

**PRE-TRIAL APPEAL: QUASI-COURTS OR APPEAL COMMISSIONS IN PUBLIC  
LEGAL RELATIONS****Kabulova Sanobar Ilgor qizi**

Basic doctoral student at the Supreme School of Judges  
under the Supreme Judicial Council of the Republic of Uzbekistan

[Sdilmurodova07@gmail.com](mailto:Sdilmurodova07@gmail.com)

**Annotation:** This article will discuss issues of determining the characteristics of quasi-judicial bodies, as well as issues of the development of quasi-judicial appeal using the example of certain pre-trial appellate bodies existing in Uzbekistan.

**Key words:** pre-trial appeal, quasi-courts, appeal commissions, public legal disputes, ADR, administrative appeal

In administrative law, quasi-judicial bodies are understood to be jurisdictional bodies that operate within the executive branch and resolve administrative disputes in a quasi-judicial manner. They cannot be called courts, as they are an integral part of the executive branch and are only empowered to exercise administrative jurisdiction by law or other normative legal acts. The jurisdictional powers of these bodies do not belong to the judiciary and are called quasi-judicial.

The decisions of quasi-judicial bodies have some of the characteristics of judicial decisions, but not all. In resolving administrative disputes, they do not administer justice, since justice is a function of the court. The jurisdiction of quasi-judicial collegial bodies is limited to resolving administrative disputes of a certain type<sup>1</sup>.

In simpler terms, quasi-judicial bodies are administrative agencies that have the authority to resolve disputes in a manner similar to courts. However, they are not courts and their decisions are not subject to the same level of review as court decisions.

Quasi-judicial bodies play an important role in resolving administrative disputes. They can provide a more efficient and less expensive way to resolve disputes than the traditional court system. However, it is important to note that quasi-judicial bodies are not courts and their decisions are not subject to the same level of review as court decisions.

Quasi-judicial appeal in Uzbekistan has not yet developed as an integral structured procedure for resolving disputes arising from public legal relations. This method of protecting

---

<sup>1</sup> . Орлова И. А. «Квасисудебные» и судебные органы в рамках международных организаций // Международное и национальное правосудие: Теория, история, практика : материалы Международной научно-практической конференции. 20 мая 2010 г. / под общ. ред. С. К. Дряглова. – СанктПетербург: Издательский дом «Петрополис», 2010. – С. 227–233.

rights is available only for certain categories of disputes, and legal regulation in this area is practically devoid of a legislative basis. At the same time, separate bodies are already functioning in Uzbekistan, which can be characterized as quasi-judicial bodies for resolving disputes arising from administrative and other public legal relations. Such a legal phenomenon as quasi-judicial appeal requires theoretical understanding.

In our opinion, the most detailed general theoretical description of quasi-judicial bodies for resolving administrative and legal disputes was formulated by A.B. Zelentsov and O.A.Yastrebov. Within the framework of this characteristic, the distinctive features of quasi-judicial bodies are highlighted: these bodies have the authority to resolve administrative and legal disputes; these bodies do not belong to the judiciary; These bodies apply “quasi-judicial procedures, i.e. almost judicial procedures, as close as possible to them”; these bodies are either part of the executive branch or are bodies of the judicial community; the terms of reference of these bodies do not include the administration of justice<sup>2</sup>.

In many legal systems, there are opportunities for appeal or review of decisions made prior to the main trial proceedings. These can take the form of "quasi-courts" or specialized appeal commissions that handle pre-trial matters.

Some key points about pre-trial appeals:

- **Quasi-courts:** These are administrative bodies or tribunals that have the power to review and rule on certain pre-trial decisions, such as the issuance of search warrants, the admissibility of evidence, or the jurisdiction of the court. They operate outside the normal court structure but their decisions can impact the main trial.
- **Appeal commissions:** Some legal systems have dedicated commissions or panels that specifically handle appeals of pre-trial rulings. These provide an avenue for challenging decisions made by prosecutors, investigating judges, or lower-level courts before the main trial begins.
- **Grounds for appeal:** Pre-trial appeals often focus on issues of procedure, jurisdiction, or constitutional rights - for example, challenging the legality of a search or seizure, or arguing that the charges fall outside the court's authority. The scope is usually more limited than a full appeal of the final trial verdict.
- **Timing:** Pre-trial appeals tend to be on an accelerated timeline compared to post-trial appeals, in order to resolve issues quickly before the main proceedings commence.

