

**THE LEGALITY OF THE DECISIONS OF THE EXECUTIVE  
AUTHORITIES AS A MEANS OF BALANCING THE POWERS THAT BE  
UNDER JUDICIAL CONTROL. THE ISSUES OF JUDICIAL CONTROL,  
HISTORY, PRESENT AND FUTURE PROSPECTS**

**Toshov Ikromjon**

*master's student of the Academy of Public Administration  
under the President of the Republic of Uzbekistan,  
judge of Bukhara regional court*

[tshovikrom@mail.ru](mailto:tshovikrom@mail.ru)

**Abstract:**

**Background.** *From the first days of independence, Uzbekistan has set itself the goal of building a democratic state based on the rule of law. To achieve this, a number of normative and legal acts have been adopted and measures have been taken to implement them. Reliable protection of the rights and freedoms of citizens, the interests of society and the state, and the achievement of justice have been identified as the main tasks of the judicial system of the Republic of Uzbekistan. Among the large-scale work on democratization and liberalization of the judicial system is the reform of the judiciary, reform of the judiciary as an independent branch of government, strict enforcement of laws, consistent development of democratic reforms, reliable protection of human rights and freedoms. In the theory of separation of powers on the transformation of the judiciary into a providing body, the development of functions of control over the legitimacy of the activities of the judiciary by local public authorities remains an urgent task and a mechanism of reciprocity.*

**Research methods.** *In writing this article, methods of comparative analysis of historical, political science, theoretical, general logic and prediction were used. In particular, in Europe and America in historical periods the characteristics of the establishment of judicial control over the legitimacy of decisions of local public authorities were covered by chronological approaches, while the development of individuals, social groups, nations and peoples, societies and countries were analyzed by comparative method analysis. General logic and prediction methods, their mechanisms and means have been studied through political institutions and political processes, political culture and international systems.*

**Results and discussions.** *This article describes the importance and improvement of judicial control over the legality of decisions of local public authorities. While the concept of judicial control remains controversial in jurisprudence, the topic is broadly described as judicial control and the issues of improving the legislation in this area are analyzed.*

*This, of course, will help to ensure legitimacy for the purpose of mutual restraint and influence in the independent network of both governments.*

**Conclusion.** *The article discusses in detail the fact that one of the means of ensuring the legitimacy of local executive authorities and their decisions is judicial*

*review, and this is an effective tool, the improvement of legal relations in this area is a requirement of the times.*

**Keywords:** *judicial control, administrative relations, legality of decisions of local public authorities, legal system, property relations, organizational-legal relations.*

**Introduction.** To fundamentally improve judicial power, which is a branch of independent power in the division of powers, actions aimed at increasing the prestige of the court in society, in general, the human being who is at the center of all reforms in the state, to consider his honor and dignity as a high value, the main activity of state bodies is aimed at achieving the goal of establishing social justice in society, in which the reforms aimed at satisfying the people should give their results today, not tomorrow.

At a time when the attention to the sphere was almost not realized in the last 30 years, improving the sphere of judicial law within the framework of the "priority directions of ensuring the rule of Law and further reform of the judicial and legal system" of the strategy of Actions on five priority directions of development of the Republic of Uzbekistan in 2017-2021, in particular, more than a dozen presidential decrees and decrees on the resolution of problematic issues that have not been resolved over the years in the field, as well as three codes of the parliament aimed at improving the quality and effectiveness of fair trial (the Civil processual code of the Republic of Uzbekistan, the economic processual code and the Administrative Code of the Republic of Uzbekistan on judicial proceedings) have been re-adopted and amendments and additions to a number of laws have been introduced. More than 40 laws, decrees and decisions on priority tasks in this direction were also adopted.

These changes serve to increase the confidence of our people in justice, as well as the prestige of our country in the international arena.

Ensuring the independence of justice and the judiciary, in turn, is one of the main indicators that strengthens the position of our country in international rankings. In this regard, the recommendations of the UN Special Rapporteur Diego Garcia-Sayan during his visit to our country in 2019 and the implementation of the norms in international documents are considered significant, and these recommendations are significant in improving the country's rating indicators, as well as improving the quality and effectiveness of fair trial.

According to the Heritage Foundation's Economic Freedom Index 2021, Uzbekistan ranks 108th out of 186 countries with 58.3 points. According to the latest report, the country's rating has improved by 1.1 points, rising by 6 points. At the same time, it has risen 44 places (from 152nd to 108th place) in the last four years.

