

Administrative Procedures as an Instrument of Interaction between a Citizen and the State

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Abstract – *In order to improve the interaction of state authorities with a citizen, work was carried out to improve administrative procedures aimed at clearly regulating the legal relations of state bodies with individuals and legal entities. An important step in the implementation of administrative reform was the adoption of the Law on Administrative Procedures, which entered into force on January 10, 2019. In addition, the adoption of the Code of the Republic of Uzbekistan on administrative legal proceedings made it possible to unify administrative legal proceedings in the consideration and resolution of administrative cases on the protection of violated or disputed rights, freedoms and legitimate interests of citizens and legal entities.*

Keywords – *States, Codec, Red Tape, Administrative Procedure.*

Today, Uzbekistan is reforming the sphere of public administration. The ongoing administrative reform is aimed not only at creating an effective public administration system, but also at democratizing the system of interaction between the state and the population.

The streamlining of administrative procedures serves to improve the activities of the state apparatus, eliminate red tape, increase the responsibility of public servants for the implementation of their tasks and functions. As Yu. N. Starilov correctly noted, the problem of streamlining administrative procedures is inextricably linked with ensuring the rule of law in the field of public administration, improving the state apparatus, its internal and external relations, and also realizing the rights and freedoms of citizens and organizations [1, P. 489 -490]. It should be noted that administrative procedures are used almost daily in the activities of any body or institution of the state. Therefore, the legal regulation of the relationship between the state and the individual through administrative procedures is one of the key features of the rule of law [2, P. 132].

Foreign experience shows that only clear, transparent, clearly defined procedures will help to avoid abuse of officials, violations of the rights and freedoms of citizens. The law must strictly regulate the procedure and rules for executive and administrative activities of state bodies (for example, permits, control and supervision, registration and other powers). For example, careful and comprehensive regulation of all types of administrative activity, strict formalization of the administrative process in the USA allow achieving the goals of protecting individual rights, avoiding bureaucracy and administrative arbitrariness [3, P. 103].

In the theory of administrative process there are so-called "wide" and "narrow" approaches to the concept of "administrative process". Representatives of the "broad" approach include in its content all the activity of state authorities in the consideration and resolution of administrative cases, including in the absence of a dispute (including licensing, registration, etc.) [4, P.38]. Another approach reduces the administrative process to jurisdiction, i.e. activities of authorized state bodies for the consideration and resolution of administrative disputes. While maintaining

a “broad” understanding of the administrative process, we believe that it allows us to consider it not only as an activity for the consideration of disputes and the application of measures of administrative responsibility, but also to include in its content the procedures of the daily activities of authorities on the application of legal norms.

Administrative procedures, being a special type of administrative process, represent the activities of public authorities in the consideration and resolution of individual administrative cases in which there is no dispute. Under administrative procedures, legal liability measures are not applied (with the exception of some administrative coercive measures).

Thus, administrative procedures can be represented as a logically separate sequence of actions of the body (its officials) in the performance of a public function or the provision of public services. The procedure is the sequence (order) of actions of public authorities enshrined in the rules of law, necessary for the implementation of the tasks and functions established by them for the normative. Simply put, these are the procedural rules governing the administrative and legal activities of administrative bodies.

Administrative procedures provide legal interaction of authorities with citizens through its maximum investment in the form of a normatively defined order (procedures) of actions. These procedures are one of the guarantees.

realization of the rights of citizens and organizations in relations with the state, their protection from abuse of officials.

The interaction of the state with citizens is especially common in areas such as licensing, licensing, registration procedures. Administrative procedures apply to persons to whom an administrative act or administrative action is addressed, or whose rights and legitimate interests are affected by it. Administrative activities include any administrative activities that affect individuals or a group of individuals distinguished by certain individual characteristics. I must say that in contrast to purely administrative proceedings on administrative offenses, in the process of interaction between state bodies and citizens, it is precisely administrative procedures that are applied.

The basis for the start of administrative proceedings in which administrative procedures are applied is a statement (complaint) of an interested person or an initiative of an administrative body. In necessary cases, unless otherwise provided by law, the Cabinet of Ministers of the Republic of Uzbekistan adopts administrative regulations determining the

procedure for considering administrative complaints. As practice shows, a low legal culture of citizens who do not know enough the laws and their rights, do not have the skills to defend them in case of violation, do not go to court, or refuse to file a complaint about the actions of officials .

A powerful tool to limit the arbitrariness of an official is the administrative regulation, which is a document that determines the procedure for the implementation of actions and decision-making by a state body, the procedure for fulfilling its duties and powers. It is clear that the administrative regulation should contain detailed information sufficient to perform a state function or provide a public service by officials of a state body.

The purpose of administrative regulations is to introduce legal criteria for the actions of public servants, which eliminates unnecessary administrative discretion and, as a result, abuse of power. The peculiarity of administrative regulations consists in detailing administrative processes based on detailed descriptions of their formats, ensuring the measurement of the effectiveness of the functioning of authorities.

Thus, the administrative procedure is a normatively established procedure for the implementation of sequentially performed actions by state bodies in order to exercise their competence and provide public services. A clear regulation of administrative procedures determines, on the one hand, the realization of the competence of state bodies, on the other hand, limits their discretionary actions (arbitrary administrative discretion), and regulates the actions of officials to properly implement the relevant procedure. The application of administrative procedures in the activities of state bodies helps to improve the quality of public services and is an important means of protecting the rights and legitimate interests of citizens from the overly prudent nature of the activities of officials.

A feature of administrative and procedural activity is its goal, which is expressed in ensuring effective executive and administrative activities of state bodies, as well as the exercise of the rights of individuals by fixing the basic requirements for the conditions, terms and sequence of the implementation of their activities by public servants. Administrative procedures provide normative regulation of the activities of state bodies by establishing the procedure for making power management decisions by officials, including consideration and resolution of specific administrative cases.

In the context of ensuring the interaction of the state and the person, administrative procedures should be applied taking into account the following basic principles: legality;

proportionality; reliability; the opportunity to be heard; openness, transparency and clarity of administrative procedures; priority of the rights of stakeholders; inadmissibility of bureaucratic formalism; meaningful absorption; implementation of administrative proceedings in a “one window”; equality; trust protection; the legality of administrative discretion (discretion); study.

The analysis allows us to identify the following characteristic features of an administrative procedure. She:

- Is a normatively established order of activity of subjects of administrative activity;
- Is indisputable (non-jurisdictional) in nature, not related to the application of administrative coercive measures;
- Aims to streamline specific legal relations between government bodies and citizens and organizations, as well as government bodies and structural divisions and officials;
- Connected with the implementation by a public entity of its authority.

Thus, the extent to which the activities of government bodies is ensured by detailed and transparent procedures, their proper functioning depends. The basis of any activity is procedural standards. Features of the activity, competence of a particular public authority determine the specifics of each of the varieties of legal procedure.

The decision in the case to appeal decisions, actions (inaction) of administrative bodies, self-government bodies of citizens, their officials is taken by the court. The court, having established that the appealed decision or its individual parts or actions (inaction) is contrary to the law and violates the rights and interests of the applicant protected by law, decides to invalidate the decision or its individual parts or actions (inaction). If the court determines that the appealed decision or its individual provisions or actions (inaction) comply with the law and do not violate the rights and interests of the applicant protected by law, it takes a decision to refuse to satisfy the claimed claim.

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