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APPEALING AGAINST DECISIONS OF ADMINISTRATIVE BODIES AS A MECHANISM FOR PROTECTING THE CONSTITUTIONAL RIGHTS OF CITIZENS

Matnazarova Malika Shuhratovna

Master's Degree Student in International Law
at University of World Economy and Diplomacy,
Uzbekistan, Tashkent.

e-mail: matnazarova711@gmail.com

Abstract:

This thesis examines the role of the institution of appealing against decisions, actions, and inaction of administrative authorities in protecting the constitutional rights and freedoms of citizens. Based on the Constitution of the Republic of Uzbekistan, the Law 'On Administrative Procedures', and the Code of the Republic of Uzbekistan on Administrative Court Proceedings, the legal nature of administrative and judicial appeals is explored. Practical challenges are analyzed, and proposals are put forward to clearly specify appeal procedures in administrative decisions, develop electronic mechanisms, strengthen impartiality, and improve citizens' legal awareness.

Keywords: Constitution, constitutional law, administrative authority, administrative act, administrative decision, administrative appeal, judicial review, administrative court, rights and freedoms, legality, proportionality, public administration.



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Introduction

In a democratic state governed by the rule of law, it is not sufficient merely to recognize human rights and freedoms; effective mechanisms must also exist to ensure their genuine and practical protection. In the sphere of public administration, citizens interact with state authorities in matters such as obtaining licenses and permits, registration, access to public services, and other administrative issues. In such circumstances, a decision of an administrative authority may directly affect a citizen's legal status. Therefore, such a decision must be lawful and properly reasoned, while the citizen must have the opportunity to request its review.

The Constitution of the Republic of Uzbekistan, as revised, establishes the fundamental guarantees of the right to appeal. Under Article 40 of the Constitution, everyone has the right to submit applications, proposals, and complaints to state bodies, organizations, citizens' self-government bodies, and public officials. Article 55 further guarantees the right to challenge in court unlawful decisions, actions, and inaction of state bodies and public officials [1]. These provisions demonstrate that the institution of appeal is not merely a procedural remedy, but a practical manifestation of a constitutional right.

The purpose of this study is to reveal the constitutional and legal content of the institution of appealing against decisions of administrative authorities, analyze the relationship between administrative and judicial remedies, and develop proposals aimed at improving this mechanism. The study employs formal-legal, systemic, comparative-legal, and generalization methods.

Article 54 of the Constitution provides that ensuring human rights and freedoms is the supreme goal of the state. Article 55 reinforces this principle by guaranteeing judicial protection. In addition, pursuant to Article 34, state bodies and organizations must provide individuals with access to documents, decisions,



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and other materials affecting their rights and legitimate interests [1]. If the content of an administrative decision, its factual and legal grounds, and the procedure for challenging it are not clear to the individual concerned, the effective exercise of the right to appeal becomes difficult. One of the objectives of the Law "On Administrative Procedures" is to ensure the rule of law and protect the rights and legitimate interests of individuals and legal entities in their relations with administrative authorities [2]. The Law establishes such principles as legality, proportionality, reliability, the right to be heard, openness, transparency, and comprehensibility. These principles are intended to ensure that citizens' interests are not disregarded in the process of adopting administrative decisions.

A distinction should be made between a general petition and an administrative appeal. The Law "On Appeals of Individuals and Legal Entities" regulates general relations concerning applications, proposals, and complaints [4]. An appeal governed by the Law "On Administrative Procedures," however, constitutes a separate procedural and legal institution aimed at reviewing a specific administrative act, action, or inaction [2]. The fact that an administrative authority possesses certain powers does not mean that it may adopt any decision at its own discretion. The authority must act within the law, examine all circumstances relevant to the case, hear the interested party, and provide sufficient reasons for its decision. In particular, the legal and factual grounds of an act producing adverse consequences for an individual must be stated clearly and comprehensibly.

The principle of proportionality requires a state authority not to interfere with an individual's rights beyond what is necessary to achieve a lawful objective. If the objective can be achieved by a less restrictive measure, the use of a measure imposing more severe legal consequences may be inconsistent with the principle of proportionality. Therefore, when an appeal is reviewed, the assessment should



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concern not only whether the authority had the relevant power, but also how that power was exercised.