Uzbekistan ranks 21st out of 40 countries in the Asia-Pacific region.

For information: until 2017, Uzbekistan's "Economic Freedom" rating did not exceed 50.0 points, and "complete freedom", i.e. the economy was among the countries under repression.

Consequently, it is difficult to adequately ensure the expected results of our reforms, the property rights of investors and the guarantees of property rights, unless

we instill in the minds of everyone in our state the rule of law, the protection of violated rights and interests through the courts.

At the same time, judicial and legal reforms, which will remain one of the priorities of state policy, ensuring the authority and full independence of the judiciary as an independent authority in the division of powers, the legal framework for interaction and restraint with other branches of government, in particular the executive, has not been fully developed, it would not be a mistake to say that the executive branch, in particular the local state authorities, is awaiting a solution to ensure the rule of law.

At a time when the first steps are being taken in this direction, I think it is time to reform the mechanisms and forms of judicial control over the legitimacy of the decisions of local authorities.

In this regard, at the initiative of the President, in 2017, administrative courts were established in the country to protect the violated rights, freedoms and legitimate interests of citizens and legal entities in the field of public law.

In 2019-2020 alone, 31,322 applications were considered by administrative courts, of which 21,272 or almost 70 % were satisfied, including about 3,000 decisions of governors were declared illegal, and the violated rights of citizens and legal entities were restored.

It is clear that ensuring the legitimacy of local government decisions through the courts and justice is one of the most effective means of ensuring the rule of law.

The study of foreign experience in this area and the study taking into account the foundations of our national legislation, the real provision of mutual distortions on the realization of the classical theory of the division of powers, which has not found its solution, shows the time itself.

Judicial control over the legality of decisions of local government bodies is in a certain sense the essence of administrative law.

This is the most optimal way of government policy to verify the realization of the legal powers of the local government area. To the possible aspects of the official decision or administrative document that can be studied within the framework of the judicial process, the powers of the state body, the scope of the legal powers of the state body, the adequacy and fairness of the procedure, the examination of the evidence obtained in the judicial process, the issue of ensuring fair trial. Later, this self-preventive character is earned and will not remain without its influence in decision-making in other local government areas.

**Methods.** If the court (in the broadest sense) has a sufficiently broad jurisdiction, the determination of the liability of the official or members of the collegial body who made the illegal decision, as well as the annulment of the administrative act or decision, the establishment of liability for damage caused as a result of the performance of the duties of the public administration, serves to increase the responsibility and accountability of the relevant officials and the public body.

It should be noted that judicial review is not only a method of verifying the appropriateness or validity of administrative documents, but also does not aim to replace the decisions of the courts with the decisions of the responsible body.

There is diversity in foreign experience in this regard.

In particular, the judicial review of local public authorities varies from country to country. In Sweden and France, for example, they go through judicial review until they exercise all voluntary powers except those related to foreign affairs and defense. In other cases, being preoccupied with the procedure leads to the court reviewing the decision, not only considering the substance of the decision, but also ensuring that the correct procedure has been followed and that administrative procedures have been followed.

Judicial control cannot force the local government authorities of the state to act in a certain way, since the relevant courts themselves cannot impose sanctions on the government that controls the use of force.

Today's judicial practice shows that in the framework of complaints of citizens and legal entities against the decisions of local state authorities (decisions of regional, district, city governors), works in the form of complaints and claims are carried out.

In general, although there is no control function in the court, the cancellation of documents of local state authorities that do not meet the requirements of the legislation on a particular action and decision, expressed in the finding that they are not valid, the control of the court is carried out by the adoption of this judicial document.

In case the court finds out the cases of violation by an official and the case in the course of the examination of a particular case, it shall adopt its own private part and take measures to the relevant body or the organization and the official who has made a violation, to give a legal assessment. Of course, failure to fulfill the private part of the court will lead to administrative responsibility.

The dynamics of the annulment of decisions of local authorities varies from region to region, including the withdrawal of construction and land in the region in the interests of the state and society, the formation of different procedures and different law enforcement practices of local public authorities in the regions, can be explained by the diversity of the population and economic development of the region.

Therefore, in order to increase the role of the court in society, to determine the jurisdiction of the court over all decisions of local public authorities, to allow in court the decisions of local public authorities made on the basis of individual and collegiality, to ensure the participation of a local government official in the court proceedings, at the same time, it is desirable to expand the possibilities of holding a court session with officials of local government bodies of the through the videoconferences communication service, which will be introduced in court.

