



ADMINISTRATIVE COURTS AND THE RESOLUTION OF TAX DISPUTES: THE FORMATION OF ADMINISTRATIVE JUSTICE IN UZBEKISTAN IN COMPARATIVE PERSPECTIVE

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Tax Disputes in Administrative Courts in Uzbekistan

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Abstract

This article examines the institutional development of administrative courts in the Republic of Uzbekistan as a mechanism for the judicial resolution of tax disputes and other public law conflicts arising between citizens, legal entities, and state bodies. The study traces the formation of Uzbekistan's administrative justice system from the constitutional amendments of 2017 through the enactment of the Law on Administrative Procedures and the Code of Administrative Proceedings in 2018, to the comprehensive judicial restructuring effected by Presidential Decree No. UP-6034 of 2020 and the Development Strategy of New Uzbekistan for 2022-2026. Drawing on a comparative analysis of three principal models of administrative justice -- the specialised court model (Germany), the general court model (Russia), and the quasi-judicial tribunal model (the United States) -- the article evaluates the choices made by the Uzbek legislature in structuring its administrative courts and assesses the adequacy of those choices for the resolution of tax disputes. The article further examines the procedural competence of Uzbek administrative courts, including their jurisdiction over complaints against decisions of tax authorities, and the forms of application available to citizens and legal entities. The comparative analysis demonstrates that whilst no single model of administrative justice is universally optimal, the establishment of specialised administrative courts with clearly defined competence -- as implemented in Uzbekistan -- represents an institutional advance aligned with European best practice and with the broader constitutional commitment to the rule of law.



Keywords: Administrative courts; administrative justice; tax disputes; judicial review; Uzbekistan; Germany; Russia; United States; public law; administrative proceedings; taxpayer rights; rule of law; constitutional reform.

Introduction

The development of effective mechanisms for the judicial oversight of state action stands at the heart of the rule-of-law project. In the field of tax law, where the state exercises coercive powers of assessment and collection against individuals and legal entities, the availability of independent judicial review constitutes a fundamental guarantee of taxpayer rights and a structural constraint on administrative overreach. The institution of administrative justice -- understood as the body of courts and procedures dedicated to the resolution of public law disputes between the citizen and the state -- is therefore of direct and central relevance to the resolution of tax disputes.

The Republic of Uzbekistan has, over the course of the past decade, undertaken a substantial programme of reform aimed at establishing a credible and effective system of administrative justice. This programme has proceeded in a series of legislative and institutional steps, beginning with constitutional amendments in 2017 and culminating in a comprehensive restructuring of the court system in 2020-2021, accompanied by a renewed commitment to judicial independence and access to justice in the Development Strategy of New Uzbekistan for 2022-2026. The present article analyses this reform process from a comparative legal perspective. Section 2 traces the legislative history of administrative court reform in Uzbekistan. Section 3 examines the three principal models of administrative justice in Germany, the United States, and Russia. Section 4 analyses the competence and procedural framework of Uzbek administrative courts with particular reference to tax disputes. Section 5 offers a comparative assessment. Section 6 concludes.



2. The Legislative Development of Administrative Justice in Uzbekistan

2.1. Constitutional Foundations and Early Reforms

The Action Strategy on Five Priority Areas of Development of the Republic of Uzbekistan for 2017-2021 assigned considerable importance to the reform of the judicial system, including the creation of administrative courts through a restructuring of the competences of civil, criminal, and economic courts. On 6 April 2017, amendments and additions were made to the Constitution of the Republic of Uzbekistan relating to the judicial system, which for the first time established a constitutional basis for administrative courts.

This constitutional foundation was reinforced by the Decree of 8 September 2017 'On Approving the Concept of Administrative Reform in the Republic of Uzbekistan,' which identified the further improvement of the administrative justice system as a priority of state policy. The institutional framework thus created was given legislative expression through the Law of the Republic of Uzbekistan 'On Administrative Procedures' of 8 January 2018 and the Code of the Republic of Uzbekistan on Administrative Proceedings of 25 January 2018, which together established the procedural architecture of the new administrative court system.

2.2. The Judicial Restructuring of 2020-2021

A further and comprehensive restructuring of the judicial system was effected by Presidential Decree No. UP-6034 of 24 July 2020 'On Additional Measures for Further Improvement of the Activities of Courts and Increasing the Effectiveness of Justice.' With effect from 1 January 2021, the courts of general jurisdiction of the Republic of Karakalpakstan, the regions, and the city of Tashkent were reconstituted on the basis of the existing regional and equivalent courts for civil and criminal cases and economic courts. This restructuring maintained strict specialisation of judges and created separate judicial divisions by type of proceeding. Concurrently, the authority to consider cases of administrative offences was transferred from administrative courts to criminal courts, thereby sharpening the jurisdictional focus of the administrative courts on public law disputes.



