



---

# COMPARATIVE LEGAL ANALYSIS OF THE ACTS OF THE PRESIDENTS OF UZBEKISTAN AND THE UNITED STATES OF AMERICA

Jahongir Kurbanov

Senior Lecturer, Tashkent State University of Law

---

## **Abstract**

This scientific article provides a comparative legal analysis of the executive acts issued by the President of the Republic of Uzbekistan and the President of the United States of America. The study elucidates the legal nature of presidential acts, the procedures for their adoption, their legal force, and their respective roles in state governance. Furthermore, it compares the constitutional foundations of presidential powers in Uzbekistan and the US, the taxonomy of their acts, and their significance as sources of law within each respective legal system, identifying key similarities and divergences. Concluding the article, relevant proposals and conclusions aimed at improving the system of presidential acts are advanced.

**Keywords:** Acts of the President of the Republic of Uzbekistan, acts of the US President, decree (farmon), resolution (qaror), order (farmoyish), administrative orders, proclamations, executive orders.

## **Introduction**

The institution of the presidency occupies a distinctive position within the political and legal systems of sovereign states. As the supreme organ of state power, the President is a pivotal figure who formulates and executes state policy across political, economic, social, and legal domains. In developed nations, heads of state systematically issue formal instruments; for instance, the United States, which belongs to the Anglo-Saxon (Common Law) legal family, features a President who signs federal statutes into law and issues legally binding normative directives known as Executive Orders for political and administrative



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

management. Briefly stated, the US President possesses the authority to issue Executive Orders, Proclamations, Presidential Memoranda (An executive order is an official directive issued by the President of the United States to manage the operations, practices, and policies of departments and agencies within the executive branch. Such an order may have the force of law and is commonly used to delegate responsibilities, instruct a federal agency to undertake specific actions, or commence an administrative procedure), and exercises the power to sign or veto federal legislation (A bill enacted by Congress requires presidential approval to become law. If the President refuses to approve the bill, it is prevented from taking legal effect; this constitutional power is known as the **veto**. As a result, the President of the United States exercises considerable influence over the legislative process through the veto power) , whereas in the Federal Republic of Germany, the President ratifies statutes adopted by the Bundesrat and Bundestag.

Heads of state in the US (representing the Common Law family) and Uzbekistan (representing the Romano-Germanic / Civil Law family) generally enact or approve the following categories of instruments: in Uzbekistan, the head of state ratifies laws and adopts decrees (*farmon*), resolutions (*qaror*), and orders (*farmoyish*), while the US President is empowered to issue Executive Orders, Proclamations, Presidential Memoranda, and holds the constitutional authority to sign or veto federal bills. Consequently, instruments adopted by the President—such as decrees, resolutions, orders, and other normative-legal acts—are recognized as primary legal instruments of state governance.

While the acts promulgated by the President of the Republic of Uzbekistan are directed toward ensuring the rule of law, strengthening social stability, implementing economic reforms, and advancing public welfare, the acts of the US President primarily serve to regulate the operations of the executive branch, establish federal policy, and protect national interests in foreign relations. Therefore, in determining the legal nature of the instruments adopted by these two heads of state, their alignment with two distinct legal families highlights fundamental differences in their legal nature and their hierarchical standing within their respective legal systems. Specifically, Uzbekistan is characterized by its adherence to the Romano-Germanic (Civil Law) tradition, whereas the



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

United States falls under the Anglo-Saxon (Common Law) legal tradition. In jurisprudence, these nuances are conceptualized and analyzed more deeply through the discipline of comparative law.

A fundamental question arises as to the precise structural and conceptual differences between these two legal traditions. These distinctions manifest in several core dimensions:

**Firstly:** In the Common Law system, the primary source of law is judicial precedent (case law). This is illustrated by the historical rulings of the royal courts in England, the judicial review of parliamentary acts, and in the US, by the landmark rulings of the Supreme Court regarding the constitutionality or unconstitutionality of statutory law;

**Secondly:** The Common Law tradition is inherently casuistic in character, distinguishing it from other legal families;

**Thirdly:** Within the Anglo-Saxon legal family, procedural law plays a more prominent role than substantive law;

**Fourthly:** The judiciary occupies a more dominant or independent position relative to other branches of state power within the Common Law framework;

**Fifthly:** The Anglo-Saxon tradition occasionally lacks a single, codified constitution (as seen in England and historically in certain Canadian constitutional contexts), relying instead on separate constitutional acts, such as the Parliament Act of 1911 in the UK.