**Results and discussion.** In general, if we look at the history, then the functions of controlling one of the powers and the transfer of powers from the executive power to the courts have remained problematic for the size of powers to the judicial power.

In particular, in medieval, 17th-century England, the relationship between the courts and the executive can be seen as follows. The right of judges to decide matters affecting the power of the king, and even the constitutional right to make independent decisions in cases belonging to the king, became a struggle between the kings of Stewart and the judges. Francis Bacon, in his essay "The Judiciary" (written in 1612), expressed the point of view of kings, emphasizing that "judges should be lions, but still lions under the throne". "It is good in a state when kings and states consult

frequently with judges; and again, when judges consult with the king frequently and make decisions: interference in public affairs, when the question of law arises; the latter when state interference in legal matters is considered." he stressed. Sir Edward Cock, Bacon's main rival, strongly opposed the submission of the judiciary to the will of the king, and refused to submit to the will of James in a number of cases concerning the authority of the king. The king has repeatedly called on judges to respect royal rights and authority.

A generation later, in a constitutional dispute, judges and lawyers united with parliament against Charles II, and eventually the independence of the judiciary was established. From now on, there had to be a single legal system, to which everyone had to obey. As a result, the executive had no inalienable powers other than those subject to the law, as the legislature was now in parliament. In addition, judges were expected to protect the law from the executive. It was later concluded that the uncertain outcome was that "government" and "law" seemed to be at odds with each other. The old conflict between the crown and the judges continued and became a conflict between lawyers and the executive, especially the civil service.

These measures established the principle that the executive should never interfere in the performance of its functions by the judiciary. This was indeed almost the only firm application of the doctrine of separation of powers in England. On the other hand, it was considered right and lawful for the judiciary to interfere in the activities of the executive when the illegal actions of a minister or agency were proven. Thus, the notion of the rule of law was gradually defined by the idea that judges could decide on the legitimacy of the executive branch in ordinary proceedings in ordinary courts. Any attempt to segregate a continuous network of legislation, any hint of a distinction between public and private law, seemed to undermine the universality of the law and its ability to keep the executive within a defined framework.

During the 20th century, the common law system underwent significant changes. Until then, this was not the case in the UK, for before the adoption of the "Law on the Crown of Justice" (1947) it was impossible to appeal to the court against the torture of ministers and their offices; government ministers in Britain are considered crown ministers, and the ancient legal doctrine states that "the king cannot do wrong." In addition, the development of social services provided by the state has been accompanied by the establishment of a large number of administrative courts to resolve disputes between a public institution and a citizen. The jurisdiction of these courts was specialized and limited, and included dispute resolution functions such as social security and pension benefits, health care, rent control, property valuation for local tax purposes, compulsory government land acquisition, and orphanages. The Permanent Council of Tribunals, appointed by Lord Chancellor since 1958, has overseen a total of about 40 judicial systems, but their activities have remained chaotic and uncoordinated.

However, they provide a much cheaper, more informal, and faster way of making administrative decisions than suggested by the courts; members - persons with special knowledge and experience in this field; that they do not have to follow strict and complex rules of evidence that prevail in the courts, and that new social

standards and ethical considerations may be introduced to guide their decisions; have been praised by the courts for the quality and impartiality of their work. In most cases, an appeal under the law arises from a decision of an administrative court to the Supreme Court. In the UK, there is no comprehensive administrative jurisdiction that allows the entire area of enforcement actions and decisions to be reviewed by the courts.

In Australia, a similar action has occurred with the proliferation of many administrative courts governing many different areas of government. For example, industrial conditions, pensions, allowances and other government subsidies, urban planning, film censorship, fair rents, licensing occupations requiring special skills or social responsibility, trade, transportation and marketing, calculation of state taxes, local taxes or levies, industrial designs, protection of patents and copyrights, and the infringement of rights to private property rights, including the collection of compensation for interference in the public interest, were included in the jurisdiction of administrative courts. Since 1975, these courts have been governed by the Administrative Appeals Tribunal.

