

THE LEGAL STATUS OF PARTIES IN CONSTITUTIONAL COMPLAINT
PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT

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Abstract: This article examines the legal status of parties in the proceedings of the Constitutional Court based on constitutional complaints, their forms of participation, and comparative analysis with legal models in foreign practice. The author analyzes who the parties are, their powers, availability of procedural instruments, and mechanisms for participation through lawyers, representatives, and written submissions. The experience of countries such as Germany, France, the USA, Spain, and the United Kingdom is also analyzed. The article critically evaluates the situation in Uzbekistan and offers proposals to expand the right to direct access to the court and to diversify participation forms.

Keywords: constitutional court, procedural status, representation, international practice, direct access, court participation

Introduction

The rights and duties of parties in constitutional complaint proceedings are a vital component of the constitutional review system. This institution not only provides citizens and legal entities the opportunity to protect their constitutional rights, but also ensures the fairness and transparency of the judicial process. The establishment of rights and obligations of parties within a clear legal framework contributes to the effective operation of the constitutional complaint mechanism. This article explores the identity of parties to proceedings in the Constitutional Court, their procedural status, the right of representation, participation through documentation, and comparative analysis with international practice.

Methodology

The study applies methods of comparative legal analysis, normative interpretation, and commentary based on current legislation. By comparing the operation of constitutional courts in various countries, the article evaluates the practice in Uzbekistan. The legal status of parties in constitutional proceedings contributes to the strengthening of the rule of law and democratic principles. This status defines how parties participate in the trial, the scope of their rights, and their procedural capabilities.

Main Results and Analysis

The Constitutional Law of the Republic of Uzbekistan “On the Constitutional Court” serves as the principal legal document that defines the status of parties. According to this law, the following entities may file a constitutional complaint:

- Citizens of the Republic of Uzbekistan;
- Legal entities;
- State bodies;
- Officials;

- Public organizations [1].

In constitutional court proceedings, the status of parties differs from that in other courts. For example, while parties in courts of general jurisdiction are usually opposing litigants, in constitutional courts they participate as entities defending the public interest. Thus, the legal status of parties must be defined in a distinct manner. Their participation is usually linked to reviewing the constitutionality of laws or normative acts, preventing violations of human rights and freedoms, and ensuring proper interpretation of state authority powers. Therefore, in constitutional proceedings, parties do not engage on an adversarial basis as in general jurisdiction courts, but rather participate through legal analysis of the constitutionality of a norm [2].

The procedural status and forms of participation of parties also depend on the country's constitutional-legal framework. For example, Germany's Federal Constitutional Court allows individuals and legal entities to directly file complaints. In contrast, the French Constitutional Council initially accepted only requests from specific state authorities. However, the 2008 introduction of the "Priority Question of Constitutionality" (QPC) mechanism now enables individuals to indirectly appeal through courts.

According to this procedure, if a person believes a law violates fundamental rights, they can request its constitutional review. The issue is first considered by a lower court, and if the request is deemed reasonable, the matter is referred to the Court of Cassation or Council of State. These bodies decide whether to transfer it to the Constitutional Council. If the law is found unconstitutional, it becomes invalid [3].

In the United States, the Supreme Court requires strict standing: a person may bring a case only if they have suffered direct harm to their legal interests. This principle, known as "standing," determines who can participate in constitutional litigation [4].

In the United Kingdom, the procedural status of parties in constitutional review is based not only on direct interest but also public interest standing. Under the **Senior Courts Act 1981**, citizens and NGOs may appeal to the courts when a law or government act affects public interest [5].

The European Court of Human Rights also defines the status of parties with specific conditions. Applicants must exhaust domestic remedies before appealing internationally, and must file within six months of the rights violation [6].

In Uzbekistan, the right to constitutional complaint is restricted: individuals may not directly apply to the Constitutional Court. Only the chambers of the Oliy Majlis (Parliament), the President, the Prosecutor General, the Supreme Court, and other state bodies may do so. This limitation requires comparison with other countries and calls for reforms to enhance access and party status in Uzbekistan's constitutional review.

Forms of Participation of Parties

In the context of constitutional court proceedings, the forms of participation by the parties depend on various factors and are manifested in the following directions:

Direct Access to the Court – In Germany, individuals may apply directly to the Federal Constitutional Court (Bundesverfassungsgericht) if they believe their fundamental rights are violated [7]. In Spain, individuals can file an “amparo complaint” (recurso de amparo) directly with the Constitutional Tribunal [8]. In Uzbekistan, however, individuals and legal entities may not directly file such complaints. They must first exhaust all instances of the courts of general jurisdiction.

Participation through Representation – Parties may be represented by lawyers or authorized agents [9]. In the U.S., the Supreme Court only allows representation by attorneys admitted to the bar of the court [10]. The “amicus curiae” institution (friends of the court) also enables third parties to assist in defending interests [11]. In Russia, parties may be represented by lawyers or trusted representatives under established procedural rules [12]. In Uzbekistan, parties may participate via legal representatives, especially when cases are filed by state institutions.

Participation through Written Submissions – Parties may defend their rights by submitting documents and legal opinions. In some jurisdictions, parties may not attend hearings and instead participate through written materials. For example, the French Constitutional Council primarily considers cases based on written submissions, and personal attendance is not required [13]. In the United Kingdom, the Supreme Court rules on constitutional matters based on written evidence, holding oral hearings only when necessary [14]. In Uzbekistan, such written procedural participation is not yet well established in practice.

Conclusion

In conclusion, the forms of party participation in constitutional court proceedings vary across jurisdictions. Germany and the U.S. allow direct complaints, while Uzbekistan and Russia limit the range of eligible legal subjects. Most countries allow representation, ensuring effective legal protection. Participation through documentation simplifies proceedings and allows submission of legal arguments without attending court. Reforms in Uzbekistan should aim to expand direct access to the Constitutional Court, develop representation mechanisms, and increase the effectiveness of written procedures.

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