrative, function. A borderline dispute is assessed by the formal designation of the defendant or act, although the same entity may act in both a public and a private capacity. A state body that concludes an ordinary supply contract does not create a public-law dispute merely by virtue of its status. Conversely, a private or quasi-state organisation to which the law delegates a public function of licensing, allocating a scarce public resource, or applying a mandatory tariff may issue a decision of a public-law nature.

The 2023 amendments introduced Article 27^3, under which an application filed with the wrong court is transferred from an administrative court to a civil or economic court. If the error is discovered after proceedings have commenced, the case file is transferred and the administrative proceedings are terminated. This marks a substantial departure from the former model of returning applications and requiring refiling: the accompanying materials indicate that more than 500 cases were transferred after the introduction of the "single window". However, the rule is limited in the range of receiving courts it identifies and does not encompass all judicial branches and types of proceedings.

Under Article 32, territorial jurisdiction is tied to the location of the administrative body or the official's place of work. An application against several defendants may be filed, at the applicant's choice, at the location of any one of them (art. 33). Article 34 governs transfers between administrative courts where a case was accepted in breach of jurisdictional rules, where recusals make adjudication impossible, or where other statutory grounds exist.

At the same time, Articles 29 and 30 permit higher administrative courts and the Supreme Court, "depending on special circumstances", to take over any case and hear it at first instance or transfer it to another court. The indeterminacy of "special circumstances" weakens the predictability of the court established by law and calls for restrictive regulation.

5. Draft Articles 29–38: Systemic Improvements and Areas of Risk

The draft retains the two-stage structure of "subject-matter jurisdiction — allocation among courts", but substantially changes its content. The principal changes are presented in Table 1.

Table 1. Key Jurisdictional Changes in the Draft CAJP

Area	Current model	Draft model	Assessment

Area	Current model	Draft model	Assessment
General subject-matter jurisdiction	Rights of citizens and legal entities; public-law relationships; list of exceptions	Protection of "interested persons"; public-law relationships; typology of claims	Expands the range of parties, but requires a substantive test of the public function
Types of claims	Primarily an "application (complaint)" challenging an act	Claims for review, mandatory orders, prohibitory orders, declarations, and other relief	Links jurisdiction to the remedy sought and enables more complete redress
Normative acts	Departmental normative acts	Acts of national ministries and agencies; local normative acts	Closes an important gap, but does not name the Cabinet of Ministers
Related damage	Mixed claims are generally separated	Related damages may be claimed jointly; a standalone claim goes to a civil/economic court	A sound approach if causal and factual connections are clearly defined
Wrong judicial branch	Transfer only to a civil or economic court	Similar transfer mechanism and prohibition of jurisdictional disputes	Does not cover criminal courts or other competent judicial procedures
Wrong territorial jurisdiction	Transfer of a case already accepted	Transfer of the application before acceptance and of the case after acceptance	Reduces formalism; the filing date must be expressly preserved and time limits suspended
Extraterritorial jurisdiction	Not available	At the claimant's request, a court is selected automatically beyond the usual territorial connecting factors	Strengthens objective impartiality, but requires a transparent algorithm and safeguards against forum shopping
Supreme Court takeover of a case	"Special circumstances"	Power retained	Requires exhaustive grounds, reasoned decisions, and scrutiny of the impact on appeal rights

5.1. The General Clause and the System of Administrative Claims

Draft Article 29 assigns to administrative courts cases concerning the protection of the rights and legitimate interests of interested persons arising from public-law relationships, except for cases within the jurisdiction of other expressly identified courts. Replacing "citizens and legal entities" with "interested persons" is appropriate: it encompasses individual entrepreneurs, foreign nationals, stateless persons, public entities, and other parties where the law grants them standing.

Article 30 structures the list by reference both to the object of the challenge and to the remedy sought. It provides for challenges to an administrative act or an independently appealable procedural document; claims requiring the adoption of an act or the performance of an action; claims prohibiting an action that creates a

real threat of infringement; declarations concerning the existence or absence of a public-law relationship or the unlawfulness of an interference that has ended; challenges to refusals to perform notarial or registration actions; and review of an enforcement instrument of a public-law nature. This model reflects the distinction between quashing, mandatory, prohibitory, and declaratory claims.

