

## PROBLEMS OF THE BURDEN OF PROOF OF ADMINISTRATIVE BODIES AND CITIZENS

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### Abstract:

This thesis analyzes the theoretical and practical issues related to the allocation of the burden of proof in administrative proceedings in the Republic of Uzbekistan. The study scientifically substantiates the significance of procedural asymmetry between citizens and state bodies, the possibilities for presenting evidence, and the principle of active judicial participation. The aim is to identify key factors for ensuring a fair system of proof in resolving administrative disputes.

**Keywords:** administrative court, burden of proof, evidence, information asymmetry, active judicial participation, citizens' rights.

In the process of building a rule-of-law state, the institution of administrative judicial proceedings is the main mechanism for ensuring legal protection of citizens and business entities in their relations with state bodies. The possibility to challenge the decisions, actions, and inaction of administrative authorities in court serves as a practical guarantee of the constitutional rights of citizens.

However, a specific feature of administrative disputes is that the parties are not equal in procedural and informational terms. A state body, as a subject of authority, has broad powers to make decisions, collect information, and exercise legal influence. A citizen, on the other hand, is often the person whose rights are restricted as a result of such a decision and is deprived of the opportunity to know what evidence formed the basis of the decision and to access that information.

Therefore, one of the key problems in administrative proceedings is the distribution of the burden of proof. If this burden is placed solely on the citizen, judicial protection becomes formal, and the dominant position of the state body is further strengthened. Thus, the issue of the burden of proof appears as a decisive factor determining the essence and effectiveness of administrative justice.

The burden of proof in administrative proceedings does not fully correspond to the traditional civil procedure model, since an administrative dispute arises not between two equal private parties, but between a state authority vested with public powers and a citizen subject to that

authority [1]. This requires ensuring the principle of “equality of arms” not only formally but also substantively in matters of proof [2].

In practice, in the administrative courts of Uzbekistan, there are cases where citizens are required to prove the illegality of a state body’s decision [3]. However, a citizen may not know what data, official inspections, or internal documents the decision is based on. In such circumstances, requiring full proof from the citizen contradicts the principle of legal justice and deepens the information asymmetry between “authority and individual” [4].

From this perspective, the international doctrine of administrative justice широко applies the principle of the “**reversal of the burden of proof**” [5]. According to this principle, if a citizen substantiates that a decision of a state body has restricted his or her rights, the obligation to prove the legality and validity of that decision shifts to the administrative authority. This approach compels the state body to justify its decisions both legally and factually.

In the administrative judicial system of Uzbekistan, the institutional consolidation of this principle has not yet been fully formed. Courts often limit themselves to requiring evidence from citizens and do not obligatorily ensure that state bodies fully disclose the decision-making process. This may lead to the substantive essence of administrative justice not being fully realized.

Therefore, the correct distribution of the burden of proof between administrative bodies and citizens is not only a procedural issue, but also a key legal mechanism for ensuring effective judicial control over state power.

The proper allocation of the burden of proof between administrative bodies and citizens does not only protect citizens, but also obliges state authorities to adopt their decisions in a transparent and well-reasoned manner. At the same time, the principle of reversal of the burden of proof ensures a fairer and faster judicial process for citizens and business entities.

In practice, the implementation of this approach may face several difficulties. First, restrictions on the disclosure of internal documents and inspection materials by state bodies complicate the process of proof. Second, procedural rules necessary to eliminate the information asymmetry between the authority and the citizen in courts have not yet been fully developed.

At the same time, international experience shows that a rational distribution of the burden of proof in administrative courts not only protects the rights of citizens, but also increases the transparency and effectiveness of decisions of state bodies [6]. This ensures the substantive functioning of administrative justice and improves the overall efficiency of the public administration system.

In conclusion, the development of a structured distribution of the burden of proof in the administrative court practice of Uzbekistan serves as an important legal mechanism not only for protecting the rights of citizens and business entities, but also for ensuring that state bodies adopt their decisions in an open and well-reasoned manner. From this perspective, legal and

institutional reforms in this area will play a key role in increasing the effectiveness of administrative justice and strengthening citizens' trust in the courts [7].

The issue of the burden of proof in administrative proceedings is central to overcoming unsuccessful experience and information asymmetry between citizens and state bodies. The analysis shows that the traditional civil procedural model is not fully suitable for administrative disputes, since relations between the state authority and the citizen are primarily based on the balance of power and subordination. Therefore, the proper distribution of the burden of proof is not only a procedural requirement, but also a crucial legal mechanism for ensuring effective judicial control over state power.

The analysis also demonstrates that the principle of the **reversal of the burden of proof**, applied in international practice, is of practical significance for Uzbekistan as well. According to this principle, if a citizen substantiates the lack of legal grounds of a state body's decision and the restriction of his or her rights, the obligation to prove the legality of that decision shifts to the administrative authority. This approach reduces information inequality between the citizen and the state body, ensures the active role of the court, and strengthens the substantive essence of administrative justice.

Practice also shows that requiring incomplete proof from citizens contradicts the principles of legal justice and equality and does not ensure that decisions of state bodies are presented in an open and well-reasoned manner. From this perspective, the fair distribution of the burden of proof and the formation of administrative decisions on the basis of the principle of transparency are key conditions for protecting the legal rights of citizens.

The final conclusion is that the correct distribution of the burden of proof in the system of administrative courts:

1. Strengthens the legal protection of citizens and ensures that state bodies adopt lawful and well-reasoned decisions;
2. Consolidates procedural equality and eliminates inequality between the citizen and the state body;
3. Increases the effectiveness of judicial control and ensures the substantive realization of administrative justice;
4. Ensures compliance with international standards and brings administrative court practice in Uzbekistan closer to modern requirements.

On this basis, a clear and effective distribution of the burden of proof between citizens and state bodies is considered an important factor in the effective resolution of administrative disputes, ensuring the legality of state power, and protecting the lawful interests and rights of citizens.

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