Conversely, the Republic of Uzbekistan has historically belonged to the Romano-Germanic (Civil Law) family; thus, the primary form of law in our state is the normative-legal act (statutory instrument). The head of state participates in this law-making process as a vital subject and directly influences its various typologies. A defining feature of the Civil Law system is that while written legal acts, legal customs, and general principles of law serve as primary sources, judicial precedent, judicial practice, normative treaties, and legal doctrines also play supportive roles.

However, in Common Law jurisdictions like the US, Canada, and Great Britain, judicial practice or case law remains the ultimate source, signifying that even executive or presidential acts are instruments secondary to the overarching framework of statutory and case law. The Romano-Germanic system is further



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

characterized by the systematic codification of legal acts, the evolution of civil, commercial, and business law as autonomous branches, the strict division of law into public and private spheres, and, most crucially, the supremacy of statutory legislation as the primary source of law.

In the context of contemporary globalization, examining the experiences of different states—particularly analyzing the system of acts of the President of a highly developed democratic system like the United States to further enhance the legal mechanisms of presidential activity in Uzbekistan—presents unique analytical challenges due to their differing legal traditions. Nevertheless, in terms of substantive governance, both figures outline critical state strategies. In all systems, presidential acts constitute crucial political and legal instruments of state administration, though their specific legal force, procedures of adoption, and underlying objectives remain contingent upon the nation's political-legal structure.

While the official acts of the President of the Republic of Uzbekistan (decrees, resolutions, and orders) are explicitly grounded in its Constitution (<https://lex.uz/docs/6451070> ) and the Law “On Normative-Legal Acts” (<https://lex.uz/docs/5695915> ) the instruments of the US President find their constitutional mandate in Article II of the United States Constitution (<https://constitutioncenter.org/the-constitution/articles/article-ii>).

Based on national legal practice and the statutory framework of Uzbekistan, presidential instruments are classified as follows:

**Orders (Farmoyish):** Primarily individual (non-normative) legal acts designed to resolve organizational, personnel, financial, and other immediate practical matters. Although they may occasionally contain clauses of a normative character, this is not their defining legal feature. They constitute administrative-legal acts issued by the head of state and executive within their constitutional competence to address urgent and current matters of governance. Structurally, under the Constitution, orders rank lower in legal force than decrees and resolutions; nonetheless, they serve as an essential instrument for the President’s direct oversight over the executive branch, particularly within economic and financial administration.



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

**Decrees (Farmon):** While current statutory law lacks a precise, express definition separating decrees from resolutions, judicial and administrative practice indicates that a decree, in its strict sense, is a normative-legal act (subordinate legislation/delegated legislation) issued exclusively by the President to establish, amend, or abrogate legal norms as universally binding state directives. They are typically enacted to reform major sectors of public life or to establish or dissolve state agencies.

**Resolutions (Qaror):** These are formal administrative instruments or subordinate acts adopted by the President, the Cabinet of Ministers, ministries, or regional governors (hokims) to resolve specific institutional tasks or mandates. They represent a formal determination issued by a competent state organ or official within their jurisdiction that entails distinct legal consequences (In the Explanatory Dictionary of the Uzbek Language, the word decision is defined as “a resolution or judgment adopted after consultation by an official body, organization, assembly, public official, or other competent authority regarding a specific matter or issue).

Pursuant to the United States Constitution, the President serves as the head of state, the chief executive of the federal government, and the Commander-in-Chief of the Army and Navy. The formal instruments issued by the US President are categorized based on constitutional prerogatives, political objectives, and executive functions:

**Executive Orders:** Official directives addressing the executive branch that guide federal agencies on how to implement or administer existing statutes and federal policies. They possess normative character, directing federal agencies, executing political programs, or establishing national security measures (e.g., President Franklin D. Roosevelt’s Executive Order 9066 in 1942 regarding the internment of Japanese-Americans).

**Proclamations.** Official presidential announcements declaring a specific event or drawing public and legal attention to matters of national importance. They may carry legal weight or serve purely political-ceremonial purposes (e.g.,



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: usajournals.org

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

proclamations designating Independence Day, Labor Day, or National Security Week).

**Presidential Memoranda.** Formal directives or reminders addressed to executive departments and agencies. While functionally analogous to Executive Orders, they are generally less formal in format and are frequently used to initiate new strategic guidelines or policy developments.

**Presidential Determinations.** Formal decisions required from the President by statutory law, predominantly utilized within foreign policy or national defense, such as authorizing economic assistance or invoking sanctions against foreign states.