This innovation matters for two reasons. First, applicants need not artificially challenge a "letter" or "refusal" when their actual objective is to obtain action from the administration. Second, protection becomes preventive: a prohibitory claim allows judicial intervention before irreversible harm occurs. Comparison with §§ 42–43 of the German VwGO and Article 3 of Japan's Administrative Case Litigation Act confirms that a typology of claims is not a formality, but a means of aligning the scope of the judicial decision with the type of infringement.

However, the list of claims must not itself become a new closed catalogue. Article 30 should retain the non-exhaustive formula "in particular" and expressly require courts to classify claims by their substance rather than their title, while explaining to applicants the consequences of refining their claims.

Kazakhstan's approach, under which courts are not bound by the wording of a claim and may assist in clarifying it (Administrative Procedural and Process-Related Code, art. 116), accords with the principle of an active judicial role and can be adapted without undermining party disposition.

5.2. Mixed Claims and Compensation for Damage

The draft permits a claim for compensation for damage causally connected to the challenged administrative act or action to be joined to an administrative claim; a standalone damages claim remains within the jurisdiction of a civil or economic court. This directly develops Article 55 of the Constitution and could eliminate situations in which a person must first establish the unlawfulness of public authority in one set of proceedings and then prove much of the same factual material again in another.

A formula based solely on a "causal connection" is nevertheless insufficient. Causation is a condition of substantive liability, but it does not always suffice for procedural joinder.

An administrative court should have ancillary jurisdiction where four conditions are met cumulatively:

(1) the damages claim is based on the same administrative act, action, or omission;

(2) the factual core of the evidence substantially overlaps;

(3) resolution of a private-law issue does not become the independent focus of the dispute;

(4) joint adjudication is necessary to secure complete and consistent redress.

If, for example, the dispute requires the determination of ownership rights between private persons or performance of a separate commercial contract, the claim should be severed. The administrative court's severance ruling should bind the receiving court as to the competent judicial branch and should not deprive the claimant of the original filing date.

5.3. Judicial Review of Normative Acts

The draft assigns review of normative acts of local authorities to the administrative courts of the Republic of Karakalpakstan, the regions, and the city of Tashkent acting at first instance, and review of normative acts of national ministries and agencies to the Supreme Court. Collegiate adjudication at the regional level is justified for local acts because they apply to an indeterminate class of persons and have a heightened public impact. The accompanying materials report that, in 2025 and the first half of 2026 alone, 56 local normative acts were repealed in the e-qaror system following prosecutors' protests. Judicial review adds an avenue for individuals to initiate rights protection and an independent assessment of legality.

However, the draft lacks rules governing the effects of judgments reviewing normative acts. It should specify whether a declaration of unlawfulness operates erga omnes; when the act or the relevant part ceases to have effect; whether that consequence may be deferred to prevent a legal vacuum; how persons who relied on the act in good faith are protected; who must publish the operative part of the judgment and within what period; and whether the court may suspend the act pending judgment and under what test. The preferable model gives the judgment general effect following official publication, while allowing the court to specify a later date where immediate cessation would cause manifestly disproportionate public harm, and preserving individual redress for the applicant. This, in turn, leaves scope for further refinement.

5.4. Competence by Judicial Level and the Takeover of Cases

Draft Article 32 retains the interdistrict administrative court as the ordinary court of first instance. Article 33 assigns cases involving state secrets and disputes concerning local normative acts to regional administrative courts. Article 34 establishes the Supreme Court's first-instance jurisdiction over normative acts of national

ministries and agencies and decisions of the Central Election Commission. Article 35 preserves military courts' competence over complaints by military personnel against military administrative bodies.

This vertical allocation broadly corresponds to the complexity and scale of the legal consequences. The risk lies in retaining the Supreme Court's power to take over "any case" depending on "special circumstances". Transferring a case to the highest court may enhance institutional independence in an exceptional situation, but it also reduces the number of available review levels and permits an ex post change to the court designated by the general rule.

