



**THE CONCEPT OF THE PRINCIPLES OF ADMINISTRATIVE  
PROCEEDINGS AND THEIR THEORETICAL AND LEGAL ANALYSIS**

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Annotation.

This article analyzes the theoretical and legal aspects of the principles of administrative judicial proceedings used in practice by administrative courts.

Keywords: administrative proceeding, principle, legitimacy, transparency.

The formal activity carried out by the court to resolve public-law disputes arising between administrative bodies and private persons (individuals and legal entities) is administrative legal proceedings. Based on the integral type of legal concept, it can be said that the principles of administrative record keeping are the criterion for the presentation of the basic form of law, expressing the essential features of administrative record keeping. The administrative court itself is the basis for the emergence of a case, the subjects of administrative law are, on the one hand, a state executive authority, a local self-government body, an official or organizations whose functions are performed by an administrative body, and on the other hand, an individual or legal entity - the presence and appeal to the court of persons, rights and legitimate whose interests are violated by the actions or decisions of these persons. there will be a basis. The purpose of consideration of administrative cases is to protect against decisions, actions, (inaction) of state bodies and officials that do not comply with international and domestic legislation, as well as to restore the rights of citizens and organizations. When talking about the principles of administrative judicial proceedings, the opinion is put forward by the lawyer Ryzhov: "the principles of administrative proceedings are the main legal provisions that express the nature and nature of the organization and activities of Courts of General Jurisdiction for the consideration and resolution of administrative cases" . The important aspect of this opinion is that, speaking about the principle of judicial proceedings by a scientist, he not only dates its application in the trial process as the main principles, but also mentions that the principle plays an important role in the process of organizing judicial proceedings. Also, according to the views of the legal scientist, Shilova, "for the effective implementation of the tasks of



administrative proceedings, the criteria for classifying the principles of administrative proceedings are highlighted they are as follows” :

- 1) according to the scope of activity;
- 2) according to the functional purpose;
- 3) classification criteria according to the legal force of the normative legal Act, which enshrines the principles of administrative proceedings. We can say that this view also has a special feature, the reason is that when applying and applying the principle of administrative judicial proceedings, it is advisable to determine the scope of its significance in what context. Also, from legal scientists Bakhrakh, Ershov, Nikitin, Radchenko, Semenova, Starilov, Khamaneva, Tsikhotskys analyzed in their views the peculiarities of the implementation of the principle of independence of courts in the process of administrative proceedings. At the same time, Nikitin's work identified problems associated with the implementation of such principles of administrative conviction as the dispute and equality of the parties, dispositiveness, legality, completeness of judicial protection, coercion of court decisions . In his opinion, the principles listed above are considered to be the principles that serve as the basis for conducting administrative proceedings. If we pay attention to our national legislation and generally recognized norms of international law, we will be able to see that Nikitin's views are legally correct. Specific features of the implementation of the principle of transparency in administrative court cases are reflected in scientific works Abrosimova and V.I.Anishina cites this principle as the most important principle of the trial in her cases . In the analysis of the specific features of the rules relating to the special principles of administrative conviction, as well as the principles of transparency, argumentation and equality of parties, the scientific works of Nozdrachev, Sukharev, Melnikova are of paramount importance. The role of the above principles in improving the procedural legal mechanisms of protecting citizens in relations with state power and strengthening the powers of the court in ensuring the rights and interests of individuals and legal entities is incomparable.

In Uzbekistan, as a result of reforms in the field of judicial law, it is important to develop criteria that determine the activities of administrative courts and the basics of this activity. At the same time from our national legal scholars, L.B.Hwan, E.Hajiyev, D.Habibullayev, Z.Esonova, J.Nematov, D.Artikov, R.Altiyev and a number of other lawyers have analyzed the importance, conditions of application of judicial principles in judicial proceedings, problems of implementation in maliyot, as well as important aspects of their elimination.



In particular, doctor of Legal Sciences J.N.Nematov argues that one of the aspects that distinguishes administrative proceedings from civil proceedings is the Inquisition principle, or it is manifested in the activity of the court in judicial proceedings. In doing so, we must state that in administrative proceedings, as in other courts, especially in civil proceedings, the court comes to the fore, it is once again manifested that the main task of the court is to carry out justice.