Administrative justice serves to maintain the legal balance between public authority and the individual. J. N. Nematov describes administrative justice as an independent mechanism for resolving disputes in the sphere of public administration and protecting individual rights [6]. S. N. Nuriddinov, in turn, characterizes it as an independent procedural form of judicial review over decisions, actions, and inaction of public authorities [8]. Chapter 5 of the Law "On Administrative Procedures" is devoted to proceedings on administrative appeals. According to Article 62, administrative acts, procedural acts in cases provided by law, and administrative actions may be appealed. A refusal to adopt an administrative act or failure to adopt it within the prescribed period may also be challenged [2]. Thus, legal protection is not limited to written decisions; inaction by an administrative authority may also be contested. Under Article 63 of the Law, an interested party may submit an administrative appeal to a higher administrative authority or another competent body authorized to consider it through the authority that adopted the contested act. The authority receiving the appeal must forward it, together with the materials of the administrative case, to the competent body within three working days [2].

Unless otherwise provided by law, an administrative appeal must be submitted no later than thirty days from the date on which the person was duly notified of the administrative or procedural act, or from the moment the interested party became aware of the administrative action. If the time limit is missed for a valid reason, it may be restored [2]. This rule ensures a balance between legal certainty and the interests of the individual. An administrative appeal may be submitted in written, oral, or electronic form. In the context of the digitalization of public services, the electronic form is particularly important. It is prohibited to impose



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additional requirements on an appeal and its supporting documents that are not provided for by law [2]. This prevents unjustified restrictions on the right to appeal through bureaucratic barriers.

The competent body considers the administrative appeal in full and, unless another period is established by law, must adopt a decision within thirty working days. If no decision is adopted within the prescribed period, the interested party has the right to challenge the relevant administrative act, procedural act, or administrative action before a court [2].

An administrative appeal makes it possible to correct an identified error within the public administration system without taking the dispute directly to court. As a result, the citizen may have his or her rights restored more quickly, while the state authority may revoke or amend an unlawful or insufficiently substantiated decision. This mechanism is also significant in terms of reducing the excessive caseload of the courts. Although an administrative appeal is an important stage in the protection of rights, independent judicial review is fundamental to the rule of law. An administrative appeal is considered within the public administration system itself, whereas a court is institutionally independent from the administrative authority and resolves the dispute on the basis of legal criteria. Under the Code of the Republic of Uzbekistan on Administrative Court Proceedings, an interested person is entitled to apply to an administrative court to protect violated or disputed rights and interests protected by law [3]. Disputes concerning unlawful decisions, actions, and inaction of state bodies and public officials constitute an important category of cases considered by administrative courts.

During judicial review, the court examines the competence of the authority that adopted the decision, the decision's compliance with the law, and whether it violated the applicant's rights and legally protected interests [3]. In this respect,



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the administrative court is an external and independent mechanism for reviewing the legality of decisions adopted by state authorities. Administrative and judicial appeal mechanisms should not be regarded as mutually exclusive. An administrative appeal enables a state authority to correct its own error quickly and at relatively low cost, whereas judicial proceedings guarantee that the dispute will be considered by an independent and impartial body. Their interaction forms an effective system for protecting citizens' rights. The primary function of the institution of administrative appeal is to restore violated rights. An unlawful administrative act may be amended or revoked as a result of an appeal. In this way, a constitutional right does not remain merely declaratory but is protected through a practical legal mechanism. Appeals also help identify systemic errors in the activities of administrative authorities. If similar decisions are repeatedly appealed and the appeals are upheld, this may indicate the existence of a particular legal problem in administrative practice. In this sense, an appeal not only protects an individual right but also functions as a feedback mechanism for improving the quality of public administration. Although the legislative framework for administrative appeals has been established, its practical effectiveness depends on a number of factors. Citizens may not always understand the distinction between a general petition and an administrative appeal. As a result, a person may apply to the wrong authority or use an incorrect procedural route. Therefore, the appeal procedure should be presented in a simple, clear, and citizen-friendly manner.

Another problem is that some administrative decisions may not be sufficiently reasoned. A decision containing only a general refusal makes it difficult for a citizen to understand the reasons for the adverse outcome. The relationship between the factual circumstances, the legal provisions applied, and the authority's conclusion should be clearly demonstrated in the decision. The fact



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that an administrative appeal is reviewed within the same administrative system may also raise concerns about impartiality. Therefore, it is important that the official reviewing the appeal did not participate in adopting the initial decision, that no conflict of interest exists, and that the final decision is based on an independent assessment.

The development of digital public administration is creating new needs. As the number of electronic public services increases, it is necessary to expand opportunities to submit appeals electronically, track the progress of their consideration, and receive the final decision through a personal online account. Legal experiments conducted in 2025–2026 to test pre-trial electronic appeal mechanisms for certain public services also demonstrate the relevance of this direction.