---

<sup>2</sup> Зеленцов А.Б., Ястребов О.А. Судебное административное право: учебник для студентов вузов, обучающихся по специальности «Юриспруденция». М.: Статут, 2017. С. 30.

- Impact on trial: The outcome of a pre-trial appeal can significantly impact the scope and direction of the eventual trial, by shaping the admissible evidence, the charges, or other key elements.

Overall, the availability and procedures for pre-trial appeals vary widely between different legal systems. But they serve as an important check on prosecutorial and judicial power prior to the full trial.

In public legal relations, pre-trial appeals for decisions made by administrative bodies typically go to **appeal commissions** rather than quasi-courts. Here's why:

First of all is function: Quasi-courts are entities that resemble courts but lack some key characteristics, like full judicial power. They primarily focus on resolving disputes between individuals or entities governed by specific regulations (e.g., labor disputes, housing issues).

Then, Public Legal Relations: Public legal relations involve disputes between individuals and the government or its agencies. These disputes often concern administrative decisions (e.g., denied permits, benefit determinations).

And Appeal Commissions: Appeal commissions are specialized bodies within the administrative agency itself, or an oversight body, that review these administrative decisions. They offer a first-level internal review process before potentially escalating to a court<sup>3</sup>.

While quasi-courts might handle some public legal disputes depending on the jurisdiction, pre-trial appeals for administrative decisions typically go to appeal commissions due to their specific focus within the administrative structure.

The specific process for pre-trial appeals can vary depending on the jurisdiction and the type of administrative decision.

After an appeal commission review, the next step might be a court challenge if the individual is still unsatisfied.

Within the system of legal norms governing the settlement of pre-trial (administrative) complaints, it is possible to distinguish two elements. The first element is legal norms regulating the general procedure for filing pre-trial complaints.

Thus, there are two main types of legal norms that govern extrajudicial complaints:

1. General rules for filing extrajudicial complaints: These rules apply to all types of extrajudicial complaints and establish the basic requirements for filing a complaint, such as the deadline for filing, the content of the complaint, and the review process.

---

<sup>3</sup> Ливеровский А. А. Органы конституционной юстиции как «квзисуды» // Журнал конституционного правосудия. – 2010. – № 3. – С. 23–27.

2. Special rules for filing extrajudicial complaints against specific administrative bodies: These rules apply in addition to the general rules and provide more specific requirements for filing a complaint against a particular type of administrative body. For example, there may be special rules for filing a complaint against a tax assessment or a customs decision<sup>4</sup>.

It is important to note that both the general and special rules for filing extrajudicial complaints are important and must be followed in order for a complaint to be considered.

The second element in the system of norms governing the settlement of extrajudicial (administrative) complaints is the norms governing the special procedures for filing extrajudicial complaints (complaints against legal acts of tax, customs authorities, bailiffs and others). These procedures (as well as the general procedure for filing extrajudicial complaints) differ significantly from administrative proceedings.

In other words, there are specific rules and procedures for filing extrajudicial complaints against certain types of administrative bodies, such as tax authorities, customs authorities, and bailiffs. These procedures are different from the general rules of administrative proceedings.

Here are some of the key differences between the special procedures for filing extrajudicial complaints and the general rules of administrative proceedings:

- Who can file a complaint: In some cases, only certain individuals or entities may be able to file an extrajudicial complaint. For example, only taxpayers may be able to file a complaint against a tax assessment.
- Deadline for filing a complaint: The deadline for filing an extrajudicial complaint is often shorter than the deadline for filing an administrative claim.
- Content of the complaint: The content of an extrajudicial complaint may be more limited than the content of an administrative claim.
- Review process: The review process for an extrajudicial complaint may be different from the review process for an administrative claim. For example, an extrajudicial complaint may be reviewed by a single official, while an administrative claim may be reviewed by a panel of judges.
- Remedies: The remedies available for an extrajudicial complaint may be different from the remedies available for an administrative claim. For example, an extrajudicial complaint may only result in the reconsideration of the administrative decision, while an administrative claim may result in the decision being overturned<sup>5</sup>.