**Presidential Directives.** Strategic instruments tied almost exclusively to national security and defense policy, often classified or subject to restricted access, such as directives ratifying counter-terrorism strategies.

**Veto Messages.** Formal communications returning a bill unsigned to Congress, signifying the President's refusal to pass the legislation into law and detailing the specific grounds for rejection.

**Signing Statements.** Written pronouncements issued by the President upon signing a bill into law, offering commentary, interpretations of statutory provisions, or instructions to executive agencies on how the law should be applied.

In sum, the acts of the US President vary in their legal force: while Executive Orders possess mandatory, law-like authority, Proclamations or Memoranda often carry purely administrative or political weight, all serving as mechanisms to execute presidential authority over the executive branch (<https://constitutioncenter.org/the-constitution/articles/article-ii>).

A refined categorization shows that Executive Orders are the most critical, legally binding instruments, whereas Proclamations and Memoranda gravitate toward political or administrative guidance, and Vetoes and Signing Statements



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

**Volume 2, Issue 6, June, 2026**

**Website:** [usajournals.org](http://usajournals.org)

***This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.***

---

operate as checks within the legislative process. Furthermore, the US President holds the constitutional power to grant reprieves and pardons for offenses against the United States, representing a form of quasi-judicial law-enforcement act. However, a President cannot issue a self-pardon, as the underlying legal authority is suspended during active criminal proceedings or impeachment trials. While the President can veto congressional bills, Congress retains the constitutional counter-weight to override a presidential veto via a two-thirds majority vote.

Although the term “Executive Order” is not explicitly mentioned in the text of the US Constitution, these instruments are structurally derived from the general executive power vested in the President under Article II. Executive Orders bind federal agencies and carry the force of law, provided they do not conflict with statutes enacted by Congress; they remain subject to judicial review and can be invalidated by the US Supreme Court. This system of judicial review prevents the executive branch from exercising unchecked, absolute power across domestic policy, economics, security, immigration, and environmental law. To ensure legal certainty and transparency, every Executive Order is formally published in the Federal Register.

In contrast, while the power of the President of the Republic of Uzbekistan to issue orders (*farmoyish*) is explicitly anchored in the Constitution, the current Law "On Normative-Legal Acts" does not include presidential orders within its statutory list of normative acts. This discrepancy arises because orders are conventionally perceived as individual legal acts directed at specific persons, events, or situations (e.g., appointments, decorations, or specific administrative assignments).

Nevertheless, administrative practice demonstrates that certain presidential orders do contain broader normative content, such as directing multiple ministries, allocating budgetary resources, or delineating state policies in specific sectors. This hybrid reality creates a degree of ambiguity within the legal system; although these orders are applied like normative acts in practice, their formal legal status remains under-defined at the statutory level. To resolve this lack of clarity, amending the Law "On Normative-Legal Acts" to clarify the normative thresholds of presidential orders is highly advisable. This statutory



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

---

adjustment would represent a major step toward clarifying the legal force, susceptibility to judicial review, and normative character of presidential instruments.

Comparative analysis demonstrates that while both presidents utilize orders to direct the executive branch, their structural legal nature diverges significantly: in the US, presidential directives operate with the force of law but remain strictly under judicial review, whereas in Uzbekistan, this tool functions primarily as an instrument of practical, top-down state administration. This necessitates targeted reforms regarding the normativity, publication, and legal clarity of presidential orders in Uzbekistan.

Based on the foregoing comparative legal analysis, the following structural conclusions are reached:

- In both legal systems, presidential acts constitute the central hub of the mechanism of state governance;
- In Uzbekistan, presidential instruments possess a more distinct normative-legal character within a highly centralized and codified statutory hierarchy, whereas in the US, they operate primarily as political and administrative tools designed to coordinate the executive branch under robust democratic checks and balances;
- Acts of the President of Uzbekistan form an integral part of the statutory framework and carry mandatory force alongside formal legislation, legally solidifying state policies, socio-economic reforms, and structural measures. US Presidential instruments, while administrative and coordinating in nature, primarily establish the operational mechanisms required to execute federal statutory laws;
- The fundamental similarity lies in the fact that in both nations, presidential acts ensure the consistent execution of state policy and safeguard vital national interests. The core divergence rests on their legal classification: presidential acts in Uzbekistan lean heavily toward formal, normative law-making, whereas in the US, they function as an executive and policy-oriented system of administrative directives.