"Special circumstances" should be exhaustively defined: inability to constitute a panel following recusals; a real threat to participants' safety; the interconnection of several cases from different regions; or exceptional public importance requiring consistency, accompanied by corresponding safeguards for review. The decision should take the form of a reasoned ruling after the parties have been heard; organisational convenience or the abstract complexity of a case should not constitute independent grounds.

5.5. Territorial and Extraterritorial Jurisdiction

Draft Article 36 proposes that claims be filed at the location of the administrative body or, where the territory in which its powers are exercised differs from its location, at the place where the relevant duties are performed.

This is a useful form of decentralisation: a central body should not automatically concentrate all disputes in Tashkent where a decision is taken and produces effects through a territorial division.

The formula should be made determinate. The "place where duties are performed" may be understood as the official's workplace, the place of the actual action, the location of property, or the place where the legal effect occurs.

The following order of priority is proposed:

(1) for challenges to individual acts: the place where the act was adopted or where its direct legal effect occurs, at the claimant's choice;

(2) for omissions and mandatory claims: the place where the body is required to act;

(3) for immovable property and geographically confined public-law rights: exclusive jurisdiction at the location of the object;

(4) for electronic acts of nationwide bodies: the claimant's residence (registered location) or the defendant's location, at the claimant's choice.

Comparable multiple connecting factors appear in § 52 VwGO, Article 12 of the Japanese Act, and Article 106 of Kazakhstan's Administrative Procedural and Process-Related Code.

The most prominent innovation in Article 37 is the claimant's right to request extraterritorial adjudication, after which the information system automatically selects another administrative court. According to the materials accompanying the draft, in 2025 and the first half of 2026 the Supreme Court received more than 410 requests to transfer cases because of doubts about the impartiality of the territorially competent court. The new model could eliminate both actual and perceived dependence of a court on the local authority.

Since 2025, Kazakhstan has also allowed claimants to opt for extraterritorial jurisdiction before a case is set down for hearing (Administrative Procedural and Process-Related Code, art. 107). This experience demonstrates the mechanism's feasibility in the region, while also highlighting the risk of strategic selection of a favourable forum. Claimants should choose only whether to exercise the right to automated allocation, rather than a specific court. The algorithm must account for the category and complexity weight of the case, workload, available specialisation, geographical accessibility, and exceptions; retain an immutable allocation log; generate a system-signed certificate stating the basis for selection; and permit verification of compliance with the algorithm without disclosing sensitive technical parameters.

The Venice Commission and UNODC regard random allocation, or allocation based on predetermined objective criteria, as a safeguard against interference and "judge shopping" (Venice Commission, Rule of Law Checklist, 2016; UNODC, 2011). These requirements also apply to the selection of courts across regions.

Additional guarantees must include remote participation, compensation for excessive costs incurred by vulnerable applicants, and preservation of the applicable appeal route. The right to extraterritorial adjudication should be granted to all "interested persons", rather than citizens alone: if the rationale is objective impartiality, a distinction between individuals and entrepreneurs lacks sufficient justification.

6. Transfer between Judicial Branches: A Gap Confirmed by a Judicial Decision

Draft Article 31 reproduces and elaborates the rule on transferring an application or case file from an administrative court to a civil or economic court. The applicant is notified of the transfer; if the error is identified during proceedings, the administrative proceedings are terminated once the ruling becomes final; disputes over subject-matter jurisdiction are not permitted. Article 38 similarly governs transfers between administrative courts where territorial jurisdiction has been breached or a panel cannot be constituted.

The principal strength of this model is that it shifts the risk of an error in legal classification from the applicant to the judicial system.

A comprehensive transfer mechanism should be accompanied by five guarantees:

the date of filing with the competent court is deemed to be the date on which the document was first received by any court;

substantive and procedural time limits are suspended from the initial filing until the transfer;

the receiving court is bound by the final ruling as to the competent judicial branch and may not return the case on the same ground;

if several courts are competent, the applicant is invited to choose within a short period; absent a choice, the transferring court identifies the receiving court under objective rules;

the issue is determined by a reasoned ruling after the parties have been given an opportunity to express their views, but without examining the merits of the dispute.

The German model provides a clear comparative benchmark. Under § 17a(2) of the Courts Constitution Act (GVG), if the chosen judicial avenue is inadmissible, the court, after hearing the parties, simultaneously transfers the dispute to the competent court; the ruling binds the receiving court.