<sup>4</sup> Леонов Д. В. Административно-правовой институт досудебного обжалования: дисс....канд. юрид. наук. М.,2020.

<sup>5</sup> Зеленцов А.Б. Административная юстиция. Общая часть. Теория судебного административного права.

The Decree of the President of the Republic of Uzbekistan No. DP-4754 "On measures to further improve the mechanisms of alternative dispute resolution," adopted on June 17, 2020, is aimed at addressing the above-mentioned issues. As noted in the Decree, during the preparation of a case for consideration by the court, the judge determines the possibility of the parties concluding a settlement agreement or applying alternative methods of resolving the dispute. The Decree also explains the legal consequences of resolving a dispute out of court<sup>6</sup>.

In simpler terms, the Decree aims to promote the use of alternative dispute resolution (ADR) methods in Uzbekistan. ADR methods are ways of resolving disputes outside of the traditional court system, such as mediation, arbitration, and negotiation.

The Decree provides that judges should now actively encourage parties to use ADR methods when preparing cases for trial. The Decree also explains the legal consequences of using ADR, such as the enforceability of settlement agreements.

The Decree is a significant step forward in promoting the use of ADR in Uzbekistan. ADR can be a more efficient and cost-effective way to resolve disputes than litigation, and it can also help to preserve relationships between the parties.

Here are some of the key provisions of the Decree: Judges are required to inform parties of the availability of ADR methods. Parties are encouraged to use ADR methods where appropriate. Settlement agreements reached through ADR are enforceable in court. The Decree provides for the establishment of a network of ADR providers.

The Decree is expected to have a significant impact on the way that disputes are resolved in Uzbekistan. It is hoped that the Decree will lead to an increase in the use of ADR, which will benefit both businesses and individuals<sup>7</sup>.

In addition to mediation, arbitration, and arbitration courts, the "Appeal Boards for Pre-Trial Settlement of Disputes between Individuals and Legal Entities and State Bodies" are now operating as an alternative mechanism for resolving disputes between parties.

The novelty lies in the fact that the Appeal Board considers appeals of individuals and legal entities in cases where their rights and freedoms, as well as interests protected by law, have been violated as a result of illegal actions or decisions of state bodies or officials.

---

<sup>6</sup> НИЗОЛАРНИ МУҚОБИЛ ҲАЛ ЭТИШНИНГ МЕХАНИЗМЛАРИНИ ЯНАДА ТАКОМИЛЛАШТИРИШ ЧОРА-ТАДБИРЛАРИ ТЎҒРИСИДА. Ўзбекистон Республикаси Президентининг қарори, 17.06.2020 йилдаги ПҚ-4754-сон // <https://lex.uz/docs/4859436>

<sup>7</sup> НИЗОЛАРНИ МУҚОБИЛ ҲАЛ ЭТИШНИНГ МЕХАНИЗМЛАРИНИ ЯНАДА ТАКОМИЛЛАШТИРИШ ЧОРА-ТАДБИРЛАРИ ТЎҒРИСИДА. Ўзбекистон Республикаси Президентининг қарори, 17.06.2020 йилдаги ПҚ-4754-сон // <https://lex.uz/docs/4859436>

The Decree approves the Regulation on the Appeal Board, which details the functions, rights, and obligations of the Board, as well as the procedure for organizing its activities. An appeal scheme is attached to the Regulation.

Differently, the Decree establishes a new mechanism for resolving disputes between individuals and legal entities, on the one hand, and state bodies and officials, on the other hand. The Appeal Board is responsible for considering appeals from individuals and legal entities who believe that their rights have been violated by state bodies or officials.

