

– die Rechte, Freiheiten und gesetzlichen Interessen sowohl der Bürger als auch der juristischen Personen gewährleisten.

Deshalb ist die Frage zu wiederholen, die im Titel dieses Beitrags gestellt wurde: Braucht Rußland eine Verwaltungsreform, die bisher gemäß vielen sehr wichtigen verwaltungsrechtlichen Parametern nicht das gewünschte Resultat gebracht hat?

Das Verwaltungsrecht ist, wie auch das Rechtssystem eines Landes insgesamt, von der Politik und deren wesentlichen Faktoren abhängig. Die Verwaltungsgesetzgebung ist sehr oft das Resultat politischer Diskussionen. Zu erwähnen ist auch die Bedeutung und der Einfluß der Verfassung der RF auf Wesen, Inhalt und System des russischen Verwaltungsrechts. Die Verfassungsnormen fördern die Entwicklung des Verwaltungsrechts zu einem den Ansprüchen eines *Rechtsstaats* entsprechenden Recht. Die in der Verfassung verbriebe Rechtsstaatlichkeit erlaubt es, die Theorie der verwaltungsrechtlichen Regelung zu überprüfen und neue Dogmen und Doktrinen des Verwaltungsrechts zu formulieren⁵². Gerade das Verwaltungsrecht kann in der Realität rechtsstaatliche Standards im organisatorischen und funktionellen System der vollziehenden Gewalt und des öffentlichen Dienstes aufstellen.

Die Verwaltungsreform erlaubt es nicht nur, über die Zukunft des administrativen Systems und des Verwaltungsrechts nachzudenken, sondern auch, seine Entwicklungsgeschichte einzuschätzen.

Aus dem Russischen übersetzt von *Dietrich Frenzke*

⁵² Siehe beispielsweise *Ju. N. Starilov*, *Administrativnoe pravo – na uroven' pravovogo gosudarstva* (Das Verwaltungsrecht muß auf Rechtsstaatsniveau gebracht werden), Voronež, 2003.

3. ADMINISTRATIVE PROCEDURES IN THE SYSTEM OF ADMINISTRATIVE LAW: CONTENTS, LEGAL MEANING, AND FORMATION OF LEGISLATION*

In order to perform the competency and attain the objectives of the state power (legislative, executive and judicial) there are general and special *procedural forms* established within the framework of which the respective *legal procedures* (law making, administrative (managerial or executive regulatory) court) are defined. In this case the legislative power is carried out by means of legal procedures that directly determining the order for adoption of legislative acts. At the same time there are also another procedures of so-called preparatory nature used in this field of the state activity, i.e., they act in the course of preparation and discussion of the draft legislative acts. The procedures, which have no direct relation to the activity of par-

*Administrative Law Reform in Uzbekistan : Experiences and Problems from the Legal Viewpoint : collection of Seminar Papers. Nagoya ; Tashkent, 2008. C. 13 – 34.

liament (in a straight meaning of this word), are often used even in the system of legislative activity. However they promote for performing the legislative process itself, i.e., have both an auxiliary role and important value for law making at the same time. The judicial power is exercised by means of court procedure that also can be presented in the form of special legal procedures designed for this type of state activity. These procedures or orders are established, in a legislative manner, in the Procedural Code of Russian Federation (e.g., Code of Civil Procedure of the Russian Federation, Code of Criminal Procedure of the Russian Federation, and Arbitration Procedure Code of the Russian Federation).

It is obvious that executive power performing public administration should also have *process* or *procedural* legal provision. It is unlikely that today is possible to see the implementation of executive power, public administration, and local self – governance beyond the legal procedural orders. In other words, the activity of executive power bodies and official thereof, state and municipal servicemen shall be defined by multitude of both substantial and *procedural* administrative legal norms.

An imperfection of both the administrative court procedure legislation and the legislation on administrative procedures is the main practical current problem in the Russian Federation (like in many other countries as well). So far the researchers – specialists in the field of Administrative Law have not developed yet the common approaches to the comprehension of the most important institutions of the modern Administrative Law: administrative process, administrative proceedings, and administrative procedures. Along with that there is almost unanimous opinion that the order for administrative activity itself shall be regulated in a normative way. There can be distinctions as to understanding of the «breadth» and «profundity» of the legal regulation of the process for making (issuance) administrative acts or performing managerial actions in general. It is advisable to assess the legal procedures as well as administrative legal procedures, being appeared in the legislation, from the standpoint of legal significance, usefulness, and fundamental branch legal affiliations.

The executive power, as another two other branches of power, is carried out also by means of using the established orders, procedures and processes. The executive power is performed not only by law enforcement activity, but also by dint of law making. But the law enforcement in the system of executive power is quite complex, multi – level and compound structured phenomenon. Therefore there are plenty of questions: should the administrative procedures be considered as just part or element of the administrative rule – making (law – making)? May it be limited to the opinion that administrative procedures are part of administrative process activity? Or may administrative procedures be generally the order established by the administrative procedural legislation when performing any kind of activity in the system of fulfilling the executive power and public administration? How can then administrative procedures be related to the administrative process?

Of course, the answers to the questions arisen can already be found today in the special legal literature. Legislatures of different countries have already made a choice as to understanding and meaning of administrative procedures. In many countries either the laws on administrative procedures have recently been adopted

or respective draft laws are just being considered. Sometimes due attention of the practitioners – officials to the observance of this law is not observed in those countries where such laws have already been adopted, or its presence unfortunately is ignored in the legal system of the country.

The administrative procedures (they are often called «positive administrative procedures» in science), the legal regulation thereof (mainly their legal quality and availability) have direct influence on performing rights and freedoms by citizens and entities. All abovementioned entities are involved anyway in the diverse relations with state and municipal bodies, because the administrative procedures are quite manifold and widespread.

