



Requirements For The Adoption And Administration Of An Administrative Document (Act) By Public Administration Bodies

Javlon Karimjon O`G`Li Zoilboev

Lecturer Department Of Administrative And Financial Law, Tashkent State University Of Law, Uzbekistan

ABSTRACT

The article analyzes the most urgent and problematic aspects of the administrative document adoption phase, which is considered the main process in the activities of the bodies of state achievement, administrative bodies.

KEYWORDS

Public administration, document, administrative body, rights, democratic reform

INTRODUCTION

Each state body, including public administration bodies, administrative bodies that carry out management, in the course of its activities enter into relations with third parties. This relationship is directly and indirectly related to any event affecting the rights and interests of individuals and legal entities. In this situation, the administrative body, because of its activities, that is, activities related to the provision of public services to individuals and legal entities, will have to adopt an official document based on specific facts and legal grounds. With this document, the applicant may have a certain right, change or become invalid.

MAIN PART

The fundamental essence of the reforms carried out in the Republic of Uzbekistan and, ultimately, for the purpose of ensuring the rights and freedoms of citizens, further liberalization of the entrepreneurial environment, formation of the personality of each layer of the population from the state, further raising their confidence for the next day, is an indicator of awakening the nature of initiative. In this regard, many works are being conducted in the field of Public Administration, in particular in connection with the organization of administrative bodies, modernization of powers and

functions, the legal power of documents that are not in the normative acts adopted by them, their practical application.

The basis of these reforms is reflected in the decrees of the president of the Republic of Uzbekistan “On the strategy of actions for the further development of the Republic of Uzbekistan,” “On the concept of Administrative Reforms in the Republic of Uzbekistan,” and normative-legal acts such as the laws of the Republic of Uzbekistan “On administrative procedures.”

In particular, it is appropriate to touch on the reforms conducted in accordance with the “Priority directions of improving the system of state and society construction” and the second direction “Priority directions of ensuring the rule of Law and further reform of the judicial and legal system “[1], which is considered the first direction of the strategy of action. Socio-political implementation of the laws adopted in these directions, numerous works are being conducted to radically improve the quality of the activity of law-making activities, directing its impact on the process of socio-economic and judicial-legal reforms.

Simultaneously, it is thought of to centralize public administration, raise the status of civil servants, the level of professional training, and reform the system of public administration bodies. In addition, changes are being introduced in the field of ensuring the openness of activities of state authorities and management bodies, ensuring effective rights and freedoms of individuals and legal entities, as well as the legitimate interests.

The adoption of the decree of the president of the Republic of Uzbekistan “On the concept of Administrative Reforms in the Republic of Uzbekistan” adopted as a result of reforms in this regard [2] and the adoption of the laws of the Republic of Uzbekistan “On administrative procedures” and the work carried out in the

field of Public Administration with the help of normative-legal documents. If we say that with the law of the Republic of Uzbekistan “On administrative procedures” a new system has entered the legislation of the Republic of Uzbekistan, there is no exaggeration.

In this law to the administrative bodies “In the field of administrative and legal activity, the bodies to which administrative management is authorized, including public administration bodies, local executive authorities, self-government bodies of citizens, as well as other organizations and specially formed commissions authorized to conduct this activity, and the administrative document is intended to establish public legal relations of the administrative body, for some individuals or legal entities aimed at changing or liquidating, or for a group of persons to be separated by certain private signs, certain legal consequences have been described as a measure of impacting [3], and their procedures have also been individually regulated. According to the explanations of the lawyer scientists, The administrative document is a document that is accepted because of the actions of the administrative body in the field of administrative and legal activity in relation to individuals and legal entities [4] and which imposes an obligation on individuals, cancels or modifies it. Additionally, in accordance with “Administrative Procedure Act” (Verwaltungsverfahrensgesetz, VwVfG) : An administrative act shall be any order, decision or other sovereign measure taken by an authority to regulate an individual case in the sphere of public law and intended to have a direct, external legal effect. A general order shall be an administrative act directed at a group of people defined or definable on the basis of general characteristics or relating to the public law aspect of a matter or its use by the public at large . I. I. Maskayeva , considering the concept of "administrative act" as an " external expression of will",

particularly touches on the question that it is important to express the power of authority.

As an example, we can cite a document on the registration of business enterprises, a license, a permit, documents (decisions) of local government bodies. Here, it is expedient not to refer to the documents in the normative act. In this regard, it is appropriate to bring individual features of the administrative document.

The main features of the administrative document are:

- The administrative document is accepted by the administrative body;
- The administrative document is closely related to public legal relations;
- Administrative document establishes, changes or terminates public legal relations;
- An administrative document is drawn up for a particular individual or legal entity, or for a community of several persons;
- Administrative document generates certain legal consequences.

Based on these features, it is also necessary to give the requirements for this document. The law of the Republic of Uzbekistan "On Administrative Procedures" According to article 53: the administrative document must be legal, reasonable, fair, accurate and understandable. The existence of these requirements is explained by the fact that the administrative document should not create any difficulties for individuals and legal entities to which it is directed. Because it is individuals and legal entities that are the plaintiffs of the adopted administrative document. In addition, in accordance with the law[5], an administrative document must contain:

- 1) the name of the administrative document and the date of its acceptance;

- 2) administrative hujjatni the name and location (postal address of the receiving administrative body);
- 3) information on participants in administrative proceedings;
- 4) description (part of the description of the issue to be solved through the administrative document);
- 5) the basis (substantive part of the administrative document);
- 6) statement of the decision taken (summary part);
- 7) the period and procedure for filing a complaint against the administrative document;
- 8) the position, name and surname of the official (members of the collegial body) adopted by the administrative body. Accurate and complete indication of this information not only ensures stability in the activities of the administrative body, but also guarantees the execution and implementation of the administrative document.

