

COMPARATIVE STUDY OF PERSONAL INJURY COMPENSATION SYSTEMS IN NEW YORK (USA) AND UZBEKISTAN

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Damir Akhrorov

Master of Laws (LL.M.) at Penn State Law

Legal Assistant at Law Office Yuriy Prakhin P.C.

Brooklyn, NY 11214, USA.

akhrorov0303@gmail.com

+13479750331

Abstract

This article provides a comparative analysis of personal injury compensation systems in New York (USA) and Uzbekistan, focusing on the conceptual bases, procedural mechanisms, and practical outcomes of damage assessment. While New York represents a mature common law model that relies on case law, jury trials, and extensive reliance on economic and non-economic damage calculations, Uzbekistan reflects a civil law-based, codified approach with a more constrained judicial discretion and limited recognition of intangible harms. The study identifies fundamental divergences in the legal treatment of pain and suffering, loss of earning capacity, and liability thresholds, and examines the implications of these differences on access to justice, predictability of awards, and deterrence functions of tort law. Methodologically, the article employs doctrinal comparison supported by analysis of landmark court decisions from New York and statutory practice in Uzbekistan. The findings suggest that systemic design choices—not only socio-economic context—shape the magnitude and rationale of compensation, producing distinct normative and policy consequences for similarly situated victims.

Keywords

personal injury; compensation systems; comparative law; New York; Uzbekistan; tort liability; non-economic damages; access to justice

Introduction

The quantification of personal injury occupies a foundational and stabilizing function within tort law, furnishing the principal doctrinal instrument through which the law operationalizes the restorative ideal. Notwithstanding the shared compensatory telos, jurisdictions diverge sharply in the normative premises, institutional architectures, and operative techniques that mediate the legal translation of injury into money. New York — conventionally treated in

comparative scholarship as an analytically serviceable proxy for the U.S. tort paradigm – reflects a jurisprudentially constructed, precedent-driven model in which compensatory categories and valuation logics are the product of common-law accretion and judicially supervised lay participation. By contrast, Uzbekistan exhibits a codified civil-law configuration in which statutory enumeration and normatively delimited judicial discretion discipline the availability and magnitude of recoverable heads of loss, particularly with respect to non-economic harm.

Existing comparative literature has privileged taxonomic contrasts between common-law and civil-law families at a high level of abstraction, but it has not yielded a jurisdiction-specific, doctrinally granular account of how these structural divergences concretely materialize in the legal construction of personal injury compensation. In particular, the differential treatment of pain and suffering, diminished earning capacity, and liability thresholds in New York and Uzbekistan has not been examined through a strictly doctrinal lens disentangled from socio-economic explananda. A systematic exposition of these divergences remains absent.

A doctrinal comparison of the respective sources, categories, and operative techniques governing compensatory assessment in the two systems fills that lacuna by isolating design-level choices embedded within each legal order and tracing their internal juridical consequences. The article proceeds by delineating the relevant legal framework, undertaking a structured comparison across key axes of damages assessment, and drawing out the implications of these internal design decisions for the coherence and discipline of each model.

Legal Framework

Personal injury compensation in New York operates within a dual-layered legal architecture combining codified statutory provisions with a robust precedent system, in which the interpretive guidance of the Court of Appeals is supplemented and operationalized through trial-level jury determinations. Statutory instruments, including the New York Civil Practice Law and Rules and relevant sections of the Judiciary Law, establish the foundational categories of compensable harm, thresholds for liability, and procedural prerequisites. These provisions, however, are supplemented by case law, in which appellate courts elaborate standards for the measurement of economic and non-economic damages, the admissibility of expert evidence, and the principles governing apportionment of fault. Trial courts implement these directives, exercising discretion in evidentiary assessment while instructing juries on the legal criteria for awards, thereby translating abstract statutory and appellate norms into practical compensation outcomes.

In Uzbekistan, the legal framework is codified and predominantly statutory, comprising the Civil Code, the Law on Civil Liability, and related normative acts. Judicial discretion is constrained by explicit statutory criteria, and the recognition of non-economic damages such as pain and suffering is narrowly circumscribed. Unlike New York, there is limited reliance on judicial interpretation beyond the literal meaning of the provisions, and no formal mechanism analogous to jury valuation exists. Courts focus on objective quantifiable losses, guided by enumerated rules and precedents interpreted within a codified schema, rather than evolving through the iterative, case-law-driven reasoning characteristic of common law jurisdictions.