2.3. The Development Strategy of New Uzbekistan 2022-2026

The Development Strategy of New Uzbekistan for 2022-2026, approved by Presidential Decree No. UP-60 of 28 January 2022, identified the transformation of justice and the rule of law into 'the most fundamental and necessary condition of development' in Uzbekistan as the second of its principal strategic directions. In pursuit of this objective, special emphasis was placed on expanding the scope of judicial control over the activities of state bodies and officials, and on increasing access to justice for citizens and entrepreneurs through improved mechanisms for the consideration of complaints against official decisions in administrative courts.

This strategic commitment found immediate institutional expression in Resolution No. PP-107 of 29 January 2022 'On Measures to Ensure the Effective Protection of the Rights of Citizens and Business Entities in Relations with State Bodies and Further Increase Public Trust in Courts.' The combined effect of these instruments has been to embed the administrative court system within a broader constitutional and programmatic framework oriented towards the protection of individual and corporate rights against unlawful state action.

Article 44 of the Constitution of the Republic of Uzbekistan guarantees to every person the right to judicial protection of their rights and freedoms and the right to appeal to the court against unlawful actions of state bodies, officials, and public associations. Administrative proceedings have been designed as the primary institutional mechanism through which this constitutional guarantee is given practical effect in the domain of public law. Accordingly, the tasks of the courts, as expanded by the amended Law 'On Courts,' now expressly encompass the protection not only of the rights and freedoms of citizens guaranteed by the Constitution and international instruments, but also of state and public interests, and the rights and legally protected interests of legal entities and individual entrepreneurs.

3. Comparative Models of Administrative Justice

International experience demonstrates that administrative justice is organised according to three principal structural models: the specialised court model, the general court model, and the quasi-judicial tribunal model. The experience of



Germany, Russia, and the United States respectively illustrates each of these approaches and has directly informed the design of Uzbekistan's administrative court system.

3.1. The Specialised Court Model: Germany

The German judicial system is structured around a high degree of functional specialisation, comprising constitutional courts, courts of general jurisdiction (civil and criminal), administrative courts, labour courts, social courts, and financial courts. This taxonomy reflects a deliberate institutional choice to assign each domain of legal relations to a court with specialist expertise in the relevant normative framework.

Within this structure, the financial courts (*Finanzgerichte*) hold exclusive jurisdiction over disputes concerning taxes and fees, operating under the leadership of the Federal Financial Court (*Bundesfinanzhof*). Administrative courts, by contrast, have jurisdiction over public law disputes not falling within the competence of the financial, labour, or social courts -- including challenges to the legality of administrative acts of state bodies, disputes between civil servants regarding their rights, environmental disputes, and conflicts between administrative territorial units. Crucially, administrative courts in Germany do not consider cases of administrative offences.

The German system requires that a dispute be examined, in the first instance, by a higher administrative body before judicial recourse is available. Only if the citizen disagrees with the outcome of that administrative review may they bring a claim before the Administrative Court (*Verwaltungsgericht*). The court hierarchy comprises the Regional Administrative Court, the Regional Supreme Administrative Court (*Oberverwaltungsgericht*), and the Federal Administrative Court (*Bundesverwaltungsgericht*). The institutional framework is governed by the Administrative Courts Act (*Verwaltungsgerichtsordnung*) of 1960 and the Law on Administrative Procedures (*Verwaltungsverfahrensgesetz*).

Germany's model demonstrates that judicial specialisation enhances the quality and consistency of adjudication in complex public law domains. Its experience has been directly instructive for Uzbekistan and, as noted in comparative scholarship, for France, whose Administrative Courts similarly specialise



exclusively in verifying the legality of administrative acts on the basis of citizen complaints. The influence of the German model is also visible in Japan, where district courts of first instance handle administrative cases arising from public law relations under the Law on Administrative Proceedings.

3.2. The General Court Model: Russia

In the Russian Federation, a general judicial form of administrative justice is operative. Under this model, public law disputes are considered and resolved not by specialised administrative courts, but by courts of general jurisdiction exercising a general competence across civil, criminal, and administrative matters. The legal framework for administrative proceedings is provided by the Code of Administrative Proceedings of the Russian Federation of 8 March 2015.