In our view, an administrative act that produces adverse legal consequences for an interested party should clearly and uniformly specify the procedure for appealing it. Including in the final part of the decision information on the competent authority, the applicable time limit, the form of appeal, and the electronic system through which the appeal may be submitted would enhance citizens' ability to protect their rights.

It is also necessary to strengthen practical requirements concerning the reasoning of administrative decisions. A decision should set out the material facts, the evidence relied upon, the applicable legal provisions, the conclusion of the administrative authority, and the logical connection between them. Where discretionary powers are exercised, the reasons for choosing a particular solution should also be explained.

The digitalization of administrative appeals should be continued systematically. A unified electronic system that enables individuals to submit an appeal, confirm its registration, receive notifications concerning the review period, access case



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materials electronically, and obtain the final decision would increase transparency. At the same time, such a system would facilitate statistical analysis of which authorities have a higher number of decisions overturned and what systemic shortcomings exist. Guarantees of impartiality in the consideration of appeals should also be strengthened. An official who was directly involved in preparing or adopting the original act should not play a decisive role in reviewing the appeal. In complex or socially significant cases, the use of collegial appeal bodies or councils may produce positive results. It is also advisable to establish a system for summarizing the outcomes of appeal proceedings and improving administrative practice. If certain types of decisions are regularly overturned by a higher authority or a court, the response should not be limited to restoring rights in individual cases; the causes of such errors should be examined and measures taken to prevent their recurrence. In this way, the institution of appeal can become a mechanism for improving the quality of public administration. Improving citizens' administrative-law literacy is equally important. Public service portals and the official websites of state authorities should provide simple and practical guidance explaining how to challenge an administrative decision. If the procedure for exercising a right is incomprehensible to an ordinary citizen, the constitutional recognition of that right will not fully achieve its intended result.

Conclusion

The institution of appealing against decisions of administrative authorities is an important component of the system for protecting the constitutional rights and freedoms of citizens. It serves to limit the exercise of public authority by law, review unlawful decisions, restore violated rights, and ensure legality in the activities of administrative authorities. Articles 40 and 55 of the Constitution establish the rights to submit appeals and obtain judicial protection. Articles 62–70 of the Law "On Administrative Procedures" set out the procedural mechanism



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for exercising these rights within public administration, while the Code of the Republic of Uzbekistan on Administrative Court Proceedings provides for independent judicial review of decisions, actions, and inaction of state authorities [1; 2; 3]. The analysis demonstrates that administrative and judicial appeal mechanisms complement one another. An administrative appeal allows a dispute to be resolved more quickly within the public administration system, while judicial review guarantees that citizens' rights are protected by an independent and impartial body.

Requiring administrative decisions to specify the appeal procedure, ensuring that decisions are thoroughly reasoned, expanding electronic appeal and tracking options, strengthening guarantees of impartiality, and establishing monitoring mechanisms to identify systemic errors are promising directions for improving this institution. As a result, administrative appeal functions as a constitutional and legal mechanism that promotes the rule of law, openness, accountability, and the priority of human interests in public administration.

REFERENCES

1. Constitution of the Republic of Uzbekistan: revised edition. 30 April 2023. – Tashkent, 2023.
2. Law of the Republic of Uzbekistan "On Administrative Procedures," No. ORQ-457, 8 January 2018 // National Database of Legislation.
3. Code of the Republic of Uzbekistan on Administrative Court Proceedings, 25 January 2018 // National Database of Legislation.
4. Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities," No. ORQ-378, 3 December 2014 // National Database of Legislation.
5. Law of the Republic of Uzbekistan "On Licensing, Permit and Notification Procedures," No. ORQ-701, 14 July 2021 // National Database of Legislation.



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6. Nematov J. N. Legal Foundations of Administrative Court Proceedings in Uzbekistan: A Scientific and Practical Analysis: monograph. – Tashkent: Lesson Press, 2022. – 132 p.
 7. Nematov J. Problems of Administrative Justice and Opportunities to Increase the Efficiency of Activity of the Administrative Courts in Uzbekistan // Jurisprudence. – 2022. – Vol. 2, No. 1. – P. 15–29. – DOI: 10.51788/tsul.jurisprudence.2.1./DIUP8376.
 8. Nuriddinov Sh. N. The Essence and Legal Nature of Administrative Court Proceedings // Oriental Journal of History, Politics and Law. – 2026. – Vol. 6, No. 1. – P. 359–366. – DOI: 10.37547/supsci-ojhpl-06-01-42.
 9. Jalolova D. G. Trends in the Development of Administrative Appeal Proceedings in the Republic of Uzbekistan // Ilm Fan Xabarnomasi. – 2026. – Vol. 13, No. 1.