Estonia's Code of Administrative Court Procedure takes a different approach: where the resolution of a dispute falls outside the competence of the administrative court, the court does not transfer the case but returns the complaint (§ 121(1)(1)), explaining, where possible, where and how the complainant may seek resolution (§ 121(3)) (Vingerfeld, 2026). This model reduces uncertainty but leaves the applicant with the burden of refiling and the risk of missing time limits.

A comparison of the two models shows that what matters is not the wording of the rules, but the principle of continuity of judicial protection: the state's judicial system knows its own structure better than the applicant does and may not turn the internal allocation of competence into a denial of justice.

7. A Functional-Causal Model for Determining Jurisdiction

To resolve conflicts at the boundaries of jurisdiction, this article proposes assessing disputes through three interrelated tests and one rule for derivative claims.

Table 2. A Three-Stage Test for Identifying a Public-Law Dispute

Test	Guiding question	Indicators of administrative jurisdiction	Borderline example
Institutional (ratione personae)	Is the defendant an administrative body or another holder of delegated public authority?	Statutory competence; a decision binding irrespective of the addressee's consent; use of public resources or powers	A private organisation performs mandatory certification under delegated authority
Functional (ratione materiae)	Was the defendant acting specifically in the exercise of a public-authority function?	Unilateral regulation; licensing, oversight, registration, sanctions, public services; a special duty to act in the public interest	A state body purchases stationery: a private function; issues a licence: a public function

Test	Guiding question	Indicators of administrative jurisdiction	Borderline example
Rights-protection (ratione remedii)	Does the claim seek review of legality and restoration of the position in the public-law sphere?	Quashing, declaration of unlawfulness, duty to adopt an act, prohibition of public-authority interference, declaration of a public-law relationship	Validity of an act and a duty to register a right: administrative; title dispute between two private persons: civil

The institutional test is necessary, but not sufficient. The concept of an administrative body must be functional: a ministry, khokimiyat (local executive authority), or state committee clearly falls within it, but so may another entity to which the law has delegated the power to make binding individual decisions. An entity's organisational and legal form must not enable the state to remove a public-authority function from the scope of administrative judicial review.

The functional test distinguishes public from private activity. Its criteria include the source of the power, the unilateral nature of its legal effect, a special public-law regime, inequality between the parties, pursuit of the public interest, and the addressee's inability freely to negotiate the content of the relationship.

No single indicator is absolute; the court evaluates them collectively. This excludes the erroneous proposition that "every dispute involving a state body is administrative".

The rights-protection test examines both the relief requested and the objective purpose of the claim. Where a person seeks to set aside an authoritative decision, impose a public duty, or prevent the exercise of a public power, the dispute points towards administrative jurisdiction. Where an independent private-law conflict between parties of equal status must be resolved, the administrative status of one participant is secondary. The court must assist an applicant lacking legal expertise in clarifying the remedy sought, without changing the claimant's substantive wishes on its own initiative.

The derivative-claim rule applies to mixed claims. A claim for damages, interest, repayment of a collected charge, or other pecuniary restitution follows the principal administrative claim where it is based on the same factual core and cannot be resolved without determining the unlawfulness of the exercise of public authority. This is the "causal" component of the model. If the private-law claim exists independently of the administrative act, it retains its own jurisdictional allocation.

The model can be expressed as a presumption: where the defendant holds public authority, exercises a public function, and the principal claim seeks review of that function, the case falls within administrative jurisdiction unless the law expressly and clearly prescribes another judicial procedure. Doubts should be resolved by accepting or transferring the case in the interests of effective protection, rather than by returning it. This presumption accords with Articles 20 and 55 of the Constitution and implements the direction in Presidential Resolution No. PP-33 of 30 January 2025 to assign all public-law disputes involving administrative bodies to administrative courts.

8. A Judicial Example of Remedies: From a "Complaint" to a Substantive Claim

The judgment of the Tashkent Interdistrict Administrative Court of 21 January 2025 in case No. 5-1001-2406/3190 illustrates that judicial practice already requires a combination of quashing and mandatory remedies. A taxpayer challenged a tax authority's decision of 25 November 2024 imposing additional tax assessments.