Courts in the United States consider the administration in a much broader sense than in the United Kingdom. However, the verification of the legality of administrative body decisions is mainly carried out by state bodies rather than by courts through court decisions. The transition to administrative courts began with the Law on Interstate Trade (1887) and was associated with the establishment of the Interstate Trade Commission to regulate railways and other means of transport. This law introduced a new type of federal agency that went beyond the executive branch and was largely independent of the president. Other regulatory commissions: the FTS, the FSS, the Securities and Exchange Commission, the National Labor Relations Council, and the Department of Labor Protection have delegated administrative, legislative, and judicial functions to these bodies by Congress, and the Doctrine of Separation of Power cannot be applied successfully. U.S. lawyers often refer to regulatory commissions as administrative courts.

Thus, in the United States, as in other parts of the Anglo-American common law world, the concept of the exclusive exercise of all judicial powers by ordinary courts and the absence of special administrative courts has been significantly changed by the above changes.

In France, the separation of powers had a place of honor in the “Declaration of the Rights of Man and of the Citizen” (1789). According to the French, if the court was allowed to review an administrative act or decision, it would run counter to the separation of powers, and the executive could overturn the court decision. Just as a court's appeal is filed with a higher court, so an appeal of an administrative body must be appealed to a higher administrative body. Only in this way could the real distribution of power be observed.

Herein lies the interpretation of administrative law as a legal system that is separate from the set of laws applied in the courts. A law passed in August 1790 declared that the judiciary was separate from the executive and would always be separate. Due to the pain of dismissal, judges were prohibited from interfering in any way in the work of administrative bodies. In October 1790, the second law stated that

claims for the annulment of acts of administrative bodies were in no case within the jurisdiction of the courts. Such claims must be communicated to the king as head of the general administration.

Council du Roi, a representative of the old regime, served as a legal adviser and administrative judge, and is usually the inventor of Council. The basic structure of the Council was created by Napoleon. Among the tasks assigned to him in the Constitution of 1799 (December 1799) was the task of resolving possible disputes between the administration and the courts. It also had the power to decide any matters left to the discretion of the minister who was to be the subject of the court order. In 1806, the Council Judicial Committee was formed to review decrees and report to the General Assembly of the Council. These decisions laid the foundation of administrative jurisdiction, which until May 24, 1872, gave the Council of Courts the power to make binding decisions and had not been clearly defined until the Council recognized the anti-administrative court as the court to be heard.

Council is part of the administration and always is. It has long been the task of the government to provide legal advice on bills, regulations, decisions, and administrative matters. This is what has long led foreign lawyers to believe that his decisions are inevitable in favor of the executive when he sits as a judge. Nothing could be further from the truth, and today the Council is recognized around the world as an independent tribunal that provides very good protection for French citizens from mismanagement. Claims against the French administration are heard in the Section du Contentieux, or Judicial Department, which succeeded the Judicial Committee after its reorganization in 1872.

Germany has traditionally had no state council, but it has a fully expressed system of administrative courts. There are lower administrative courts and higher administrative courts in the States or Lander, and for the federation there is a Federal Administrative Court, which acts mainly as an appellate court of the higher administrative courts and even lower administrative courts in Lander. In certain cases, the courts serve as the Federal Administrative Court, as well as the court of first and last instance in disputes between the federation and Lander, or between two or more Lander, which do not involve constitutional matters; it considers applications of the Federal Cabinet on declarations that the association is prohibited under the Basic Law of the Federal Republic, applications against the federation in matters relating to diplomatic or consular service, and cases relating to the work of the Federal Intelligence Service.

The Land Administrative Court has jurisdiction over complaints against the actions of Lander administrative bodies, as well as against federal government officials based in Lander. Some higher federal bodies have been exempted from the Lander courts. A small number of cases are outside the scope of the Lander High Administrative Courts.

An appeal to an administrative court can be used for mass litigation if the law has not been filed by a federal court with another court. (Public law regulates the relationship between the state and the executive in the exercise of their powers - even if the relationship is not for commercial purposes.) The Code of Administrative Courts contains property claims arising from services in the public interest and claims

for damages. Violations of obligations under public law are considered by ordinary courts. In other words, the German system is complicated by a rule that damages to the current or executive branch can only be covered by ordinary civil courts. As a result, the difference between ordinary courts and administrative courts depends not on the subject matter of the dispute or the nature of the parties, but on the measure sought. The jurisdiction of administrative courts in Germany is less extensive and unclear than in France.