Also, with the provision of equality in all procedural law norms, in addition to judicial proceedings, it is manifested in the fact that in material law a private person (it is expedient to say that an individual and a legal entity are a private person in a combined process) cannot enter into an equal relationship with the executive bodies of the state as the main reason for this, It is cited by Nematov that administrative-legal relations are an attitude based on the subordination of one party, that is, a private person, to an administrative body. From this point of view, in the administrative court proceedings, and considers it impossible to mention the principle of equality and dispute of the parties, the scientist said. But one thing must be taken into account is that administrative legal attitude is an attitude aimed at the implementation by the executive body of state functions and functions. Administrative judicial proceedings, on the other hand, are the judicial power provided for by Article 11 of Uzbekistan Constitution, which is considered to be just a fair trial to be carried out. Including, it is not entirely correct to agree with the opinion of the scientist, which he cited above.

Legal scholar Hwan believes that administrative proceedings are based on the principle of court activity. The uniqueness of this point of view lies in the fact that in administrative proceedings, the main task is to assess evidence after the court has heard all the circumstances of the case. It is in this process that the main task of the court arises.

Based on the views presented above, we can say that:

Firstly, in administrative proceedings, the principles of judicial proceedings are formed primarily on the basis of the essential principles of administrative law existing in substantive law.

Secondly, within the framework of the Basic Principles of Legal Proceedings used in administrative proceedings, the principle of dividing the principles into two directions is put forward, namely: the basic principles, as well as related principles.

Thirdly, for the effective implementation of the tasks of administrative record-keeping, it is important to observe and apply the criteria for classifying the principles of administrative record-keeping by the field of activity that





distinguishes; by functional purpose; by the legal force of the regulatory legal act that enshrines the principles of administrative record-keeping.

Fourth, the role of the above principles is invaluable in improving the procedural and legal mechanisms for protecting citizens in relations with state authorities and strengthening the powers of the court to ensure the rights and interests of individuals and legal entities.

Fifthly, the principles of administrative proceedings include compliance with international and domestic legislation, equality of all before the law and the court, transparency of judicial proceedings, independence of judges, administration of justice only by the court, the language of office work, the basis of the dispute and equality of the parties, efficiency of judicial proceedings, dispositivity, as well as the principles of priority of the rights and legitimate interests of citizens, in particular such important principles as the active role of the court, the completeness of judicial protection can be adopted as the principles of administrative proceedings.

It is the above-mentioned principles that formed the basis for the creation of a democratic mechanism for the organization and functioning of the judicial system and, in particular, the system of administrative courts.

The Law of the Republic of Uzbekistan “On Courts” enshrines such constitutional principles as the administration of justice only by the court, equality before the law and the court, the right to judicial protection, the presumption of innocence.

All of the above principles can be divided into judicial and procedural (procedural). The judicial and legal principles include: independence of the judiciary from the legislative, executive, political parties, and other public associations and their subordination exclusively to the Constitution and laws; unity of the judicial system of the Republic of Uzbekistan; legality; administration of justice only by the court; independence of judges; inviolability of judges; publicity of judicial proceedings; duties of judicial acts; language of judicial proceedings; equality before the law and the court; the right to judicial protection.

Independence of the judiciary. One of the three branches of the judiciary and one of the other branches of government cannot influence justice, since the courts are subject only to the Constitution and the law.

Unity of the judicial system of the Republic of Uzbekistan. This principle is expressed in article 107 of the Constitution of the Republic of Uzbekistan, according to which the judicial system in the Republic of Uzbekistan consists of the Constitutional Court of the Republic of Uzbekistan, the Supreme Court of the





Republic of Uzbekistan, military courts, courts of the Republic of Karakalpakstan in civil and criminal cases, regional and Tashkent city courts in civil and criminal cases, economic and administrative courts The Republic of Karakalpakstan. The Legislative chamber of the Oliy Majlis of the Republic of Uzbekistan, people's deputies of the region, elections to district and city councils, inter-district, district, municipal economic courts and district, municipal administrative courts were held.

Legality. This principle is reflected in Article 11 of the code of Criminal Procedure, in accordance with which the judge, prosecutor, investigator, investigator, defender, as well as all persons participating in criminal proceedings must strictly comply with and comply with the Constitution of the Republic of Uzbekistan, this code and other legislative acts of the Republic of Uzbekistan.