The court found violations of the taxpayer's rights to participate and to receive proper notice, declared the decision invalid, and required the tax authority to reconsider the materials in accordance with the prescribed procedure; the state fee was awarded to the applicant.

In substance, the court both removed an unlawful act and imposed a duty to restore a lawful administrative procedure. The draft typology of claims makes this combination more transparent: a challenge may be combined with a mandatory claim where quashing alone is insufficient. At the same time, the court must not substitute its own decision for administrative discretion. If several lawful options remain available to the body after the violation has been remedied, the appropriate relief is an obligation to reconsider the matter in

accordance with the court's legal findings. If the law permits only one outcome and all relevant facts have been established, effective protection may require an order to adopt a specific act.

9. Comparative Legal Benchmarks

9.1. Germany: A General Clause, a Typology of Claims, and Mandatory Transfer

Section 40(1) VwGO (Germany's Code of Administrative Court Procedure) provides access to the administrative courts for all non-constitutional public-law disputes unless federal legislation assigns them to another court (see also Singh, 2001).

This is a classic general clause in which the substantive nature of the dispute takes priority and any exception requires a specific provision. Section 42 distinguishes between a claim to quash an administrative act and a claim requiring the issuance of an act that has been refused or not issued; § 43 provides for declaratory claims; and § 47 provides for review of normative acts within the prescribed scope of competence. Section 52 uses differentiated territorial connecting factors: the location of immovable property, the place where an act was issued, the affected person's residence, or the defendant's location, depending on the category of case.

Section 17a GVG is particularly useful for Uzbekistan: the appropriate judicial avenue is determined after the parties have been heard, and the dispute is simultaneously transferred, with the jurisdictional ruling binding the receiving court. This reduces the risk of negative conflicts between specialised judicial branches.

The transferable elements are not the German division of courts as such, but three features: a general substantive clause; specific exceptions established only by legislation; and mandatory transfer between judicial branches.

9.2. Estonia: Return of the Complaint with a Duty to Explain the Competent Forum

Estonia's Code of Administrative Court Procedure combines broad administrative-court competence with active verification of jurisdiction. However, where a dispute falls outside the competence of the administrative courts, the complaint is not transferred but returned by a reasoned ruling (§ 121(1)(1)); the court explains, where possible, where and how the complainant should apply (§ 121(3)) (Vingerfeld, 2026).

Yet in a digital judicial environment, where the document is already in the state information system, requiring it to be filed again serves little functional purpose. The Estonian experience therefore shows the limits of a mere duty to explain and supports the German approach of mandatory transfer.

The principle that "data follow the case" is proposed for Uzbekistan: transfers should include not merely scans of the application, but also structured case details, information on the fee paid, evidence of the filing date, interim protection measures, and a log of procedural actions. This would prevent transfer from becoming the commencement of a new case under a different number without legal continuity.

9.3. Japan: Remedies and Accessible Territorial Connecting Factors

Japan's Administrative Case Litigation Act distinguishes between actions to revoke an administrative disposition, declare it invalid, declare an omission unlawful, require the issuance of an act, and prohibit the issuance of an act (art. 3). Alongside the location of the administrative authority, Article 12 uses the public entity's general venue and specific alternative connecting factors.

The system demonstrates that a precise typology of claims can expand, rather than restrict, protection where the court assesses the actual purpose of the application.

For the draft CAJP, a balance is important: a prohibitory claim should require a specific and sufficiently probable threat, while a mandatory claim should distinguish between a legally prescribed duty and discretion. These questions concern not only admissibility but also jurisdiction: a court should not declare a dispute outside its jurisdiction merely because the wording of the claim needs adjustment.

9.4. Kazakhstan: The Closest Regional Comparator

Kazakhstan's Administrative Procedural and Process-Related Code excludes constitutional, criminal, and civil proceedings, as well as administrative-offence cases, from administrative judicial procedure (art. 3), but establishes a developed system of administrative claims and an active role for the court.

Territorial jurisdiction is determined by the place where the act was issued or the defendant's location; an electronic act is reviewed at the claimant's location, while a dispute arising from the activities of a territorial division is heard at that division's location (art. 106).