Currently there an attention is enhanced to the problems of administrative process and positive administrative procedures in the Administrative Law science. The interest to the administrative process and positive procedures have been arisen in the middle of sixties of the past century in the course of discussion on substance, boundaries, integral parts of the administrative process, its status in the soviet, and subsequently, in the Russian Law. By virtue of especial political reasons having existed in the soviet period of the history of our country, many categories of Administrative Law and process had been filled in by alien content, and progressive evolution of the field was interrupted. This affected administrative process to a greater extent, namely due to the political conjuncture the initial meaning of the category was distorted and filled in by other content. The denial of possibility for dispute between a state and a citizen in the soviet society, oblivion of administrative justice caused, in our opinion, certain theoretical and practical complications in the field of administrative process. Its analogy and relationship with civil court and criminal court processes was always felt intuitively, however, the impossibility to apply the notions «administrative justice» and «administrative court procedure» led to the understanding of the administrative process as a normatively regulated order for the executive and regulatory activity of the public administration bodies, extrajudicial procedure to impose the enforcement measures (including administrative punishments). A render innocuous of initial meaning of the category of administrative process – court procedure for settlement of dispute on law between citizen and state body – has caused a range of theoretical problems in the field of administrative process. As a result there an ambiguity was arisen in relation to the issues on correlation and scope of notions «process», «proceedings» and «procedure», the boundaries of the notion on «administrative process» itself was become eroded, there so – called «narrow» and «broad» concepts of administrative process were appeared that allow some modern researchers ascertaining that notion of administrative process has not been formed in science.

The administrative procedures are actually existing procedural legal norms; they have been united to the aggregated one that can be structured and systemized. In case if in the course of such structuring there gaps and contradictions are identified, it is still not the case to deny the legal essence of this group of procedures. The place for them was prepared by the whole system of Administrative Law branch, and the branch would not be integral and completed without them.

The necessity for legal establishment of relations in the field of administrative procedures is determined by the need to regulate by means of law the relationships summing up between state authorities, on one hand, and numerous unsubordinated entities: citizens, organizations, on the other hand. These relationships on their nature are dealt with not the involvement of mentioned entities into the liability, but the implementation of the rights and performing duties of citizens and organizations, as well as undertaking actions of legal effect in relation to the applicants.

The managerial procedures or administrative procedures¹ (or management process) are conventionally included in the structure of administrative process by authors in the literature. The managerial process, from our viewpoint, is not related to the administrative process according to none of the traditional features that distinct one branch of procedural law from another one. It is advisable to link the managerial process² with plenty of administrative procedures that penetrate practical managerial activity of the modern Russian state. There is existed practically similar approach to the determination of the essence and designation of the managerial process in literature that is understood as managerial activity to be undertaken with its inter – linked elements, i.e. this is a process to attain the normatively established goals of management by means of legal, organizational and other tools of managerial influence³. The managerial process shall become normatively regulated in its major component parts and substantial characteristics. That's why researchers have already expressed many times an idea on development of the so – called Management Code (Federal, Law on Managerial Process)⁴ in Russia.

The basic element of the Law on Managerial Process should be legal acts of administration (or administrative acts; acts of administration). The contemporary institution of the legal acts of management, having no normal legislative basis, is in need of serious reforming and further development. As it has already been mentioned the lack of the law on legal acts of management in our country, and subsequently, on managerial process (procedure for enactment, registration and implementation of legal acts) characterizes the Russian legal system as incomplete and not complying with the principles of law – governed state. Therefore it is actually expected heavy, labor – intensive and responsible work of researchers, legislatures, politicians and managers here.

The procedure for preparation and adoption of legal acts of administration in a special literature is usually called as «type of administrative process»⁵ (along with other types) of kind of administrative procedures that are applied mainly in the interests of more effective work of executive machinery on application of administrative legal forms and administrative legal methods for undertaking executive power⁶. It seems that it is necessary to change the existing terminology used in the field of formation and effect of institution of legal act of management today. First of all, in our opinion, the issuance of administration acts is conventionally the main legal form of management and it has nothing in common with «application of administrative legal methods for enforcement of executive power». Secondly, from the viewpoint of traditions and designation of various types of legal process (e.g., criminal, civil and arbitration) the administrative process is the normatively established procedure for courts to consider the dispute (a case) arisen in the field

of public administration and in the result of actions (decisions) of state authority bodies and officials, i.e., administrative process is nothing else than administrative justice⁷. But it is more advisable to call the procedure for preparation and adoption of administrative acts as managerial process regulated by the norms of Administrative Law. In this regard it is reasonable to note the necessity for establishment of legal procedural form mediated the content of whole process of administrative rule – making process or process on adoption of management acts. Finally the effectiveness of undertaking managerial actions will depend on the quality of managerial procedural form. It is noted in the literature that procedural form constitutes legal structure providing appropriate means for implementation of the authoritative powers as well as settlement of legal cases. And procedural activity is the activity that performed in a procedural form that complies with the features of legal process in general: this is an activity on implementation of authoritative powers, activity on settlement of legal cases (issuance of acts of administration, imposition of penalties and others), activity regulated by the procedural norms⁸.

In current conditions it is impossible to talk about administrative procedures without taking into account of the extent of their scientific work over, legal formulation and legal legitimating. No matter how they are understood in the theory of Administrative Law and practice of public administration, the administrative procedures are related to the creation of special legal order with performance of certain managerial actions or adoption of respective administrative decisions. Hence it is necessary to consider the administrative procedures as the most important administrative legal institution that logically inscribing into the structure of administrative legal regulation.

The administrative procedures are included by the legislature into the legal system and into the structure of modern law – governed state in general, and in the system of performance of executive power, in particular, due to necessity to introduce a due order, ensuring the observance of principle of legality, establishing the guarantees for usefulness, effectiveness and transparency of administrative actions in organization and functioning of the public authority. The creation of administrative courts will be promoted by the development of legislation on *managerial process, management proceedings or procedures*⁹, for instance, on procedure for taking normative or non – regulatory legal acts of administration, signing administrative agreements, performing diverse managerial actions, planning managerial events or providing works in the field of administration. There special laws on administration or laws on procedural activity in the field of administration (Codes on Administrative Procedure) are effective in many countries¹⁰. Russian is only approaching to this legal standard in the field of managerial process. It even might be said that lack of aforementioned legislative acts defines «undeveloped» («uncivilized») feature of the Russian administrative legislation and the Russian theory of Administrative Law, since the historical evolution of modern Administrative Law was happened in direction to enhancement of influence and authority of law (laws, orders) over the public administration, i.e., administrative practice, in its whole diversification and scale, should experience a normative «burden» toward itself. The managerial process shall be based on the legal norms established in laws. Consequently

the most important direction in law – making activity in the field of managerial process is the adoption of law regulating the *administrative (managerial) procedures* (Administrative Procedural Code, Law on Administration or Law «on Administrative Procedures»).