The scholarly debate in Russia on this question has been substantial. Professor A. Vlasov has argued that only specialised courts possess the expertise necessary to adjudicate cases arising from administrative law relations. Professor A. Sapozhnikov supports this view, contending that the creation of administrative courts is a constitutional duty of the legislature and would bring Russia in line with pan-European standards. A contrasting position has been advanced by Professor A. Chirinov, who argues that the specialisation of judges within courts of general jurisdiction -- rather than the creation of discrete administrative courts -- is a sufficient institutional response, pointing to the experience of England and the United States as evidence that the absence of specialised administrative courts does not necessarily result in inferior protection of human rights. The 'Programme for the Development of Courts of General Jurisdiction and Improvement of Organisational Forecasting of their Activities for the Period up to 2023' has provided a legislative roadmap for addressing these structural questions within the existing institutional framework.

3.3. The Quasi-Judicial Tribunal Model: The United States

The United States has adopted a distinctive quasi-judicial approach to administrative dispute resolution, creating specialised tribunals within the executive branch to review the legality of decisions of administrative bodies and



officials. These bodies are not courts in the constitutional sense but exercise adjudicative functions with considerable practical importance.

The United States Tax Court, established in 1969, constitutes the most directly relevant example for the purposes of this article. It has exclusive jurisdiction over certain categories of tax dispute and its decisions are subject to review by the federal courts of appeals. Other prominent quasi-judicial bodies include the Court of Appeals for the Armed Forces (established 1950), which exercises jurisdiction over decisions of military tribunals, and the Court of Appeals for Veterans' Claims (established 1988). More than 1,300 administrative law judges operate within the bodies of state administration across the executive branch, providing a first-tier adjudicative function in a wide range of regulatory domains.

The quasi-judicial model offers the advantage of institutional specialisation and proximity to the regulatory domain in question, but is criticised for its structural location within the executive branch, which raises questions about independence. This concern is partly addressed in the United States through the system of judicial review by Article III courts, but the structural tension between administrative efficiency and judicial independence is a persistent feature of the model.

4. The Competence of Administrative Courts in Uzbekistan and Their Role in Tax Disputes

4.1. Procedural Access to the Administrative Court

Any interested person has the right to apply to an administrative court in Uzbekistan to protect their violated or disputed rights or legally protected interests. The Code of Administrative Proceedings prescribes two principal forms of access to the administrative court:

- An application (complaint) or petition -- in administrative cases concerning the protection of violated or disputed rights, freedoms, and legitimate interests of citizens and legal entities, as well as in other cases provided for by the Code; and
- An appeal or protest -- directed to the appellate or cassation courts in the context of review proceedings.

Administrative proceedings are defined in the Code as an organisational and legal mechanism aimed at resolving public disputes arising in the interaction of



individuals and legal entities with administrative bodies. They serve to ensure the constitutional right of every person to judicial protection of their rights and freedoms, and to appeal to the court against unlawful actions of state bodies, officials, and public associations.

4.2. Subject-Matter Jurisdiction of Administrative Courts

The cases within the jurisdiction of Uzbekistan's administrative courts include the following principal categories:

- Cases disputing departmental regulatory legal acts;
- Cases disputing decisions, actions, or inaction of state administration bodies, administrative bodies, bodies of citizen self-government, and their officials that contradict the law and violate the rights of citizens or legal entities -- a category that expressly encompasses complaints against decisions of the tax authority;
- Cases disputing the actions or decisions of election commissions;
- Cases concerning the performance of notarial acts;
- Cases of refusal to register entries of civil status acts;
- Cases challenging the unlawful actions of a notary or an official of the civil registry office; and
- Appeals against cases of refusal of state registration, or evasion of state registration within the established period.

The court also has residual jurisdiction over other cases arising from administrative and other public law relations concerning the protection of violated or disputed rights, freedoms, and legitimate interests of citizens and legal entities, as assigned to its competence by law. The express inclusion of complaints against decisions of the tax authority within the subject-matter jurisdiction of the administrative courts is of fundamental importance: it ensures that taxpayers have direct access to an independent judicial forum for the review of administrative decisions that they consider unlawful or otherwise violating their rights.