Any withdrawal from the exact execution and observance of laws, whatever it may be, causes violations of legality and established liability in criminal proceedings. In addition, this principle ensures the uniform application of legislation when considering cases on the basis of a single procedure established by procedural legislation.

The principles of justice. This principle enshrined in law today serve as the main legal basis for the organization and functioning of a truly democratic system that meets the requirements and conditions of the judiciary. In strict compliance with these principles, high results can be achieved in relation to the role of courts in the implementation of the tasks of increasing the effectiveness of Justice, protecting the rights and interests of citizens. Amendments and additions were made to the legislation in order to ensure the true independence of judicial power, increase the prestige of the court, democratize and improve the judicial system. According to them, the instance was suspended for consideration of cases in a control order. Investment disputes and competition cases have been found to belong to economic courts. The right of prosecutors to participate in all economic Court Sessions was abolished. The prosecutor can now participate only in cases provided for by law or in cases initiated by the prosecutor's statement of claim. The powers of the Business Ombudsman to participate in the trial were expanded. In addition, it was found that the Supreme Court judge has the right to demand a case in the economic Court on a cassation complaint. Such changes are included in the procedural regulation on administrative, criminal and civil cases. In order to further strengthen the guarantees of human rights when considering cases in court and to realize in



practice the principle of dispute of the parties in criminal courts, the Institute of the preliminary hearing is introduced. According to Article 113 of the Constitution, the proceedings in all courts are open. Listening to cases in a closed session is allowed only in cases established by law. An open discussion of cases in all courts presupposes a court session in connection with the participation of citizens in the court session, as well as the publication in the media of the materials of the trial and its results.

Every citizen has the right to openly consider cases in court. This right is reflected in Article 11 of the Universal Declaration of human rights, Article 14 of the "International Covenant on Civil and political rights" and other documents of international law.

This principle is enshrined in Article 7 of the law of the Republic of Uzbekistan "On courts" (transparency of judicial proceedings), which applies to all cases of civil, criminal, administrative and economic proceedings.

Summing up, we can say that the application of the principles by courts, in particular administrative courts, is an important aspect and serves to ensure the legitimate interests of individuals and legal entities.

#### **References:**

1. Майорова Светлана Анатольевна (2016). Принципы административного судопроизводства. Юридическая наука и практика: Вестник Нижегородской академии МВД России, (1 (33)), 136-138.
2. Шилова, Елена Анатольевна. Принципы административного судопроизводства : диссертация ... кандидата юридических наук : 12.00.14 / Шилова Елена Анатольевна; [Место защиты: Рос. акад. правосудия].- Москва, 2012.- 233 с.: ил. РГБ ОД, 61 12-12/840
3. С.В. Никитин. Судебный нормоконтроль в гражданском процессе и арбитражном процессе: вопросы теории. Дисс... док.. юрид. наук.- М., 2001.С.51(S.V. Nikitin. Judicial regulation in civil and arbitration proceedings: theoretical questions. Diss ... doc .. jurid. nauk. - М., 2001, p. 51)
4. Анишина В.И. Конституционные принципы как основа самостоятельности судебной власти. Дисс. докт. юрид. наука. Москва, 2006.
5. Шилова, Елена Анатольевна. Принципы административного судопроизводства : диссертация ... кандидата юридических наук : 12.00.14 / Шилова Елена Анатольевна; [Место защиты: Рос. акад. правосудия].- Москва, 2012.- 233 с.: ил. РГБ ОД, 61 12-12/840
6. J.N.Nematov. Ma'muriy sud ish yurituvi(1). Monografiya. /J.Nematov.- T.: Top image media, 2022. 49-b.



7. The Constitution of the Republic of Uzbekistan. Online available at:  
<https://lex.uz/docs/-20596#-39861>
8. I.A.Xamedov, L.B.Xvan, I.M.Tsay. Administrativnoe pravo Respubliki Uzbekistan. Obshiy chast. Uchebnik. Tashkent. Konsauditinform-Nashr. – 2012.- C. 489-b
9. The law of the Republic of Uzbekistan “On courts”. Available at:  
<https://lex.uz/docs/-5534923>