The legal regulation of administrative procedures in the activity of officials, state and municipal servicemen will promote the elimination of legal conflicts, as relevant administrative procedures become to ensure the legality of practical implementation of administrative legal status of officials, i.e., they will not go beyond the powers assigned them and will not violate a competency of state agencies. There legislation containing the norms on *administrative procedures* has already been in force during several decades in many countries. The respective laws regulate not only disputable (or adverse) procedures (when there is a dispute between a citizen and an administration or administrative violation has been committed), but also non – disputable (positive) procedures (when such dispute does not exist)¹¹.

It can be ascertained with astonishment that preparation of the draft Federal Law on Managerial (or administrative) Procedures in our country has not been done by representatives of the Russian academic and higher educational science, but various foundations and organizations established in the country. Of course, it should also be welcomed their efforts in this field, however, the Russian legal science shall be the main force in the preparation of draft law. The draft Federal Law «On Administrative Procedures» developed by the «Constitution Foundation» can be called as quite interesting. This draft law includes eight sections: 1) scope of application of the law; 2) general principles of law – governed state and principles of administrative procedure; 3) procedural principles and order for implementation of administrative actions and taking decisions (participants (parties) in the procedure, their procedural status etc.); 4) procedure in the first instance; 5) procedure for appeal and taking decision; 6) special types of administrative procedures; 7) enforcement of instructions; 8) liability (of state agencies and officials thereof). Thus, according to the viewpoint of authors of draft law, it shall establish the process for issuance, change, repeal and enforcement of instructions (legal acts of administration). The instructions are understood by them as individual acts of administrative agencies relating to the concrete case, a subject matter of which shall be the following: a) reason, change and termination of rights and obligations; b) establishment of presence or lack of, as well as, extent of rights and obligations; c) denial of petitions on reasoning, changing, termination or establishment of the presence of rights or obligations, refusal in consideration such petitions.

The second very interesting draft Federal Law «On Administrative Procedures» is the draft law that has been submitted, to the State Duma for consideration, by the V. V. Pokhmelkin, the MP of the State Duma. This draft law is aimed at establishing the rules for consideration and settlement of administrative cases by the executive agencies of state authority, executive agencies of local self – governance and officials thereof.

The abovementioned draft law defines the principles and order for performing managerial activity on granting, certifying, registration or suspension (termination) of certain powers for organizations, individual entrepreneurs and natural persons.

An *administrative case* is defined as complex of documents and materials stating the process on preparation, consideration and taking a decision on granting, certifying, registration or suspension (termination) of the powers of the person concerned. The *administrative procedures* are proposed to be deemed as regulatory norms, established by the legislative acts, determining the grounds, conditions, consistency and procedure for settlement of administrative cases.

The draft law in question consists of the following chapters: key provisions of legislation on administrative procedures (Articles 1 – 8); general conditions for consideration of administrative cases (Articles 9 – 14); representation in relationships regulated by legislation on administrative procedures (Articles 15 – 18); evidence [proof] (Articles 19 – 30); administrative costs (Articles 31 – 35); procedural terms (Articles 36 – 38); submission of application on consideration of administrative case (Articles 39 – 44); preparation of administrative case to the consideration in the administrative session (Articles 45 – 48); consideration of administrative case (Articles 49 – 56); decision on administrative case (Articles 57 – 62); simplified procedure for consideration of administrative cases of certain categories (Articles 63 – 66); conditions and procedure for appeal against decisions on administrative cases (Articles 67 – 70); submission of administrative complaint (Articles 71 – 74); consideration of administrative complaint (Articles 75 – 80); enforcement of decisions on administrative cases (Articles 81 – 88).

Article 2 of the draft law to be analyzed determines the relations regulated by the legislation on administrative procedures. The legislation on administrative procedures regulates the relationships on consideration and settlement of the administrative cases on granting, certifying, registration and suspension (termination) of powers of organizations, individual entrepreneurs by the executive agencies of state authority, executive bodies of local self – governance and officials thereof.

The effect of the legislation on administrative procedures shall cover the relations in the following areas:

- a) registration of legal persons and individual entrepreneurs;
- b) licensing the separate types of activity;
- c) registration of the rights for real estate and deals with it;
- d) providing land resources, ground plots, forest plots, water objects, as well as withdrawal of these plots and objects from the owner or any other legitimate possessor;
- f) providing organizations, individual entrepreneurs or natural persons with loans, grants, subventions, subsidies, compensations, financial and substantial aid, investments, quotas, warranties, privileges and advantages at the expense of funds of the Federal Budget, budgets of the constituent units of the Russian Federation, local budgets, as well as assets of state extra – budget funds;
- g) allocation of state (municipal) orders;
- h) management over the state and municipal property or property rights;
- i) issuance of permission for performance of construction and installation works (construction permissions), for exploitation of construction and other objects or equipment, as well as taking other managerial decision on issues pertaining to the investment activity;

- j) mandatory certification of product, works and services;
- k) registration of citizens on the places of residence and seats;
- l) registration of transportation means;
- m) providing citizens with living houses in premises of state and municipal housing resources and usage of these premises;
- n) privatization of living houses;
- o) assignment and payment of pensions, allowances;
- p) recognition of status for natural person that gives grounds for receiving privileges and advantages;
- q) issuance of documents of legal effect; and
- r) granting, certifying, registration or suspension (termination) of other powers of organizations, individual entrepreneurs and natural persons.

The effect of the mentioned Federal Law shall not cover the relations in the following areas:

- a) preparation and taking normative legal acts by the state authority bodies and local self – governance bodies;
- b) privatization of state and municipal property, except for living houses;
- c) proceedings on cases concerning administrative violations, criminal and civil court procedures;
- d) establishment, introducing and imposition of taxes and duties, including customs payments;
- e) state and municipal service or labor relations;
- f) conducting public competitions and other relations with participation state agencies and self – governance bodies regulated by the civil legislation of the Russian Federation;
- g) issuance and circulation of securities;
- h) drafting and taking managerial decisions that not dealt with the granting, certifying, registration and suspension (termination) of powers of organizations, individual entrepreneurs or natural persons; and
- i) drafting and taking managerial decisions by the bodies that are not executive agencies of state authority, executive agencies of local self – governance or officials thereof.

