



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

THE CONCEPT, ESSENCE AND LEGAL NATURE OF ADMINISTRATIVE PROCEDURES

Eshpulatov Behruz Shukurjon o'g'li

Independent Researcher, Training Institute for Lawyers
under the Ministry of Justice of the Republic of Uzbekistan

E-mail: behruzeshpulatov0202@gmail.com

Abstract

This thesis examines the concept, essence and legal nature of administrative procedures from a theoretical and legal perspective. It analyzes administrative procedures as a procedural framework for the exercise of public authority, the adoption of administrative decisions, and the protection of the rights and legitimate interests of individuals and legal entities. Particular attention is paid to the relationship between administrative procedures and the principles of legality, proportionality, legitimate expectations, the right to be heard, transparency and the lawfulness of administrative discretion. The study also considers comparative approaches in European and other legal systems and the relevance of the good administration concept. It argues that administrative procedure should be understood not merely as an internal sequence of administrative actions, but as a legal mechanism that limits public authority, guarantees procedural fairness, improves the quality of administrative decisions and facilitates effective judicial and administrative review.

Keywords: Administrative procedure; administrative law; administrative body; administrative decision; public-law relations; procedural guarantees; legality; proportionality; legitimate expectations; good administration.



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

Introduction

In contemporary public administration, the existence of a statutory competence is not sufficient to determine whether an administrative body has acted lawfully. The manner in which that competence is exercised, the participation of interested persons in decision-making, the collection and assessment of relevant facts, the reasoning of the final decision, and the availability of remedies are equally important elements of lawful administration.

From this perspective, administrative procedures form the procedural foundation of relations between public authorities and individuals. The Law of the Republic of Uzbekistan “On Administrative Procedures” No. O‘RQ-457 of 8 January 2018 established a comprehensive legal framework for administrative procedures and expressly recognized such principles as legality, proportionality, reliability, the opportunity to be heard, openness and transparency, priority of the rights of interested persons, avoidance of bureaucratic formalities, equality, legitimate expectations, the one-stop-shop principle and the lawfulness of administrative discretion.[1]

The theoretical understanding of administrative procedures, however, requires more than an examination of statutory provisions. It also requires consideration of comparative administrative law and scholarly approaches concerning the procedural limits of public authority, the protection of individual rights and the standards of good administration.

1. The Concept and Theoretical Content of Administrative Procedure

The term “administrative procedure” does not have an identical scope in all legal systems. In some jurisdictions, it primarily denotes the process through which an administrative body adopts an individual administrative act; in others, the concept



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

extends to rule-making, administrative enforcement, public services and administrative appeals.

Under Uzbek legislation, administrative proceedings encompass activities connected with the consideration of an administrative matter, adoption of an administrative act, reconsideration following an administrative complaint and enforcement of an administrative act.[1] Accordingly, administrative procedure may be understood not simply as one stage of administrative proceedings, but as a legal mechanism through which an administrative decision is formed, justified and implemented.

K. V. Davydov approaches administrative-procedure principles as an interconnected and hierarchical system rather than as isolated rules. In his comparative analysis, legality, justice and proportionality constitute fundamental principles, while requirements such as avoidance of excessive formalism, protection of legitimate expectations and reliability of information have a more specific procedural dimension.[2]

The practical significance of this approach is that a principle becomes an effective legal guarantee only when it is translated into concrete procedural duties. For example, the right of an interested person to be heard requires rules concerning notice, the form and timing of submissions, consideration of the person's arguments and the reflection of relevant arguments in the reasoning of the final administrative act.

2. The Legal Nature of Administrative Procedures

The legal nature of administrative procedures may be examined through three interconnected dimensions. First, they constitute a legal form for exercising public authority. Second, they provide procedural guarantees for individuals affected by administrative decisions. Third, they operate as an organizational and



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

legal mechanism for improving the quality and effectiveness of public administration.

Jerry L. Mashaw's work on due process in the administrative state demonstrates the close relationship between the expansion of administrative authority and the development of procedural mechanisms for controlling its exercise.[3] The existence of substantive competence therefore does not mean that an administrative body may exercise that competence in an arbitrary manner. Procedure gives the exercise of public power a legally controlled form.

Paul Craig similarly treats administrative procedures as more than technical requirements. In the context of EU administrative law, procedural principles contribute simultaneously to effective public administration and the protection of individual rights. Legality, legal certainty, proportionality, legitimate expectations, transparency and participation are among the principles relevant to this relationship.[4]

This understanding is consistent with the structure of Uzbek administrative law. Administrative procedure connects the authority of an administrative body with procedural duties owed to interested persons and therefore serves as a bridge between substantive administrative powers and the rule-of-law requirements governing their exercise.