The juxtaposition of these frameworks highlights three doctrinal axes: the role of precedent versus codification, the latitude of judicial discretion, and the operationalization of compensable categories. In New York, jurisprudential evolution enables dynamic calibration of damages categories, while in Uzbekistan, statutory determinacy produces stability and predictability at the potential expense of individualized assessment. These doctrinal differences set the stage for a detailed comparative analysis of compensatory categories and assessment techniques in the subsequent section.

Comparative Doctrinal Analysis

The comparative assessment of personal injury compensation in New York and Uzbekistan can be structured along three principal doctrinal dimensions: the recognition and categorization of compensable harm, the determination of liability thresholds, and the allocation of judicial discretion in assessing damages.

Recognition and Categorization of Compensable Harm

In New York, compensable harm encompasses both economic and non-economic losses. Economic damages include medical expenses, lost wages, and future earning capacity, while non-economic damages cover pain and suffering, emotional distress, and loss of consortium. The jurisprudential architecture, primarily articulated through appellate precedents, delineates the methodology for quantifying these categories and provides guiding principles for trial-level jury assessment. In contrast, Uzbekistan's Civil Code and related statutory provisions narrowly define recoverable losses. Economic damages are recognized in a similar manner; however, non-economic losses are limited, and courts exercise constrained discretion in evaluating subjective harms. The absence of a jury system further circumscribes the practical translation of legal categories into compensatory awards.

Liability Thresholds

New York law employs a comparative negligence framework, wherein liability is apportioned according to the degree of fault as determined by the fact-finder, consistent with precedential guidance. Threshold determinations, such as causation and foreseeability, are refined through iterative case law, allowing flexibility in complex factual scenarios. Conversely, Uzbekistan adheres to a more rigid statutory threshold, with liability primarily contingent upon objective proof of harm and causal nexus. Judicial interpretation remains limited to ensuring statutory compliance, leaving minimal room for discretionary adjustment based on situational factors.

Judicial Discretion and Assessment Techniques

The interplay between precedent and trial practice in New York affords significant latitude to both judges and juries. Judges instruct juries regarding legal standards and admissibility, while juries exercise evaluative discretion in quantifying damages. Appellate review ensures doctrinal coherence without unduly constraining evaluative judgment. In Uzbekistan, judicial discretion is narrowly circumscribed by codified rules. Courts primarily apply formulaic assessment methods, with compensatory determinations largely predetermined by statutory metrics and objective criteria. The lack of a jury mechanism centralizes the decision-making process within the bench, emphasizing uniformity over individualized assessment.

This doctrinal comparison reveals that compensation outcomes are shaped less by socio-economic context than by the intrinsic design of each legal order. The structured flexibility in New York contrasts with the codified determinacy in Uzbekistan, producing divergent doctrinal trajectories in compensatory practice.

Implications and Systemic Coherence

The doctrinal divergences identified in the preceding section carry significant implications for the internal coherence and operational logic of each legal system. In New York, the iterative interplay between appellate precedent and trial-level discretion facilitates doctrinal adaptability, permitting the legal framework to accommodate novel factual circumstances and evolving social expectations. This dynamic produces a compensation system that is responsive to case-specific considerations while maintaining a structured hierarchy of authority, thereby ensuring consistency across judicial determinations. The integration of jury evaluation introduces an additional normative check, allowing societal valuations of non-economic harm to inform the legal calculus without undermining appellate oversight.

By contrast, Uzbekistan's codified system emphasizes predictability and formal coherence. Statutory determinacy constrains judicial discretion, limiting

variability in compensatory outcomes. The absence of a jury mechanism and the narrow recognition of non-economic damages reinforce systemic uniformity but may reduce the capacity of the legal order to reflect individualized circumstances. Consequently, doctrinal rigidity enhances administrative clarity and reduces litigation uncertainty, yet it simultaneously restricts responsiveness to the nuanced dimensions of personal injury harm.

The juxtaposition of these models illustrates that legal design choices – rather than solely economic or social context – structure the magnitude, scope, and rationale of compensation. New York exemplifies a jurisprudentially flexible system in which precedent and evaluative discretion collectively shape outcomes, while Uzbekistan demonstrates a codified framework in which statutory precision dictates compensatory determinations. These systemic characteristics influence not only the coherence of each model internally but also their respective capacities to achieve doctrinal and practical justice for injured parties.

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