If actions committed or administrative decisions taken within the framework of administrative procedures violate the rights and freedoms of citizens, then the latter shall have the right to appeal the respective actions or decisions to the higher administrative agency (superior official). In many countries there is rule according to which the citizen shall have the right to submit a complaint to the court only when he/she has applied all normatively established opportunities for administrative appeal. The special laws shall define to which extent the internal organizational review of decisions on certain issues can be reached (as a rule, administrative review of the actions officials or decisions thereof is limited to one or two instances)¹². Thus the legislation on management process (or administrative procedures) specifies the necessity for adoption of laws establishing the procedure for implementation of the right of citizen to file a suit (or complaint) to the court against the illegal administrative act of the official.

The most important characteristics of the Russian model for the legal regulation of the appeal to the court with complaint against actions (omissions) or decisions of officials is the opportunity for alternative appeal, i.e., citizen may file complaint to both the higher administrative agency and the court. Such procedure for appeal has been considered as democratic and expedient for many years in Russia. In the literature there is an opinion which can be seen according to which the procedure when a person has an opportunity to appeal to court is preferable in cases if he/she has already received the final decision on complaint from the respective administrative instance. This provision, in our opinion, is reasoned by quite contradictory arguments, for example: «The officials know far better about their powers themselves than a court. The higher instances, as a rule, are capable to establish without special expenses whether their subordinates have acted in accordance with rules. But the court needs to have time in order to know everything «to a nicety» related to the certain highly tailored areas». If one takes these arguments into consideration, then the following question can be asked for: why are administrative courts needed at all, if officials know managerial cases better than judges? In this case it should be reminded that judges every time, when they consider any case (legal dispute), face to the «cobweb» of numerous «highly tailored» areas. The aforementioned arguments are fairly controversial also from the standpoint of the principle on separation of powers: it is well – known that courts are designated to perform oversight on the executive power and ensure the protection of the rights and freedoms of citizens. It seems that necessity for primary observation of so-called instance procedure for consideration of the complaint limits the principle for accessibility of justice for citizens.

During up – to – the – minute majority of researchers in Russia think about system and structure of legislation on administrative procedures. For instance, A.E. Pomazuyev, as many other authors, proposes to adopt the Federal Law «On Administrative Procedures» that should regulate integrally the institution of the administrative procedures. At the same time he stands for expansion of scope of its effect to so – called *external apparatus' administrative procedures*. Because of, in his opinion, this law will have the most general character anyway, it is appropriate to adopt the Federal Laws dedicated to the separate procedures or groups thereof¹³. V.A. Zyuzin presumes to create a three – level system for legal regulation of administrative procedures: the first level – the Federal law on Administrative procedures; the second level – the Federal Laws regulating certain procedural proceedings; the third level – the normative legal acts to be adopted in order to implement federal laws, and administrative regulations of executive power bodies¹⁴. According to opinion of V.A. Zyuzin, such «three – level system of legislation on administrative procedures will allow optimizing the law – making activity and harmonizing the Russian legislation on administrative procedures with foreign legislation»¹⁵.

If one analyzes the existing opinions of researches in the literature about essence, purpose, perspectives of legislative regulation and sectoral affiliation of administrative procedures, then it can be stated that administrative procedures are considered in the following aspects or topics of modern Administrative Law: forms for performing executive power¹⁶; legal acts of administration (or administrative

legal acts); administrative justice¹⁷; regulating legal disputes¹⁸; administrative justice, protection of rights and freedoms of citizen and human being¹⁹. There are published scientific works directly devoted to the study of all facets of this complex administrative legal institution²⁰.

How are insights on essence of the modern administrative procedures developed in the Russian Administrative Law? Several research theses on this issue were defended in past years²¹. In the present work it is essential to analyze some opinions on essence and designation of administrative procedures which are contained in scientific works published quite recently in the Russian Federation. For instance, V.A. Zyuzin, defining the legal institution of administrative procedures into the field of independent scientific cognition, considers that «at the current stage of development of the Administrative Law in the Russian Federation there homogeneous administrative procedural legal relationships have already been developed, which distinguish among other administrative process relationships»²². The authors relate the following as key features to these relationships: 1) «positive non – conflict legal relationships» (they can be developed between executive bodies and citizens as well as organizations); 2) «external public legal relationships regarding implementation of rights and legitimate interests by citizens and organizations»; 3) these relationships are formed in order to implement «constitutional rights and freedoms of citizens in the field of public administration»; 4) the purpose of these relationships is «to provide and protect rights, freedoms and legitimate interests of human being and citizen, determination of reliable guarantees to private persons against the administrative arbitrariness»²³.

Quite detailed analysis of the opinions of researchers concerning the comprehension of notion «administrative procedures» has been undertaken by M.V. Niki-forov, who defines the administrative procedures as «a variety of legal procedures that represents hierarchically constructed dynamic order, established by normative legal acts, for performance of actions by the authorized bodies of executive power aimed at exercising their competence, including those dealt with the settlement of concrete individual administrative cases»²⁴. In the result of comparative legal research, undertaken by himself, on mentioned institution, the author makes a conclusion that administrative procedures include the following elements in the content: *actions* (set of actions); *order* (order for performance of actions or order for consideration and settlement of cases); *activity*; *regulation* of activity²⁵. M.V. Niki-forov analyzes: plurality of persons authorized to perform procedures; normative nature of procedures are the most important feature of the procedure; achievement of the purpose of administrative procedures; lack of link with the dispute on law, i.e., procedures are not characterized with the necessity to resolve the legal dispute or are not related to the application of administrative enforcement measures.

According to the opinion of R.S. Tikhyy, administrative procedure is the «normative regulation of the activity of executive power bodies, ensuring the order for taking authoritative managerial decisions by officials, including consideration and settlement of concrete administrative cases»²⁶. As authors of other scientific works devoted to the issue of administrative procedures, R.S. Tikhyy compares «administrative procedures» with «administrative process», that he understands as «a type of

jurisdictional activity of executive and judicial bodies on consideration of administrative legal disputes, application of administrative enforcement measures, settlement of the cases on administrative violations»²⁷. The author affirms that «substantial legal regulation of the activity of the executive power dealt with the making authoritative managerial decisions, consideration of administrative cases, is not positive administrative process but the substantial administrative procedure»²⁸. Thus it is once more noted that administrative procedures are related to the order for making administrative acts or consideration of administrative cases.