To further improve the legal framework governing presidential acts in Uzbekistan, the following recommendations are proposed:



*Modern American Journal of Business,  
Economics, and Entrepreneurship*

ISSN (E): 3067-7203

Volume 2, Issue 6, June, 2026

Website: [usajournals.org](http://usajournals.org)

*This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.*

- 
- Statutory Clarification. It is necessary to precisely define and classify the legal status of presidential orders (farmoyish) within the statutory hierarchy to resolve current ambiguities regarding their administrative versus normative boundaries;
  - Judicial Review Mechanisms. Drawing from the US experience, where presidential executive directives are subject to constitutional, congressional, and civic oversight, Uzbekistan could benefit from introducing enhanced independent legal check-and-balance mechanisms over executive orders;
  - Transparency and Publication. To ensure maximum legal certainty and public transparency, a mandatory, comprehensive publication system for all presidential orders should be rigorously enforced;
  - Legal Education. Judicial practices, administrative applications, and legal interpretations surrounding presidential instruments should be systematically integrated into higher legal education curricula;
  - International Benchmarking. The processes for drafting, reviewing, and adopting presidential instruments should be modernized by continuously studying advanced international practices, specifically US executive branch procedures;
  - Legal Monitoring System. A robust system of legal monitoring and specialized efficiency evaluation metrics should be established to systematically measure the practical impact and enforcement velocity of presidential acts;
  - Public Advocacy. Public communication and legal advocacy efforts should be expanded to clearly explain the underlying purpose, objectives, and civil significance of presidential acts to the public;
  - Diversification of Instruments. In alignment with US administrative tools, Uzbekistan could introduce distinct “memoranda” or “directives” as separate administrative sub-categories to optimize the targeted management of specific executive agencies;
  - Methodological Enhancement. The institutional process of drafting presidential acts should universally mandate rigorous pre-enactment scientific-legal analysis, expert appraisal, and international comparative legal mapping



---

## REFERENCES

1. The Constitution of the Republic of Uzbekistan. 01.05. 2023.
2. Law of the Republic of Uzbekistan, от 20.04.2021 г. № LRU-68220.04.2021.
3. F. Hayitboyev, M.Najimov. Hozirgi zamon asosiy huquqiy tizimlar. O‘quv qo‘llanma. –T. TDYI nashriyoti. 2010. 216 bet.
4. В.М.Шумилов.Правовая система США. Москва. Издательско-консалтинговое “ДеКА”. 2003
5. Правовая система США: учебное пособие для вузов. Шумилов В.М., Акчурин Т.Ф, Shumilov V, Akchurin T. 2025.
6. Presidential Documents Guide [The U.S. National Archives and Records Administration]. URL: <http://www.archives.gov/presidentiallibraries/research/guide.html> (retrieved 13.10.2013).
7. Positive Law Codification in the United States Code [Electronic resource]. URL: [http://uscode.house.gov/codification/positive\\_law\\_codification.pdf](http://uscode.house.gov/codification/positive_law_codification.pdf) (retrieved 11.06.2015).
8. Legislation of the U.S. Congress [Congress.gov | Library of Congress]. URL: <https://www.congress.gov/legislation> (retrieved 31.01.2017).
9. Executive Orders Disposition Tables Index [The U.S. National Archives and Records Administration]. URL: <http://www.archives.gov/federalregister/executive-orders/disposition.html> (retrieved 31.01.2017).
10. Петрова Е. А. Система источников современного американского права (теоретический и сравнительно-правовой аспекты): дис. ... канд. юрид. наук: 12.00.01 / Петрова Екатерина Алексеевна. – СПб., 2004. – 205 с.
11. Burrows V. K. Executive Orders: Issuance, Modification and Revocation. December 13, 2011 [Electronic resource]. URL: <http://www.hsdl.org/?view&did=719425> (дата обращения: 05.05.2015).
12. Chu V. S., Garvey T. Executive Orders: Issuance, Modification and Revocation. April 16, 2014 [Federation of American Scientists]. URL:



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

Volume 2, Issue 6, June, 2026

**Website:** usajournals.org

***This work is Licensed under CC BY 4.0 a Creative Commons  
Attribution 4.0 International License.***

---

<http://www.fas.org/sgp/crs/misc/RS20846.pdf> (дата обращения:  
05.05.2015).

13. Hart S. J. Ordinance-Making Powers of the President of the United States. 1923. Ch. I.
14. Olson W. J., Woll A. Executive Orders and National Emergencies: How Presidents Have Come to “Run the Country” by Usurping Legislative Power // Cato Policy Analysis. 1999. No. 358.
15. <https://constitutioncenter.org/the-constitution/articles/article-ii>
16. [www.lex.uz](http://www.lex.uz)