



ADMINISTRATIVE AND LEGAL MECHANISMS OF STATE REGULATION IN URBAN PLANNING AND CONSTRUCTION: DIGITAL AND INNOVATIVE APPROACHES

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ABSTRACT

This article examines the administrative and legal mechanisms of state regulation in the field of urban planning and construction, highlighting its theoretical-conceptual foundations and distinctive features. The balance between imperative and dispositive administrative instruments is analyzed, applying broad and narrow interpretations of state regulation to the sector. Furthermore, the author introduces the concept of "Digital Urban Planning Control" into national administrative law theory and proposes systemic recommendations for improving the national legislation.

In the context of modernizing the state governance system and comprehensively reforming public life, enhancing the efficiency of the administrative and legal regulation mechanism in urban planning and construction has acquired particular significance. The construction sector is a vital socio-spatial environment that acts as a major driver of the national economy and ensures citizens' constitutional rights to a favorable and safe living environment[1]. This study utilizes dialectical, logical, comparative-legal, and systemic-structural methods.

In administrative law theory, "state regulation" (or state governance) is interpreted in both broad and narrow senses. In the broad sense, it encompasses the political and state activities of the President, the Parliament's legislative governance, the Government's socio-political operations, and the representative activities of local government bodies. In the narrow sense, it refers to the daily, organizational, and executive-dispositive activities of executive branch bodies (ministries, committees, and agencies) aimed at ensuring the implementation of laws[2, 71].

When applied to the sector, state regulation constitutes a system of targeted, organizational, and supervisory-executive actions carried out by authorized state bodies to balance the interests of society, the state, and individuals, while ensuring sustainable spatial development and guaranteeing the safety and quality of construction projects. According to the Urban Planning Code, urban planning activity encompasses everything from planning territorial development to project design and construction[3]. From a legal standpoint, the concept of "urban planning" is broader than "construction", as the latter primarily denotes technical and constructive processes.

In legal literature, the administrative-legal regulation mechanism is defined as a system of legal instruments (norms, legal facts, and legal relations) applied to regulate, develop, and protect social relations within state governance[4]. State regulation in this field comprises the following core functions:

- Developing and adopting regulations (Urban Planning Norms and Rules) and state standards;
- Approving master schemes for regional development and master plans for settlements[6];
- Implementing licensing and permitting procedures for subjects of urban planning activity[7];
- Conducting systematic administrative supervision (inspections) and enforcing administrative sanctions or coercive measures in case of violations[8,9].

The specific nature of administrative-legal regulation in the field of urban planning includes:

1. **The Intertwining of Legal and Technical Norms:** Engineering, seismic, and environmental rules (MqK) carry mandatory administrative-legal force. Consequently, violating technical rules directly triggers administrative liability.
2. **Conflict of Public and Private Interests:** State bodies must maintain a balance between the property interests of investors and the rights of the local population to a favorable environment (e.g., through public hearings).
3. **Multi-tiered Governance:** Governance functions are distributed among central state authorities (the Ministry), specialized supervisory bodies (the Construction Inspection), and local government authorities (Khokimyats)[8].
4. **Digitalization and Transparency:** Traditional "state-to-business" relations are shifting toward digital administrative procedures through platforms like the "Transparent Construction" national information system.

The administrative-legal instruments applied in this field can be categorized into two major groups: **imperative** (coercive-prohibitive measures, such as halting construction or issuing mandatory demolition orders)[9] and **dispositive** (incentive-permissive measures, such as public-private partnerships or involving the non-state sector in independent project expertise). International experience shows that in developed nations like Germany and the UK, state intervention is minimized through strict functional "Zoning" systems (Baugesetzbuch), limiting the discretionary powers of the executive branch under judicial supervision.

Modern administrative law theory should integrate the concept of **"Digital Urban Planning Control"**. This is defined as the activity of remotely detecting violations of urban planning norms using artificial intelligence and Geographic Information Systems (GIS)—thereby eliminating the human factor—and automatically generating administrative-legal enforcement responses through algorithmic systems.

To ensure the consistency of systemic reforms and eliminate gaps in national legislation, the following priority proposals are put forward:

1. **Implementation of the administrative principle: "Prohibition of the Supremacy of Departmental Regulations"**. Provisions should be introduced into the Code of Administrative Liability and the Urban Planning Code stating that any restrictions not

explicitly defined by the Urban Planning Code itself, but established via internal orders of ministries or inspections, shall be deemed an administrative violation.

Introduction of “Administrative Forecasting” procedures. Legislation should formalize a system requiring inspection bodies to provide business entities with a mandatory remedy period and legal guidance to rectify errors before any administrative fines can be imposed.

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