A. E. Pomazuyev joins the definition of administrative procedure as «normatively established order for implementation of administrative authoritative powers directed to the settlement of legal case or fulfillment of managerial function»²⁹. Hereby the author studies the institution of administrative procedures in relation to the concrete constitutional right the vested in the citizen who is in need of *legal order* for implementation of this right. A. E. Pomazuyev, identifies the administrative procedure as the procedural form of implementation of the constitutional right to access to public information, which purpose is to take administrative act; at the same time the internal structure of the administrative procedure consists of stages that represent a system of organizational actions and ended with issuance of interim decisions³⁰. Here the author considers the institution of administrative procedures as a system of secured procedural forms by means of which the relevant constitutional right is ensured.

E. A. Degtyareva, outlining the main purpose of her dissertation is to prepare the legal concept of the administrative procedure as a form performing executive power, defines the administrative procedure as «a content of administrative process form, expressing the nature of legal activity of entities to attain the normatively foreseen result, being the element of the administrative process regime»³¹. It is important, according to opinion of E. A. Degtyareva, to point out that essence of the administrative process form is in the «detailed regulation of the conduct of subjects of procedural legal relationships» from the standpoint of the content of this conduct, consistency of performing actions of legal effect and conditions for their performance or omission³².

A. A. Nikolskaya, creating own model for institution of administrative procedures, writes: «Positive administrative procedure in the field of public administration shall be a documented activity, of the various entities (at least one of them is the state, municipal agency or official), that are the normatively regulated and aimed at attaining concrete result. This activity consists of acts of conduct (phases, stages of procedure) that consistently replacing each other, in the course of what the competency of the abovementioned bodies shall be implemented, norms of different branches of law are applied and diverse legal acts of administration (both interim and final ones) are taken; on its content this activity is related to neither judicial consideration of disputes on subjective public right nor application of administrative enforcement measures»³³. The author has studied the problem of efficacy of the administrative procedures and legislation thereof. The efficacy of the law on administrative procedures is understood by A. A. Nikolskaya as «a correlation between initial state of administrative procedural relations, resulting

in condition and purpose set forth by the legislature, – ensuring the public rights and freedoms of citizens and organizations that is achieved by means of legal tools – relevant law, expressed in various extents, and it is estimated taking into account costs for functioning procedural legal norm and determined finally in practice»³⁴. A. A. Nikolskaya makes an attempt to study the problem on identifying the legal quality of administrative procedures used in managerial practice of administrative agencies today.

There is an opinion in literature that all administrative procedures can be divided into positive and jurisdictional ones³⁵. According to opinion of R. S. Tikhiy, administrative procedures can be diversified upon three groups: 1) procedures for jurisdictional activity of executive power (for instance, consideration of cases on administrative violations); 2) procedures for organization of activity of executive power (for example, making acts of administration; consideration of appeals by citizens); 3) procedures for performing legal actions by executive power bodies (licensing, registration, control, and oversight)³⁶. As assumed by V. A. Zyuzin, «the higher level of legislative regulation of administrative procedural relations is noted within the framework of registration, licensing, permissive proceedings and proceedings on appeals of citizens»³⁷. S. D. Khazanov, reasoning about the possible subject matter of the legal regulation of the Federal law on administrative procedures, notes, that it should cover the following types of administrative procedural relations: a) licensing permissive procedures; b) registration procedures; c) right – securing (assigning rights) procedures; d) informational documentary procedures; e) exam and certifying procedures; f) control and oversight procedures; g) jurisdictional procedures; h) administrative delicti procedures (except for those provided in the Code of Administrative violation of the Russian Federation); i) administrative execution procedures (except for those provided in the Federal Law «On Execution Proceedings» and Code on Administrative violation of the Russian Federation); j) state service procedures relating to the providing legal status of the civil servants; k) disciplinary organizational procedures; l) procedure for application of administrative enforcement measures³⁸.

E. A. Degtyareva divides administrative procedures into two types: 1) administrative regulatory procedures (rule – making procedures and «procedures for individual regulation mediating the issuance of regulatory legal acts and performance authoritative instructional actions, in relation to the individually defined subjects (natural and legal persons), by administration bodies, aimed at establishing, changing or terminating their rights and obligations»³⁹; 2) administrative jurisdictional procedures, i.e., procedures mediating the protective function of executive power»⁴⁰.

The full – fledged analysis of the issue on types of administrative procedures is considered in the book by M. V. Nikiforov, who demonstrates opinions of such researchers as A. F. Nozdrachev, V. D. Plesovskih, V. P. Umanskaya, A. V. Novikov, Yu. A. Tikhomirov, E. V. Talapina, I. M. Lazarev, S. D. Khazanov, P. I. Kononov, I. M. Masharov, D. V. Osintsev on this issue⁴¹.

As seen from the given analysis of opinions of the Russian researchers regarding the essence, content and meaning of administrative procedures in the system

of executive power and public administration, it becomes clear insights on key features, principles and model characteristics of the future Law «On Administrative Procedures».

If one researches the evolving legislation on administrative procedures in those countries where such law is being drafted and adopted for the first time (for instance, Uzbekistan), then, as a rule, the administrative procedures shall be understood as *established order of the activity of the administrative agencies on consideration and settlement of administrative cases*. For example, the law of the Republic of Uzbekistan «On Administrative Procedures», defining thereby administrative procedures, sets forth the order for «consideration and settlement of administrative cases» by means of applying *administrative proceedings* (that shall be understood as «*a process of consideration and settlement of administrative case regulated by the administrative procedure*»), that include the following stages: 1) initiation of administrative proceedings; 2) consideration of administrative case; 3) taking a decision on administrative case (issuance of administrative act). Now the attention should be focused on that taking a decision on administrative case, as a rule, is equated with the issuance of administrative act. Thus the administrative procedures are considered as a form of making administrative act in practice. Therefore the central part of the Law of the Republic of Uzbekistan «On Administrative Procedures» contains a chapter titled as «Administrative Act». It includes the following Articles: form and content of the administrative act; issuance of administrative act and entering thereof into force; explanation of administrative act; repeal of administrative act; withdrawal and compensation in view of repeal of the administrative act; de – novo review of the administrative act. Conclusive chapter of the law being analyzed is the «Execution Procedure» where the rules for execution of administrative act are established, term for its voluntary execution, coercive execution of administrative act and consequences for failure to execute it.