The Decree is a significant step forward in improving access to justice in Uzbekistan. It is hoped that the Appeal Board will provide a fair and efficient way for individuals and legal entities to resolve their disputes with the state.

Here are some of the key features of the Appeal Board:

- The Appeal Board is an independent body that is not part of the court system.
- The Appeal Board is composed of experienced lawyers and other professionals.
- The Appeal Board's proceedings are informal and less adversarial than court proceedings.
- The Appeal Board's decisions are binding on state bodies and officials<sup>8</sup>.

If you are an individual or legal entity who believes that your rights have been violated by a state body or official, you may be able to file an appeal with the Appeal Board. The Appeal Board can provide you with more information about its procedures and how to file an appeal.

If we look at the experience of other countries where similar boards have been established, we can see that they also operate, but differ in their organizational structure or name. In fact, the operation of such organizational structures is one of the manifestations of the guaranteed implementation of citizens' rights.

For example, as specialized courts are created to consider a certain category of cases, we can see that bodies like our example above, created under the authority of a particular state body or institution and also designed to consider disputes on specific cases, are called quasi-bodies or quasi-courts in the experience of many foreign countries.

In other words, the author is drawing a parallel between the newly established Appeal Boards in Uzbekistan and similar bodies that exist in other countries. These bodies are often called quasi-bodies or quasi-courts because they have some of the same characteristics as courts, such as the power to make binding decisions, but they are not part of the traditional court system.

The author argues that the existence of these bodies is a positive sign, as it shows that the government is committed to protecting the rights of its citizens. They provide an alternative to

---

<sup>8</sup> Панова И. В. Развитие административного судопроизводства и административной юстиции в России // Право. – 2016. – № 4. – С. 54–69.

the traditional court system that can be more efficient and less expensive for individuals and businesses.

Therefore, regardless of whether they are called appeal boards, chambers, or quasi-judicial bodies, their purpose is to protect the rights and interests of citizens, consider their appeals, and resolve disputes in accordance with the law, taking into account the interests of the parties to the dispute.

These appeal boards or quasi-judicial bodies consider disputes and make decisions based on the law, but they are not judicial bodies and their decisions can be appealed in court.

These bodies have a certain degree of independence from the organizations in which they operate.

In simpler terms, the author is emphasizing the fact that appeal boards or quasi-judicial bodies are not courts, but they still play an important role in protecting the rights of citizens. They can provide a more efficient and less expensive way to resolve disputes than the traditional court system.

### References

1. НИЗОЛАРНИ МУҚОБИЛ ҲАЛ ЭТИШНИНГ МЕХАНИЗМЛАРИНИ ЯНАДА ТАКОМИЛЛАШТИРИШ ЧОРА-ТАДБИРЛАРИ ТЎҒРИСИДА. Ўзбекистон Республикаси Президентининг қарори, 17.06.2020 йилдаги ПҚ-4754-сон // <https://lex.uz/docs/4859436>
2. Зеленцов А.Б., Ястребов О.А. Судебное административное право: учебник для студентов вузов, обучающихся по специальности «Юриспруденция». М.: Статут, 2017. С. 30.
3. Ливеровский А. А. Органы конституционной юстиции как «квазисуды» // Журнал конституционного правосудия. – 2010. – № 3. – С. 23–27.
4. Леонов Д. В. Административно-правовой институт досудебного обжалования: дисс.....канд. юрид. наук. М.,2020.
5. Зеленцов А.Б. Административная юстиция. Общая часть. Теория судебного административного права.
6. Орлова И. А. «Квазисудебные» и судебные органы в рамках международных организаций // Международное и национальное правосудие: Теория, история, практика : материалы Международной научно-практической конференции. 20 мая

2010 г. / под общ. ред. С. К. Дряхлова. – СанктПетербург: Издательский дом «Петрополис», 2010. – С. 227–233.

7. Панова И. В. Развитие административного судопроизводства и административной юстиции в России // Право. – 2016. – № 4. – С. 54–69.