Under Article 44 of the Japanese Constitution, all judicial power is vested in the Supreme Court and, in cases provided by law, in the lower courts. Nobuyoshi Ashibe writes that the task of the judiciary is to interpret and apply the law and then resolve specific cases. Article 81 of the Constitution provides for judicial review. According to him, the Supreme Court can exercise judicial control over any law, order, regulation or official act, including documents of local public authorities. Judicial control over the documents of local state authorities is related to the legislation on administrative court proceedings.

The emergence of administrative jurisprudence in Japan is linked to the 1948 Hirano case. Following this case, the practice of administrative court proceedings changed dramatically. MP Hirano, who was fired on the basis of an administrative act, filed a lawsuit to reinstate him. The Tokyo court upheld the appeal. It was after this court decision that the General Staff of the U.S. Occupying Forces recognized the need for a special legal regulation of administrative court proceedings that differed from civil proceedings. As a result, in 1948, the Law "On special rules for the consideration of administrative cases" was adopted.

Today in Japan there are various laws regulating relations in the field of administrative justice:

- 1) The law "About consideration of administrative complaints" from September 15, 1962;
- 2) The law "About administrative proceedings" from October 1, 1962.

The Law on Administrative Proceedings is the basic law on administrative proceedings. It contains 5 sections, including 46 articles. This law does not have a large volume, mainly set out special rules for administrative court proceedings, while the remaining issues are regulated by the norms of the Japanese Code of Civil Procedure. Therefore, Japanese administrative law emphasizes judicial proceedings only in matters relating to administrative proceedings.

The most important way to appeal to a court is to sue. This is done by the person whose right has been violated.

The law stipulates that there are 4 typical types of claims in the Kikoshu-Sosho situation.

- 1) A claim for annulment of an administrative act. In this case, the administrative act represents the initial or main administrative decision.
- 2) Clarifications (definitions) made by the court on certain cases during the consideration of the administrative complaint filed against the initial administrative act or a claim for termination of the judicial process.
- 3) A claim that the administrator finds that the act has no legal force.
- 4) A claim requesting to find the inaction of an administrative body illegal.



Administrative proceedings in Japan can be conditionally divided into two stages: 1) preliminary consideration; 2) substantive consideration (resolution) of the case. Scholars in the field of administrative law focus on issues related to problem solving in the first place. During the preliminary hearing, the requirements for the jurisdiction of the case are examined, for example: a) whether the plaintiff has the right to appeal to the court; b) whether there is an administrative act (decision) in the case; c) whether the plaintiff has the right to appeal against the administrative act; d) whether the case is heard in an administrative court hearing or in civil proceedings.

If the claim meets the requirements established by law, it is accepted for further proceedings. If it does not meet the specified requirements, it will be rejected.

According to Article 108 of the Code of Administrative Procedure of the Republic of Uzbekistan, the court terminates the proceedings in the following cases:

- 1) the case does not belong to the administrative court;
- 2) there is a valid court decision on the dispute between the same persons, on the same subject and on the same grounds;
- 3) the legal entity that is the applicant is liquidated;
- 4) after the death of the citizen who is a party to the case, the disputed legal relationship does not allow legal succession;
- 5) the applicant's claim has been waived and accepted by the court;
- 6) a dispute over the right arose during the consideration of the application (complaint) for refusal or evasion of state registration;
- 7) insufficiency of the collected materials to restore the lost court case or enforcement proceedings.

The court shall issue a ruling on termination of the proceedings. The court shall specify the grounds for termination of the proceedings, as well as decide on the distribution of court costs between the parties and the refund of state duty from the budget in cases provided by law. A copy of the ruling shall be sent to the persons involved in the case. The decision to terminate the proceedings may be appealed (protested). In case of termination of the proceedings, it is not allowed to repeatedly apply to the court on the dispute between the same persons, on the same subject and on the same grounds.

What features should an administrative document have in order to file a claim for annulment of a document of a local public authority by a court? According to the decision of the Supreme Court of Japan of October 29, 1964, administrative acts must regulate (a) public-government and (b) direct (individual) legal relations. Here are a few cases from the practice of the Supreme Court of Japan on this issue. For example, on January 14, 2006, the Supreme Court of Japan rejected a claim to overturn a local decision to increase the price of water. The Supreme Court has ruled that raising prices to meet water needs is not an action within a particular scope. Consequently, this act is not an administrative act and cannot be appealed in court. On February 23, 1966, the Supreme Court also rejected a claim against the illegality of the architectural plan because the document was also not an administrative act. However, in its decision of September 10, 2008, the Supreme Court of Japan changed its position in a different case than before. Ensuring that the public interest took precedence played a key role in the court changing its position.