This very slight analysis of content of the Law of the Republic of Uzbekistan «On Administrative Procedures» allow seeing that the basis of its legal procedural norms contains the views of researchers on essence of administrative procedures. For instance, V.A. Zyuzin distinguishes the following stages of administrative procedures: initiation of administrative case, consideration of administrative case, making a decision upon the case, review of decision on administrative case⁴². At the same time the administrative case shall be deemed as «individual concrete situation occurred between citizen (organization) and executive body in the field of administration, for settlement of which the certain administrative procedures is applied»⁴³. Here one can ask the question indeed: to what extent can the abovementioned insights of V.A. Zyuzin on essence on administrative procedures be new in comparison with the opinion existed already in the soviet times? It seems that it is necessary to take into account also that fact that in the middle of fifties of XX century, the order for settlement of the administrative legal disputes or administrative cases arisen in the field of administration was called as *administrative process*. Subsequently the modern researchers just change the designation of this institution: it previously called as administrative process; now, according to the opinion of V.A. Zyuzin, it can be called as administrative procedure.

One of the general provisions regarding the theory of administrative process is the statement about its fundamentally identical content during many decades. The notion of «administrative process» has received impetuous and quite substantial doctrinal rethinking in our country during actually whole XX century. Its comprehension as a *procedural activity designed for consideration of individual concrete cases arisen in the field of public administration* has been formulated in science. As a rule something like that the notion is still defined in educational and scientific literature to date. Especially the significant understanding of this viewpoint for the notion of «administrative process» turned out in the 50–60ies years of past century. As it is known that was the time of functioning of so – called *administrative – command system and obviously scant overview on essence of democratic public governance*. At that time the doctrine on ensuring public legal protection of rights and freedoms of human being and citizens from the illegal actions (omissions) of public administration was actually absent to the full extent. In the Soviet Union one did not know also as to what procedural forms it was necessary to provide and protect the rights and freedoms of citizens. And it was not important, because there relevant ideology was dominant in the society and state, in substantial level of implementation of which there were proposed specific forms and means of state’s concern about the society itself.

V. D. Sorokin calls for determination of the «unified approach to the terms used in the scientific turn»⁴⁴. Then V.D. Sorokin paid attention to that in special legal literature there terminology applied mainly in scientific works on criminal and civil court procedures has become to be used. Primarily the matter concerned about the correlation of the notions «process» and «proceedings». The ambiguous opinion on this matter was in that «proceedings are the part of the process; while the process is the complexity of proceedings»⁴⁵; «in Administrative Law the process shall be deemed as a general, while proceedings shall be considered as special, part of the process»⁴⁶.

First of all, he wrote: «the administrative process is closely linked with the public administration»⁴⁷. Namely starting from this point of view it is necessary to count off the first steps in understanding of administrative process that was mainly related to the managerial activity, to the system of public administration due to the notorious reasons in the middle of past century in Russia. Another scientific insights on subject matter of the administrative legal regulation caused by the practice of the state and legal construction and ideology dominant in those years, «compelled» to see the main content of the administrative process just in the system of state administering itself.

Secondly, «administrative process can be defined as a part of managerial activity in the course of performance of which there application of norms of substantial law (primarily administrative one) is happened, i.e., settlement of the individual concrete cases in the field of public administration»⁴⁸. Thus the core content of the administrative process lies:

1) in (a) «settlement» (b) of «individual concrete cases», (c) which appear (occur) within the system of public administration, (d) by the executive and regulatory bodies of state authority (in some cases by other bodies as well); and

2) with the advent of legal relationships occurred in the course of its activity, and regulated by the norms of administrative procedural law⁴⁹.

Thirdly, «administrative process is narrower notion than public administration. It is regulated ... by administrative procedural norms»⁵⁰. Therefore other part of public administration, which is not subjected to regulatory influence of the administrative procedural norms (operational, organizational work of executive and regulatory bodies and substantial technical actions thereof), cannot be considered as administrative process.

Fourthly, when defining the notion of the administrative process, according to the opinion of V. D. Sorokin, it is essential to study the correlation of administrative process with two phenomena: *public administration* and *administrative law*: substantial and procedural⁵¹. It is obvious that breadth and diversification of «law enforcement activity of administrative bodies», «great variety of the individual concrete cases to be resolved»⁵² predetermined the broad understanding of the administrative process by the author.

Fifthly, the consideration of the administrative process as a necessary order for implementation of the substantial law norms allows ensuring the link of latter with the administrative process itself⁵³.

The aforementioned main characteristics of the administrative process, excerpted from the book of V.D. Sorokin, falls into the «managerial» concept of this legal phenomenon, demonstrating the breadth of the approach to the notion to be analyzed.

But these were the insights on essence and purpose of administrative process developed in those distant years. Obviously, today it is necessary to look at the essence of both administrative process and institution of administrative procedures from the position of content of the public administration itself, its complexity and multi – structural nature.

The preparation and discussion of the draft Law «On Administrative Procedures» at the Legislative Chamber of the Oliy Majlis of Uzbekistan demonstrates the attention of legislatures to one of the most important modern administrative legal institutions, namely administrative procedures, the legal meaning of which is very high in practice of statehood and legal construction and public administration. The institution of administrative procedures is an integral part of the modern Administrative Law. In the countries that have continuous practice of application of the legislation on administrative procedures, there have been formed due legal order, democracy, transparency of the functioning of state bodies' machinery, the real responsibility of state servicemen and officials in the system of public administration.

The administrative procedures are the tool for ensuring the legality. The normative establishment of procedural rules in public administration serves to the purpose of maintaining legality primarily to that regulates the actual relations, while the law provides the formal determination to them and thereby does not allow misusing of law or significantly reduces such abuse.

Therefore striving of legislatures for creation of qualitative, from of viewpoint of content and system of procedural norms, the Law «On Administrative Procedu-

res» is timely and a proper step towards formation of law – governed state, and, subsequently in the restriction of arbitrary and illegal official conduct of civil servants.