3. Administrative Procedure and the Concept of Good Administration

The modern understanding of administrative procedure is closely associated with the concept of good administration. Article 41 of the Charter of Fundamental Rights of the European Union recognizes the right to have one's affairs handled impartially, fairly and within a reasonable time, and includes rights relating to being heard, access to the file and reasons for administrative decisions.[5]



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

The good-administration approach demonstrates that the quality of an administrative decision depends not only on its substantive outcome but also on the fairness and transparency of the procedure by which it is reached. In this sense, administrative procedure protects individuals while also improving the legitimacy and accountability of public administration.

Sabino Cassese's comparative analysis of administrative procedure highlights the emergence of common procedural standards across different legal orders and the interaction between regulators, regulated subjects and procedural mechanisms.[6] This perspective supports understanding administrative procedure as an institutional mechanism that may reflect broader legal principles beyond the internal organization of a particular state administration.

4. Principles as the Procedural Foundation of Administrative Activity

The principles of administrative procedure may be provisionally divided into two interconnected groups. The first includes general principles governing public administration, such as legality, equality, justice and proportionality. The second comprises principles more directly associated with administrative decision-making procedures, including the opportunity to be heard, transparency, protection of legitimate expectations, mitigation of formalism, the one-stop-shop approach and the lawfulness of administrative discretion.

Thiago Marrara associates the proceduralization of administrative law with transparency, fundamental rights and legal security. His study identifies, among other principles, the right to defense and contradiction, transparency, mitigated formalism, equality, good faith, protection of trust and reasonableness.[7] Jürgen Schwarze's comparative account of European administrative law likewise places legality, proportionality, legal certainty, legitimate expectations and procedural rights among the central principles of administrative law.[8]



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

These approaches indicate that the principles embodied in Uzbek legislation are not isolated national constructions. They correspond, in significant respects, to broader developments in comparative and European administrative law, while their precise application remains dependent on the domestic legal framework.

5. Proportionality in Administrative Procedures

Proportionality is particularly important for understanding the legal limits of administrative action. The fact that a measure pursues a lawful public objective does not, by itself, establish its proportionality. The measure should be suitable for achieving the objective, necessary in the circumstances, and should avoid imposing an excessive burden on the interested person.[1]

Jürgen Schwarze treats proportionality as a fundamental principle limiting state interference with individual rights, while Paul Craig examines proportionality in connection with administrative discretion and judicial review.[8][4] On this basis, a three-stage proportionality methodology may be used: first, determine whether the measure is suitable for achieving the legitimate objective; second, determine whether a less restrictive alternative is available; and third, balance the public interest against the burden imposed on the individual.

Such an approach transforms proportionality from an abstract principle into a practical standard for reviewing administrative measures and the exercise of discretionary powers.

6. Legitimate Expectations and Procedural Fairness

The protection of legitimate expectations is another important element of contemporary administrative procedure. Where previous administrative decisions, official representations or conduct have created a reasonable expectation concerning a person's legal position, public authorities should not



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

disregard that expectation without appropriate legal justification and procedural safeguards.

Søren J. Schønberg connects legitimate expectations with fairness, trust in administration and the rule of law. His study distinguishes procedural, substantive and compensatory forms of protection and emphasizes the importance of procedural safeguards such as notice, hearing and reasons when authorities depart from previous decisions or representations.[9]

Procedural fairness is also reflected in the idea that an affected person should have a meaningful opportunity to participate in decision-making. OECD materials identify “voice”, “respect” and “explanations” as important dimensions of perceived procedural fairness in interactions with public authorities.[10] These elements help explain why hearing rights, transparency and reason-giving are not merely formal requirements but substantive components of lawful administration.

7. Administrative Discretion and Procedural Limits

Administrative discretion is an inherent feature of public administration because legislation cannot foresee every factual situation. An administrative body may therefore be authorized to choose among several legally permissible options. Nevertheless, discretion cannot exist outside the procedural and substantive limits established by law.

A useful procedural sequence for the exercise of administrative discretion is: source of authority → legitimate purpose → establishment of relevant facts → assessment of available alternatives → proportionality review → balancing of interests → reasoned decision. This sequence helps transform discretion from an unrestricted choice into a legally bounded form of decision-making.[4]

The requirement to give reasons is especially significant. An administrative decision should not merely identify the legal provision applied; it should



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

demonstrate the connection between the relevant facts, the arguments of interested persons, the applicable law and the conclusion reached by the administrative body. Reason-giving therefore facilitates both administrative accountability and judicial review.

8. Comparative Experience and Digitalization

Comparative administrative law demonstrates several common tendencies. German administrative law treats administrative procedure as a central mechanism for systematizing administrative activity and protecting the rule of law.[11] French administrative law places significant emphasis on procedural safeguards surrounding administrative decisions, including requirements relating to reasons and information. Estonian administrative procedure illustrates an active role of the administrative body in establishing facts, hearing participants and ensuring proportionality.

The digitalization of public administration changes the form in which administrative procedures are conducted, but it does not eliminate their legal requirements. Electronic services and automated decisions remain subject to legality, equality, proportionality, transparency, reliability and procedural rights. The “one-stop-shop” and “once-only” approaches can reduce administrative burdens where public authorities reuse information already available within the public sector.