4.3. The Role of Administrative Courts in the Tax Dispute Resolution System

The administrative court functions as the judicial tier of Uzbekistan's tax dispute resolution system. Its role is complementary to, rather than competitive with, the



pre-trial administrative mechanisms examined in the preceding article. Where the pre-trial Department for Pre-trial Settlement of Tax Disputes within the State Tax Committee is an administrative body -- albeit one committed to impartiality and fair treatment of the parties -- the administrative court provides an institutionally independent forum for the review of administrative action, with the full procedural guarantees of judicial proceedings.

The sequential relationship between administrative pre-trial proceedings and judicial review by the administrative court reflects the two-tier model common to all five jurisdictions examined in this series of articles. In the Uzbek system, a taxpayer who has exhausted the administrative complaint procedure without obtaining a satisfactory resolution may bring a complaint before the administrative court, which will examine the legality of the tax authority's decision independently and without deference to the administrative body's findings. This structural arrangement provides a robust and graduated system of protection for taxpayer rights whilst preserving the efficiency advantages of administrative pre-trial resolution.

5. Comparative Assessment

The foregoing analysis permits the following comparative observations.

First, Uzbekistan has made a deliberate and well-reasoned choice to adopt a variant of the specialised court model, drawing on German experience, rather than the general court model operative in Russia or the quasi-judicial tribunal model of the United States. This choice is institutionally sound: specialisation enhances the quality of adjudication in public law disputes, reduces the risk of inconsistent application of administrative law, and signals a commitment to independent judicial oversight of state action. The incorporation of German-inspired features -- including a court hierarchy, strict specialisation of judges, and a preliminary administrative stage before judicial recourse -- reflects a sophisticated engagement with comparative experience.

Second, the progressive expansion of the administrative courts' jurisdiction -- most recently through the Development Strategy of 2022-2026 and Resolution No. PP-107 of 2022 -- demonstrates a continuing legislative commitment to deepening the scope of judicial control over administrative action. The explicit



extension of this jurisdiction to complaints against tax authority decisions is of particular significance and aligns Uzbekistan's system with the standard of protection available in the comparator jurisdictions.

Third, the comparative analysis highlights a structural tension that is present in all three models reviewed: the tension between the efficiency of administrative dispute resolution and the independence and authority of judicial review. The quasi-judicial model of the United States resolves this tension in favour of administrative efficiency but at a cost to institutional independence; the general court model of Russia provides independence but sacrifices specialist expertise; the specialised court model of Germany and Uzbekistan seeks to capture both values, though at greater institutional cost. The Uzbek legislature has chosen the most demanding but potentially the most rewarding of the three models.

Fourth, the scholarly debate in Russia between proponents of specialised administrative courts and defenders of the general jurisdiction model -- as reflected in the contributions of Vlasov, Sapozhnikov, and Chirinov -- raises questions of direct relevance to Uzbekistan's ongoing reforms. The Uzbek experience suggests that institutional specialisation, when combined with adequate judicial resources and genuine independence from the executive, provides a superior framework for the protection of citizen rights in public law disputes, including tax disputes.

6. Conclusion

The analysis presented in this article supports the following principal conclusions. First, the establishment of administrative courts in Uzbekistan represents a significant institutional advance in the protection of citizen and taxpayer rights. The legislative programme that has produced this outcome -- spanning constitutional amendments in 2017, the enactment of the Code of Administrative Proceedings in 2018, and the judicial restructuring of 2020-2021 -- reflects a sustained and coherent reform effort informed by international best practice.

Second, the comparative analysis of Germany, Russia, and the United States demonstrates that whilst all three jurisdictions provide mechanisms for the judicial oversight of administrative action, they differ fundamentally in their structural organisation. Uzbekistan's adoption of the specialised court model,



drawing primarily on German experience, is well-suited to the complexity of public law disputes in a developing legal system and provides a strong institutional foundation for the impartial resolution of tax disputes.

Third, the express inclusion of complaints against decisions of tax authorities within the jurisdiction of Uzbekistan's administrative courts ensures that taxpayers have access to independent judicial review as the final tier of a graduated dispute resolution system. This structural feature is consistent with constitutional guarantees of judicial protection and with the international standards for the protection of taxpayer rights.

Fourth, the further development of Uzbekistan's administrative court system -- in terms of judicial capacity, procedural efficiency, and public awareness of administrative justice -- remains a priority for the ongoing implementation of the Development Strategy of New Uzbekistan for 2022-2026. The increasing activity of administrative courts in cases involving tax authority decisions will itself generate a body of jurisprudence that contributes to the clarity and consistency of tax law application, thereby reducing the structural causes of tax disputes at their source.

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