The important of full – scaled research of administrative procedures and need in the Law «On Administrative Procedures» in Uzbekistan, as in other countries, is conditioned by necessity for:

- theoretical analysis of the notion on positive administrative procedure, as well as essence, features and place of administrative procedures in the system of respective branch of law;

- critical analysis of existing legal regulation of the positive administrative procedures, primarily from the viewpoint of its completeness, efficacy and compliance with the contemporary social relations that are regulated by these procedures;

- development of theoretical foundation for new normative basis of the administrative procedures – Law «On Administrative Procedures»; and

- taking into the widespread nature of administrative procedures in the practice of public administration as well as participation of myriads of natural and legal persons therein.

The Law «On Administrative Procedures» creates an opportunity to form the relatively isolated group of legal norms regulating the positive administrative legal procedures. The various aspects of notion on administration procedures, their essence, features, necessity, prerequisites and reasons for existence, meaning, functions, types and sources of administrative procedures have important significance from the scientific and theoretical point of view. The issues on legal quality, efficacy of laws on administrative procedures, problems of their legal regulation and issues on improvement of the legislation on administrative procedures are important from the practical viewpoint.

The law – making activity in relation to adoption of the Law «On Administrative Procedures» was also based on taking into consideration the theoretical foundations of the normative – legal regulation of administrative legal procedures both in Uzbekistan and in foreign countries. The matter on effectiveness, legal quality and determination of the place for administrative procedures in the system of ensuring the legality regime in public administration is also very important. The problem on regulation of administrative procedures are closely related to providing legality regime in the field of public administration, improvement of state machinery, system of its internal and external relations, as well as implementation of the rights and freedoms of citizens and organizations. The existing condition of legislation regulating the administrative procedures does not meet the modern needs of the society. The lack of unified normative act on administrative procedures represents a tremendous gap in Administrative Law, while foreign legislature have already filled in it (in USA, Germany, France and other states), via adopting respective normative acts.

It seems unreasonable to exclude the legal norms on principles of administrative procedures from the text of the draft law. In spite of this issue requires the further clarification and is very complicated, it is advisable to restore the norms – principles of administrative procedures in the draft law. Firstly, it increases the legal quali-

ty of the law, enhances the legal basis for law enforcement activity, and introduces the necessary legal culture into the process of development of laws. Secondly, it would be impossible to imagine the Law «On Administrative Procedures» (or procedural activity) on the whole that has not included norms on principles of relevant state activity in its content.

It is completely correct to establish the opportunity for alternative appeal of administrative acts (Article 52 of the draft law).

It is necessary to list the notions depending on their legal significance in the law in the Article 3 of the law. It seems that it is essential to start with the notion «administrative procedure», then «administrative case», further: «administrative proceedings», «administrative agencies», «administrative act», «official» and «person concerned».

It is advisable to exclude the term «**procedural act of administrative agency**» from the Article 3 of the draft law, because it contains some contradictions within its content. For instance it is difficult to agree to term «process of administrative proceeding», as the proceedings in itself is «the process». Especially, the draft law does not contain information on procedural acts of the administrative agency. This term was set forth in the paragraph 3 of the Article 50 of the draft law. If one leaves this term in the law, then it should be defined very clearly: what kind of procedural acts, types of procedural acts, their position in the administrative proceedings etc.

The fundamental comments are related to the Article 5 of the Law:

First of all, it includes three stages of administrative proceedings: initiation of administrative proceedings, consideration of administrative case; taking a decision upon administrative case (issuance of administrative act). Subsequently the matter on these stages is explained in the Chapter 3 (initiation of administrative proceedings – Articles 26–34), Chapter 4 (consideration of administrative case – Articles 35–43).

Secondly, the Chapter 5 is called as «Administrative Act», although in Article 5 the matter concerns about «making a decision upon administrative case» (or issuance of administrative act). Consequently it is advisable to bring these titles (in the Article and chapters of draft law) in uniformity, i.e., point out them as completely identical, through the same terms. Presumably it is more proper to rename the Chapter 5 as «Consideration of Administrative Case» or «Adoption of Administrative Act» or any other manner normatively determining this issue. Then everything will be logical.

Thirdly, it is appropriate to include the chapter on «appeal» or «review» of administrative act into the text of draft law. Normative substance about this matter is already in the draft law, but it has «inorganically» been included in the Chapter 5 of the draft law.

Finally, fourthly, it is unlikely to call properly the Chapter 7 of the law as «Execution Procedure». After all, firstly, it is unnecessary to form the creation of «conflict of terms»: administrative procedure vs. execution procedure. Therefore it is advisable to exclude the term «execution procedure» from the Article 3 of the Law at all, and to call the Chapter 7 as «Execution of Administrative Act» or «Stage

on Execution of Administrative Act». This would be clearer, and abovementioned controversy will be excluded from the law. Consequently, the Article 5 should be added with one more stage, i.e., «a State on Execution of Administrative Act».

It is essential to clarify the Article 50 of the Law, i.e., to bring the aforementioned norms in compliance with the terms that already developed in the management and the science. The Article does contain information as to whether it is possible to appeal against the omission of official or administrative agency; the «Decision on Refusal in Taking Administrative Act» should be written in lieu of «Refusal to Take Administrative Act».

¹ See, e.g., Tikhomirov Yu.A., Talapina E.V. «Administrative Procedures and the Law», *Journal of the Russian Law*, No. 4 (2002), pp. 3–13.

² About managerial process, see, e.g.: Makhina S.N. *Administrative Process: Problems of Theory, Perspectives for Legal Regulation*, (Voronezh: VSU Publishing House 1999), pp. 37–93; Tikhomirov Yu.A. *Administrative Law and Process: a Complete Course* (Moscow, 2001), pp. 570–576.

³ See.: Tikhomirov Yu.A., *Administrative Law and Process: a Complete Course* (Moscow, 2001), p. 572.

⁴ See, e.g.: Makhina S.N., *Administrative Process: Problems of Theory, Perspectives for Legal Regulation*, (Voronezh: VSU Publishing House 1999), p. 49; Starilov Yu.N., *Administrative Justice: Problems of Theory* (Voronezh: VSU Publishing House 1998), pp. 42–56, 110–111, 176–184.

⁵ Bakhrakh D.N., Khazanov S.D., *Forms and Methods of Activity of State Administration* (Yekaterinburg, 1999), p. 33.

⁶ See.: under editorial of Kozlov Yu.M., Popov L.L., *Administrative Law: Course Book* (Moscow: 1999), pp. 400–403.