Digitalization should therefore involve more than converting paper documents into electronic form. It should include redesigning decision-making processes, eliminating unnecessary stages, automating lawful information exchange and ensuring that procedural rights remain effective in the digital environment.



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

Conclusion

The analysis supports defining administrative procedure as a legal and procedural mechanism through which an administrative body exercises public-law powers, protects the rights and legitimate interests of interested persons, and ensures that administrative decisions are adopted lawfully, with adequate reasoning, fairly and proportionately.

Four interconnected elements may consequently be identified: authority, procedure, decision and legal protection. First, an administrative body must act within the competence established by law. Second, that competence must be exercised according to prescribed procedural rules. Third, the procedure should culminate in a reasoned administrative decision. Fourth, the interested person should have access to complaint and judicial remedies capable of providing effective legal protection.

Administrative procedure should therefore not be reduced to an internal administrative workflow. It is a complex legal institution that limits public authority, protects individual rights, improves administrative decision-making and strengthens accountability. For Uzbekistan, the further development of this institution should focus on translating procedural principles into operational standards, strengthening reason-giving requirements, developing a consistent methodology for administrative discretion, reducing unnecessary administrative burdens through one-stop-shop and once-only mechanisms, and systematically generalizing judicial practice concerning administrative-procedure principles.

Footnotes

1. Law of the Republic of Uzbekistan “On Administrative Procedures,” No. O‘RQ-457, 8 January 2018.



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

2. K. V. Davydov, "Principles of Administrative Procedures: European and Russian Experience," *Aktualnye Voprosy Publichnogo Prava*, 2017, No. 1, pp. 98–131.
3. Jerry L. Mashaw, *Due Process in the Administrative State* (New Haven: Yale University Press, 1985).
4. Paul Craig, *EU Administrative Law*, 4th ed. (Oxford: Oxford University Press, 2026).
5. Charter of Fundamental Rights of the European Union, Article 41, Right to good administration.
6. Sabino Cassese, "Global Standards for National Administrative Procedure," *Law and Contemporary Problems*, Vol. 68, No. 3 (2005), pp. 109–126.
7. Thiago Marrara, "Principles of Administrative Procedure," *Revista Digital de Direito Administrativo*, Vol. 7, No. 1 (2020), pp. 85–116, <https://doi.org/10.11606/issn.2319-0558.v7i1p85;116>.
8. Jürgen Schwarze, *European Administrative Law* (Luxembourg: Office for Official Publications of the European Communities, 1992).
9. Søren J. Schønberg, *Legitimate Expectations in Administrative Law* (Oxford: Oxford University Press, 2000), pp. 31–63; DOI: 10.1093/acprof:oso/9780198299479.001.0001.
10. OECD, *Perceived Fairness and Regulatory Policy* (OECD Publishing); see also OECD, *Procedural Fairness: Issues in Civil and Administrative Enforcement Proceedings* (2011).
11. Eberhard Schmidt-Aßmann, *Das allgemeine Verwaltungsrecht als Ordnungs-idee: Grundlagen und Aufgaben der verwaltungsrechtlichen Systembildung* (Berlin: Springer).



World Conference on Social Sciences, Law and Public Policy

Hosted Online from Toronto, Canada

Date: 26th September, 2026

Website: <https://econferencia.com>

References

1. Cassese, S. "Global Standards for National Administrative Procedure." *Law and Contemporary Problems* 68, no. 3 (2005): 109–126.
2. Craig, P. *EU Administrative Law*. 4th ed. Oxford: Oxford University Press, 2026.
3. Davydov, K. V. "Principles of Administrative Procedures: European and Russian Experience." *Aktualnye Voprosy Publichnogo Prava*, no. 1 (2017): 98–131.
4. Marrara, T. "Principles of Administrative Procedure." *Revista Digital de Direito Administrativo* 7, no. 1 (2020): 85–116. <https://doi.org/10.11606/issn.2319-0558.v7i1p85;116>.
5. Mashaw, J. L. *Due Process in the Administrative State*. New Haven: Yale University Press, 1985.
6. OECD. *Procedural Fairness: Issues in Civil and Administrative Enforcement Proceedings*. OECD Publishing, 2011.
7. Schmidt-Aßmann, E. *Das allgemeine Verwaltungsrecht als Ordnungsidee: Grundlagen und Aufgaben der verwaltungsrechtlichen Systembildung*. Springer.
8. Schönberg, S. J. *Legitimate Expectations in Administrative Law*. Oxford: Oxford University Press, 2000.
9. Schwarze, J. *European Administrative Law*. Luxembourg: Office for Official Publications of the European Communities, 1992.
10. European Union. *Charter of Fundamental Rights of the European Union*. Article 41.
11. Republic of Uzbekistan. Law "On Administrative Procedures." No. O'RQ-457, 8 January 2018.