Since 2025, claimants have been able to opt for extraterritorial jurisdiction before a case is set down for hearing, subject to the prescribed exceptions (art. 107).

The similarities with the Uzbek draft suggest a regional diffusion of successful legal institutions.

However, Kazakhstan retains the possibility for parties to agree to change territorial jurisdiction, which, in our view, requires caution in public-law disputes because of unequal bargaining power. Uzbekistan's model of automated selection without contractual forum shopping is preferable if the algorithm is established by law and can be audited.

The comparison also confirms the need for a comprehensive transfer mechanism. Kazakhstan expressly excludes administrative-offence proceedings. Yet a clear exclusion does not, by itself, resolve the fate of a document filed with the wrong court. The national reform proposes going further by creating a single procedural window for all judicial branches.

10. Reflections on Improving Draft Articles 29–38

The analysis supports the following proposed refinements.

10.1. A Substantive General Clause in Article 29

Recommended wording:

"Administrative courts shall hear all disputes arising from the exercise of public-authority powers by an administrative body or another entity, including the adoption of a normative or individual act, the performance of an action, or an omission, unless the Constitution or legislation expressly assigns the dispute to another court. An entity's organisational and legal form shall not exclude administrative jurisdiction where that entity exercises a delegated public power."

The provision should be supplemented by a statement that the list in Article 30 is non-exhaustive and that doubts concerning the competent judicial branch are resolved by accepting or transferring the case, rather than by denying judicial protection.

10.2. Comprehensive Transfer under Article 31

A separate paragraph should provide for preservation of the original filing date, suspension of time limits, and the binding effect of the ruling on the receiving court. Transferred materials may not be returned on the ground that another judicial branch is competent; any disagreement should be resolved by a higher court or a specially designated joint panel, without involving the applicant in the institutional dispute.

10.3. Restricting the Takeover of Cases by Higher Courts

In Articles 33–34, "special circumstances" should be replaced with an exhaustive list, and the following requirements should be established: an application by a party or a reasoned submission by the court; an opportunity for participants to be heard; a reasoned ruling; preservation of an equivalent scope of review; and a prohibition on taking over a case after the hearing on the merits has begun, except where a panel cannot be constituted or there is a threat to safety.

10.4. Clarifying Territorial Connecting Factors in Article 36

The "place where a power is exercised" should be defined by reference to the place of adoption or performance, the place where performance is legally required, and the place of direct legal effect. For electronic acts of nationwide bodies, claimants should be allowed to choose between their residence (registered location) and the defendant's location. For immovable property and geographically confined public-law rights, exclusive jurisdiction at the location of the object should be retained.

10.5. Safeguards for Extraterritorial Allocation in Article 37

It appears appropriate for legislation, rather than departmental regulations alone, to establish:

the point at which the right may be exercised: once, before the case is set down for hearing;

the absence of any right to select a particular court;

exceptions for cases subject to exclusive jurisdiction by subject matter or location of the object;

the algorithm's criteria: category, complexity weight, specialisation, workload, and accessibility;

an immutable allocation record and certificate accessible to the parties;

grounds for reallocation, with judicial review confined to compliance with the procedure;

electronic participation and protection against disproportionate costs;

publication of aggregate allocation statistics and independent audit findings.

10.6. Related Damages Claims

Article 30, or a separate general provision, should define administrative courts' ancillary jurisdiction by reference to four criteria: the same act or action; a common factual core; dependence of the pecuniary claim on a finding concerning the legality of the exercise of public authority; and the procedural appropriateness of securing complete redress. If the claim is severed, its original filing date must be preserved.

10.7. The Effects of Review of Normative Acts

Rules are needed on the general effect of the judgment, the date on which the act ceases to have effect, official publication, interim measures, the consequences for completed legal relationships, and protection of legitimate expectations. Courts should be empowered to declare an act unlawful in whole or in part, determine when it ceases to have effect, and allow the body a period to remedy the resulting legal vacuum, without postponing individual redress for the applicant unless compellingly necessary.