The most difficult issue in the proceedings for the annulment of an administrative act is the plaintiff himself, who is a participant in the proceedings. The main problem here is to identify the plaintiff. For example, the Supreme Court of Japan in its decision of March 14, 1978, rejected the claim for annulment of the administrative act. To ensure fairness in business, women have complained to the Office of Consumer Protection. The agency denied the complaint because the organization was not actually a party to the rights violation. Dissatisfied with this, the women appealed to the court to overturn the decision of this body. If the law protects the rights of certain persons, the court may not impede their rights. However, privileges may not be granted to a particular category of individuals.

**Conclusion.** In conclusion, it should be noted that the regulation of administrative disputes in Japan through special administrative procedural legislation, which determines the procedure for judicial review, means that the country's legal statehood has gone the traditional way. One of the important aspects of the legislation of this country is the procedure for preliminary consideration of the case in the case of treatment for the annulment of an administrative act, and it is advisable to introduce this procedure in our national legislation.

Judicial oversight is a much more controversial concept from a scientific point of view. The object of judicial control may include these normative acts, as well as actions (actions and inactions) of state bodies and officials that lead to certain legal consequences. In this regard, the concept of judicial review may include functions that do not depend on the jurisdiction of officials in the field of judicial power and judicial administration.

Judicial control has three functions. First, it ensures justice by overturning the erroneous decisions of the lower courts; Second, the appellate courts oversee the work of the lower courts; Third, it monitors the legitimacy of executive documents.

K. Bretschneider stressed that the purpose of judicial control is to maintain the participation of the people in democratic processes. Judicial oversight plays an important role in defending the rights of citizens against the government.

The supervisory activities of the court are carried out within a certain procedural framework, the order of which is regulated by procedural legislation. Judicial control may be exercised in the form of justice, constitutional, civil, administrative or criminal proceedings, as well as in other forms of jurisdiction.

V.A. Rzhnevsky and N.M. The Chepurnovs oppose the above ideas. In particular, they drastically differentiate the types (forms) of judicial activity, such as judicial review and justice, because the judicial review activity goes beyond the scope of justice.

It is possible to partially agree with the above opinion. But court proceedings are in a sense related to judicial review. For example, the activity of finding an administrative document as invalid.

This is why some scholars associate judicial control with an auxiliary system that performs a judicial function.

However, according to a number of scholars, judicial oversight cannot be considered as a separate function of the judicial system. According to S.K. Zagainova, the judiciary controls the review and resolution of normative legal

acts. Therefore, the judiciary is not a task of exercising constitutional control, but one of the tasks facing justice.

It is possible to join this opinion. Judicial review is an important part of judicial proceedings. For example, finding that departmental normative-legal documents are invalid is carried out in a special procedural order.

According to S.V. Nikitin, the administration of justice is the main activity of the judiciary. Judicial control and justice are functionally interrelated, but are different legal categories that describe different aspects (aspects) of the functioning of the judiciary.

The concept of judicial review by the British lawyer A. Street is associated with the constitutional right of the individual. That is, a person must be able to protect his constitutional and statutory rights from illegal government documents through judicial review.

In this regard, it should be noted that the verification of the legality and authenticity of judicial documents by higher courts is of a supervisory nature. However, it is not expedient to include the defined specific procedural activity in the concept of judicial control, as the supervisory functions of the judiciary as an independent branch of state power are primarily aimed at controlling the legitimacy of the actions of other power structures. These external oversight functions have a number of general principles, laws, features, etc., that provide the basis for combining them with a single concept of judicial oversight. In this sense, judicial control is the external control over the actions (inaction) of normative legal acts, public authorities and officials in the field of justice.

It can be observed that the concept of judicial control has been analyzed by some researchers on the basis of constitutional control. That is, in understanding the control, the main focus will be on verifying the compliance of the disputed normative legal act with the normative procedure. In this regard, N.V. Vitruck argues that constitutional oversight is the verification of the constitutionality of the actions, decisions, and movements of legal entities.

It is possible to partially agree with this opinion. Judicial oversight should not only serve to ensure constitutionality, but also to protect the rights and freedoms enshrined in other laws.

