



## BASIC PRINCIPLES OF ADMINISTRATIVE PROCEDURES

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**Abstract:** *To determine the sphere of administrative law of the Republic of Uzbekistan and the basic principles of this sphere, to illuminate them from a scientific and practical point of view, thereby determining the place of the sphere of administrative law in our society. on" law is of great importance. Identifying existing problems in administrative law, as well as developing effective ways to solve these problems, checking the effectiveness of norms related to administrative law, studying the practice of their application, identifying inconsistent norms, developing administrative law. determining the place of the principles in obtaining relevant recommendations*

**Key words:** *administrative law system, principle, legality, proportionality, substantive coverage, equal rights, discretionary authority, administrative law, proportionality, Reliability, availability of hearing.*

In the national legal system of the Republic of Uzbekistan, special regulatory legal documents regulating every social-political, economic-property, as well as administrative relations have been adopted, and today, administrative law is gaining special importance. The administrative legal system is its internal structure objectively determined by the relations that arise in the process of state administration, the unification and placement of administrative and legal norms in a certain consistency.

Researches and studies show that administrative law differs from other legal systems by its (positive) positivity, protection of citizens' interests, implementation, modification and cancellation of their rights. Experts define administrative law as follows: "It includes a set of legal norms that regulate social relations that arise in the process of state administration, that is, in the implementation of executive and command activities. The diversity of types of management activities is the main factor that requires a large-scale and multidisciplinary nature of administrative law. The norms of administrative law determine the authority of all executive authorities and determine the procedure for establishing, reorganizing and liquidating state administrative bodies. They strengthen the rights and obligations of citizens in the field of public administration, establish uniform rules for the activities of executive authorities and the behavior of officials, consider responsibility for administrative offenses and the procedure for its application.

The norms of administrative law are implemented within the framework of administrative-legal relations between the participants of various administrative-legal relations. In the Republic of Uzbekistan, the President of the Republic, state management bodies at all levels, civil servants, non-governmental non-profit organizations, individuals (citizens of foreign countries and stateless persons) are among the participants of administrative-legal relations.



The word "principle" is derived from the Latin language and means principle, basis, foundation. The principles in the law, more precisely, in the regulatory legal documents, are the reality based on deep theoretical ideas that represent the essence of the law, its nature and spirit. Principles are a set of factors that require the use of internal political and legal knowledge and experience, which the subjects of the law need to rely on and take into account when implementing this or that norm. In particular, as noted above, administrative law also has its own principles, which are reflected in Article 5 of the Law of the Republic of Uzbekistan "On Administrative Procedures". Including:

**Article 5. Basic principles of administrative procedures.**

- legality;
- proportionality;
- reliability;
- availability of opportunity to be heard;
- openness, transparency and comprehensibility of administrative procedures;
- supremacy of rights of interested persons;
- not allowing bureaucratic formalities;
- content coverage;
- implementation of administrative proceedings through "one window";
- equality;
- protection of confidence;
- legality of administrative discretion (discretionary power);
- check.

We will be able to find out that each of these principles is of great importance in the process of implementing administrative law after understanding their essence.

First of all, it is appropriate to dwell on the principle of legality, including that it can be said that the principle of legality is the core of the principles of law. Legality means that all state bodies, officials and other persons follow the laws and legal documents issued in accordance with them without deviation. In addition, it should be said that legality is one of the elements of democracy and the rule of law, and the means and conditions that ensure full compliance with law and legal documents are guarantees of legality.

The principle of proportionality in administrative law is a principle formed on the basis of the supremacy of rights and legal interests of people and citizens. In this case, measures of influence on individuals and legal entities in decision-making by the state administration body and its officials, in decision-making by individuals and legal entities, should be appropriate and sufficient to achieve the legal goal set by the administrative body, and should not cause hardship to the concerned persons as much as possible.

Documents and information about actual circumstances provided by interested parties during administrative proceedings are considered reliable until proven otherwise. In case of doubts about the authenticity of documents and information provided by interested parties, the administrative body shall take measures to verify their reliability independently and at its own expense. In the course of administrative proceedings, it is prohibited to require additional materials confirming the reliability of the documents or information



provided by interested persons, if such a requirement is not established by law, according to the Law "On Administrative Procedures". It is reflected in **Article 8**.

**Through the principle of the opportunity to be heard**, interested citizens will have the opportunity to express their opinions on any situation related to receiving an administrative document. We can say that this is one of the unique aspects of a democratic state.

It is not wrong to say that the principle of openness, **transparency and comprehensibility of administrative procedures** also works in favor of the interested party. Because this means that citizens must directly use the relevant information in accordance with the law and that the administrative body creates these opportunities.

We can study the principle of priority of the rights of interested persons by comparing it with other areas of law, for example, civil or criminal law. That is, it is determined that the situations that are not regulated by the law or where this is not possible, serve for the interested party.

In accordance with the principle of inadmissibility of bureaucratic formality, it is forbidden for administrative bodies to create difficulties for interested persons through obligations, to refuse to grant them rights or to restrict their rights in other ways only in order to comply with official rules and requirements. If the interested person acted in good faith, fulfilled his obligations meaningfully, and the violations of the official rules and requirements did not prevent the correct resolution of the administrative case, the official rules by the interested person and failure to comply with the requirements cannot serve as a basis for adopting an inconsistent administrative document. This is defined in Article 12 of the above law.

We can see from the principle of coverage that it is not possible to request information related to their previous administrative actions, which is not required for the current one, from the persons interested in receiving the administrative document. According to it, the administrative body has the opportunity to request the documents and additional information required by the law.

In cases where an administrative body is required to receive documents and information from other administrative bodies and other bodies for the implementation of administrative procedures, administrative proceedings are carried out according to the "one stop" principle, in which the administrative body receives the necessary documents and information independently, without the participation of interested parties, through interdepartmental cooperation.

The most important principle is the principle of equal rights, which prohibits different treatment of applicants for the same situation. This principle is extremely important to prevent conflicts that may occur in practice.

"Confidence of interested parties acting in good faith in the administrative document is protected by law. Administrative bodies are obliged to respect the legally expected results of the interested persons related to the administrative practice. The change in administrative practice that has occurred must be justified by the public interest, have a



general character and be sustainable. - is stated in **Article 16** of the law, which is a norm dedicated to the principle of protection of trust.

The main principle, the principle known as the legality of administrative discretion (discretionary authority), is a certain level of "freedom, availability of choice" for the decision-making official, which paves the way to act based on the actual situation of the interested party. .

In conclusion, it should be said that the place of the above principles is an integral part of the democratic-legal state, and also that the principles are of great importance in the implementation of norms, and serve the rights and interests of citizens. After all, the state should serve the people!

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3. Law "On Limited Liability and Additional Liability Companies".

##### Electronic learning resources:

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2. <https://library-tsul.uz>