10.8. A Unified Jurisdictional Data System

Each transfer should receive a standardised reason code: subject-matter jurisdiction, judicial level, territory, recusals, or extraterritorial allocation. Public anonymised statistics should identify the originating and receiving courts, the duration of transfer, the final outcome, and instances of repeated routing. This would allow an empirical assessment of whether the reform reduces delays and refusals, rather than merely measuring the number of cases transferred.

11. Discussion

The draft revised CAJP changes the conception of administrative procedure: it replaces a generic "complaint" with a system of claims; return for territorial error with transfer; local attachment with the option of algorithmic extraterritorial allocation; and review confined to departmental acts with broader review of normative acts. These elements are interrelated.

The type of claim determines the judicial relief required; subject-matter jurisdiction determines the judicial branch; hierarchical jurisdiction determines the level; territorial and extraterritorial jurisdiction determine the particular court; and transfer ensures continuity where an error occurs.

Assessing each innovation in isolation is therefore insufficient. For example, expanding prohibitory and mandatory claims without a functional concept of an administrative body would leave delegated public authority outside judicial review. Allowing related damages claims without preserving the filing date when a claim is severed would create a limitation-period risk. Extraterritorial allocation without an algorithm audit would replace visible administrative discretion with opaque digital discretion. Review of normative acts without rules on the effects of judgments would create uncertainty for third parties.

The asymmetry between the parties is particularly significant. Jurisdictional predictability cannot be measured solely by a professional lawyer's ability to locate the relevant article.

The standard must take account of a reasonable applicant who encounters an authoritative decision and turns to the state's judicial system. If competence within that system is complex, responsibility for completing the routing process lies with the courts. This approach does not abolish procedural discipline: manifestly bad-faith repeat applications, abuse of extraterritorial allocation, and attempts to change the court after adverse procedural developments may be prevented. Any sanction, however, must target abuse rather than a good-faith error in legal classification.

The functional-causal model offers a middle course between two extremes. An approach based purely on the identity and status of the parties extends administrative jurisdiction too far into the state's private transactions. Conversely, an exhaustive subject-matter list cannot keep pace with new forms of delegation and digital governance. The combined institutional, functional, and rights-protection tests enable courts to explain their decisions by reference to verifiable indicators. The causal criterion keeps within a single proceeding a pecuniary consequence that directly follows from unlawful interference by public authority.

One possible objection is that an open-ended general clause would increase judicial discretion. This risk is real, but can be managed through the publication of reasoned decisions, guidance from the Plenum, and a classification of borderline situations. The alternative, a detailed list, creates hidden discretion at the refusal stage: the court simply declares that the category is not listed. Requiring a developed functional justification is preferable to concealing a choice behind the literal silence of the law.

12. Conclusion

The draft revised Code of Administrative Judicial Procedure of the Republic of Uzbekistan marks a qualitative shift towards more complete protection in public-law relationships. Expanding the range of interested persons, differentiating claims, reviewing local normative acts, transferring applications filed in the wrong territorial jurisdiction, and introducing automated extraterritorial allocation respond to the constitutional requirement of a competent and impartial court.

At the same time, the completeness of the reform depends on the absence of jurisdictional dead ends, rather than on the number of categories listed.

The functional-causal model is proposed as a theoretically grounded criterion for determining subject-matter jurisdiction:
administrative jurisdiction arises from the combination of a holder of public authority, the exercise of a public function, and a remedy directed towards reviewing and restoring a public-law relationship;
a derivative pecuniary claim follows the principal dispute where they share a common factual and causal core.
Expressly incorporating this model into Article 29 and Supreme Court guidance would enhance predictability more than expanding the list of bodies.
It is also necessary to specify territorial connecting factors; ensure that the extraterritorial algorithm can be verified; regulate the effects of judgments concerning normative acts; and create stable identifiers and public statistics for judicial routing. Taken together, these measures would transform the rules governing subject-matter jurisdiction and the allocation of cases among courts from a barrier to access into an infrastructure for effective administrative justice.

Declarations and Data Availability

Author's contribution: conceptualisation, methodology, analysis of legislation and judicial practice, and formulation of conclusions and proposals.
Data availability: official legislative and regulatory acts are available on LexUZ; judicial decisions are available in the public.sud.uz database under the references provided. The draft CAJP, comparison table, information letter, and presentation are working materials.
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