According to T.V. Parshina, judicial control is a judicial control over the legality of legal documents, which is a judicial activity to verify the compliance of legislation with the requirements, which is carried out in the courts in the manner prescribed by law. Some aspects are not disclosed in this definition. In particular, issues such as applicants, scope of legislation and special procedural procedures were not covered.

In this context, the concept of judicial review can be defined as follows: "Judicial control is a judicial activity carried out in the constitutional and administrative proceedings in order to protect the rights, freedoms and legitimate interests of individuals and legal entities established by the Constitution and laws."

Judicial control can be described by the court in terms of legal relations arising in the process of consideration and resolution of administrative acts and normative legal acts, as these legal relations constitute a separate category of court cases. However, these views do not allow us to fully reflect the specifics of judicial

regulatory oversight, as any oversight activity carried out by the court in the context of justice (trial) is carried out within the framework of judicial proceedings.

On the basis of the legislation of Uzbekistan the following features of judicial control can be distinguished:

**First**, judicial oversight is an independent function of the judiciary in the field of lawmaking. Clear exercise of judicial powers to review regulations ensures a balance between the legislative and executive branches of the judiciary and is the most important means of maintaining the balance of the entire legal system. In this regard, judicial oversight can be said to be an independent function of the judiciary. According to Article 4 of the Law of the Republic of Uzbekistan "On Courts", the courts in the Republic of Uzbekistan protect the rights and freedoms of citizens, the rights and legally protected interests of enterprises, institutions and organizations enshrined in the Constitution and other laws of the Republic of Uzbekistan. encouraged to do. The activities of the court are aimed at ensuring the rule of law, social justice, peace and harmony of citizens. Also, according to Article 2 of the Law of the Republic of Uzbekistan "On the Constitutional Court of the Republic of Uzbekistan", the Constitutional Court of the Republic of Uzbekistan is a permanent judicial body to consider cases on the constitutionality of legislative and executive acts.

**Second**, judicial review is the action of these courts to review administrative documents and regulations. Judicial control over regulatory legal acts is carried out by the Constitutional and Supreme Courts of the Republic of Uzbekistan. Examination of a normative legal act by a court is carried out in order to determine its legality. The court verifies that the normative legal act has the Constitution of the Republic of Uzbekistan and high legal force. As a result of the examination of the normative-legal document, the court confirms its legality or recognizes it as illegal. In particular, according to the Code of Administrative Procedure of the Republic of Uzbekistan, if a court finds that an administrative normative legal act violates the rights and legitimate interests of citizens guaranteed by the Constitution and laws of the Republic of Uzbekistan, this normative legal act may be declared invalid in whole or in part.

**Third**, judicial review is one of the forms of interaction between court decisions and regulations.

The issue of interaction of normative-legal documents has not been studied in depth in the legal literature. The concept of "interaction of normative-legal documents" has not been analyzed and its scientific definition has not been developed.

The depth of the issues of interaction between court decisions and regulations, given the complexity and versatility, we will focus only on the characteristics of the main forms of influence of court decisions on normative legal acts.

Deprivation of legal force of a normative-legal document means its recognition as invalid and, accordingly, complete legal disqualification and exclusion from the regulatory system.

The impact of a court decision on the regulatory features of a normative legal act is characterized by its recognition as invalid. As a result, it is not used.

The decision of the court may affect not only the normative legal act, which is the object of judicial control, but also other normative legal acts, including the rules based on the illegal normative legal act. However, this procedure does not exist in our national legislation. According to the current legislation, a document that is the object of judicial

control is a document that violates the rights and freedoms of individuals and legal entities. The court can only examine this document.

The decision of the court may also serve as a means of correcting the regulatory effect of the normative legal act. If the provisions of the normative legal act are limited, the court may comment on it.

Hence, judicial control affects the normative-legal act by revoking the document which has no legal force of the court decision, suspending the regulatory effect of the document, as well as prohibiting the normative repetition of rules recognized by the court as illegal.

**Fourth**, judicial review is the procedural activity of the Constitutional Court and administrative courts. Verification of the legality of the departmental regulatory legal act is carried out within the framework of justice in accordance with the rules established by the legislation on administrative procedure. Judicial activity to verify the legality of normative legal acts outside the scope of court proceedings is not allowed, and the results of such verification may not have legal significance.

In conclusion, it can be said that all citizens and legal entities in the country have the opportunity to ensure the legitimacy of the activities of local authorities through judicial disputes over the decisions of local authorities that violate and affect their interests, expanding the guarantees of judicial protection.

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