The importance of administrative act is evident in its four aspects:

1. The material is considered significant. Through administrative acts, administrative management and regulation become more convenient.
2. Procedural significance. During the adoption of the act, of course, administrative organs follow to certain laws. These rules are expressed in the laws of the states "On administrative procedures."
3. It is considered significant in terms of its focus on performance. Through administrative ICT, the administrative bodies will be able to conduct direct execution actions within the framework of their powers.
4. The importance of administrative court proceedings. The administrative act and its content, the legality of which will later be

considered a fact, if a dispute arises, the Administrative Court will be the most important object of contention in the proceedings[6].

At the same time, based on statistical data, we can say that in recent years, local government authorities, in particular khokimiyats, have adopted administrative documents, including decisions of local khokimiyats by courts invalid for 9 months of 2020: the total number of cases considered was 2,422, of which 110 cases were invalidated by acts of local khokimiyats, 971 cases were refused, in 215 cases the proceedings were terminated, in 126 cases left without consideration). From this, it can be seen that in most cases, the practical application of the requirements to the administrative document is still lame. To avoid such negative consequences, in all respects it is advisable that only and exclusively administrative bodies ensure the legality of their activities.

CONCLUSION

In conclusion, we can say that the administrative document expresses the competence, power of the judicial authority of the administrative body. This document is considered to reflect the activities of the state aimed at regulating a particular sphere. At the same time, the administrative document also establishes certain rights for citizens, it can change the rights or abolish it. In this respect, both the state body and the citizens must actively participate in the process that the administration accepts. That is, the administrative document that will be accepted will be perfect in all respects.

REFERENCES

1. Collection of legislative acts of the Republic of Uzbekistan, 11.12.2019y 06/19/5892/4134-number.

2. The collection of legislation of the Republic of Uzbekistan, 19.03.2020-y., 06/20/5968/00331-number.
3. The national database of legislation data, 09.01.2018-y., 03/18/457/0525-San; 07.01.2020-y., 03/20/600/0023-number.
4. S.A.Muratayev, B.T.Musayev, D.R.Artikov. Ma'muriy huquq va protsess. - Toshkent: Toshkent davlat yuridik universiteti, 2020. B. 373
5. National database of legislation data, 09.01.2018-y. 03/18/457/0525-San; 07.01.2020-y., 03/20/600/0023-number
6. Nematov J.N. Ma'muriy akt – ma'muriy huquqning markaziy institute: qiyisoy-huquqiy tahlil. Monografiya/J.Nematov. – T.: Top Image Media, 2021. p– 18-19. UDK 342.924(035.3)(575.1)
7. <https://stat.sud.uz/file/2018-2019-2020-9%20o%20y%20lik/sayt%20ma%20muriy.pdf>
8. O'G'Li, Zoilboev Javlon Karimjon."Administrative Reforms In The Republic Of Uzbekistan: Some Problems and Prospects." The American Journal of Political Science Law and Criminology 2.12 (2020): 1-4.
9. Ахроров, А. (2021). ТЕНДЕНЦИИ УПРОЩЕНИЯ ПРОЦЕДУР ЛИЦЕНЗИРОВАНИЯ И РАЗРЕШЕНИЯ В РЕСПУБЛИКЕ УЗБЕКИСТАН. Збірник наукових праць SCIENTIA.
10. Abdusattarova D., Yusupov S. Improvement of Organizational and Judicial Frameworks of State Bodies with Appeals of Legal and Physical Entities //Архив научных исследований. – 2019.
11. Yusupov S. B. The right to the treatment and its evolution //European Journal of Humanities and Social Sciences. – 2016. – №. 1. – С. 72-73.
12. Yusupov S. B. THE ESSENCE AND ACTIVITY OF THE INSTITUTE OF THE TREATMENTS OF PHYSICAL AND LEGAL ENTITIES IN STATE BODIES OF THE REPUBLIC OF UZBEKISTAN

- //Theoretical & Applied Science. – 2015. – №. 11. – С. 140-143.
13. Юсупов С. Б. СОВЕРШЕНСТВОВАНИЕ ОРГАНИЗАЦИОННО-ПРАВОВЫХ ОСНОВ ОСУЩЕСТВЛЕНИЯ ПРАВОВОЙ ПОЛИТИКИ СО СТОРОНЫ ГОСУДАРСТВЕННЫХ ОРГАНОВ НА МЕСТАХ //Review of law sciences. – 2020. – №. 4.
14. Юсупов С. Б. Институт обращений физических и юридических лиц в Узбекистане: развитие и современное состояние //Государственная власть и местное самоуправление. – 2017. – №. 5. – С. 36-38.
15. Ю.Саидазимов, МАЪМУРИЙ ОРГАНЛАР ТОМОНИДАН ДИСКРЕЦИОН ВАКОЛАТНИ Қўллашнинг ўзига хос хусусиятлари. Бакалаврият ва магистратура талабаларининг илмий ишлари // Халқаро масофавий илмий-амалий конференция якунлари бўйича илмий ишлар тўплами. – Тошкент: ТДЮУ, 2020. – 562 б.
16. Y.Saidazimov ADVOKATLIK FAOLIYATI TASHKILY TUZILMASI HISOBLANGAN ADVOKATLIK BYUROSINING TASHKILY-HUQUQIY MAQOMI VA TUZILISHIDAGI AYRIM MASALALAR “Юридик фанлар ахборотномаси – Вестник юридический наук – Review of law sciences” илмий-амалий ҳуқуқий журнали Ўзбекистон матбуот ва ахборот агентлигида 2017 йил 18 августда 0931-сонли гувоҳнома билан давлат рўйхатидан ўтказилган.