⁷ In a special literature it is often can be seen the opinion of authors reasoning the term «administrative proceedings» as a form of protection of the rights of citizens and legal entities. See, e.g.: Zelentsov A.B., «Administrative Legal Dispute» (theoretical methodological approaches to the research), *Journal of Jurisprudence* («Pravovedeniye»), No.1 (2000), pp. 68–79.; Zelentsov A.B., *Conflicts in Management and Management over Conflict: Experience on Comprehensive Study of the Subject Matter and form of Administrative Jurisdiction: a Monograph* (Moscow: Russian University of Nations Friendship Publishing House 2001); See also: Bakhrakh D.N., Bonner A.T., «Administrative Justice: Development and Problems of Improvement», *Journal of Contemporary State and Law*, No.8 (1975), pp.13–15; «Problems Of Access to and Efficacy of Justice in the Arbitration and Civil Court Procedure: materials All – Russian Scientific and Practical Conference» (Moscow, January 31 – February 1, 2001), (Moscow: Legist Press, 2001).

⁸ Bakhrakh D.N., Khazanov S.D., *Forms and methods of activity of state administration* (Yekaterinburg, 1999), p.6.

⁹ Re: administrative procedures (their constitutional guarantees, principles, rights and obligations of state bodies and citizens in administrative procedures) see, e.g.: Schaffhauser R., Eekstein K., Vershinin S., «How Can the Relations Between a Citizen and an Official be Regulated?», *Administrative Procedures by the example of legislation of Switzerland*, (Moscow: «EKOM» Publishing House, 2000, pp. 19–25) In various countries the administrative procedures are established by the different normative acts: Administrative Procedure Act of the Federal Republic of Germany as of 25 May, 1976, Code on Administrative Procedure in Poland as of 14 June 1960, Law «On General Rules for the State Administrative Procedures» as of 1957 in Hungary, Law «On Administrative Procedure» as of 1979 in Bulgaria. See: *Administrative Justice in New European Democracies: Practical Studies in the Field of Administrative Law and Process in Bulgaria, Estonia, Hungary, Poland and the Ukraine*: translation from English; editors: Galligan D., and others (Kiev: ArtEk Publishing House; Budapest: OSI; COLPI, 1999), pp. 605–674.

¹⁰ See, e.g.: Richter I., Schappert G.F., *Judicial Practice on Administrative Law: Course book*, translation from German (Moscow: Lawyer [Yurise'] Press, 2000); *Administrative Procedural Law of*

Germany: Law «On Administrative Proceedings»; Law «On Administrative Court Procedure; Legislation on Execution of Administrative Decisions: translation from German; Bergman V., intro., compilation, (Moscow: Wolters Kluwer 2007), pp. 1–7.3.

¹¹ See, e.g.: Schaffhauser R., Eckstein K., Vershinin S., «How Can the Relations Between a Citizen and an Official be Regulated?», Administrative Procedures by the example of legislation of Switzerland, (Moscow: «EKOM» Publishing House, 2000), pp. 16–17; Federal Law «On Administrative Procedures», Initiative project with comments of drafters, Introductory note by Eckstein K., Abrosimova E., «Constitution» Foundation (Moscow: Complex–Progress Publishing House, 2001).

¹² See: Schaffhauser R., Eckstein K., Vershinin S., *ibid.*, p. 17.

¹³ Pomazuyev A.V., «Administrative Procedures on Access of Citizens to Public Information» (Executive Summary of Dissertation for the PhD in law. Yekaterinburg, 2007), p. 14.

¹⁴ See: Zyuzin V.A., «Administrative Procedures: Theory, Practice and Problems of Legislative Regulations in the Russian Federation» (Executive summary of the dissertation for the PhD in law, Moscow, 2007), p. 9.

¹⁵ *Ibid.*

¹⁶ See, e.g.: Degtyareva E.A., «Administrative Procedures» (Executive summary of dissertation for the PhD in law, Rostov-on-Don, 2007).

¹⁷ See, e.g.: Izmaylov A., «Administrative Procedures and Administrative Process in the Russian Federation: Experience of Reform Process in the Certain Fields of Regulation», *Journal of Comparative Constitutional Review*, No.4 (2005), pp. 163–170.

¹⁸ See, e.g.: Solovtsov S.N., «Problematic Issues Relating to the Legislative Improvement of Administrative Procedures for Settlement of Disputes»; Arbitration Courts: Theory and Practice of Law Enforcement. A Compilation of Articles to the 75th Anniversary of the State Arbitration – Arbitration Court of the Sverdlovsk region; Executive editors, compilers Reshetnikova I.V., Skuratovsky M.L., (Yekaterinburg: Private Law Institute, 2006), pp. 435–448.

¹⁹ See, e.g.: Vlasenkov V.V., *Role of Administrative Procedures in the Activity of Executive Power Bodies on Ensuring the Rights and Legitimate Interests of Citizens*; Law of the Russian Federation «On Police»: 15 Years of the Protection of Rights and Freedoms of Citizens, materials of scientific and practical conference as of 21 April 2006 (Moscow: Moscow University of the Ministry of Internal affairs of Russia, 2006), pp. 88–92; Starijov Yu.N., *Administrative Justice: Problems of Theory*, (Voronezh: Publishing House of the Voronezh State University 1998), pp. 110–111; Khazanov S.D., *Legal Regulation of Administrative Procedures in the Russian Legislation: State of Affairs and Perspectives*; «Rule of Law in the Field of Public Legal Relationships. Interdisciplinary Legal Professions», Materials of International Conference, 10–11 September 2005; Editors' team: Rustambaev M.H., and others (Tashkent State Institute of Law, Nagoya University, Tashkent: TSLI Publishing House, 2005), pp. 86–102; Schaffhauser R., Eckstein K., Vershinin S., *How Can the Relations Between a Citizen and an Official be Regulated?*, Administrative Procedures by the example of legislation of Switzerland, (Moscow: «EKOM» Publishing House, 2000), pp. 19–25.

²⁰ See, e.g.: Nikiforov M.V., *Problems of Theory on Administrative Procedures*, Monograph (Nizhny Novgorod: Nijegorod Law Academy, 2006); Tikhomirov Yu.A., «About Administrative Procedures»; Important Problems of Administrative Law and Administrative Procedural Law: Materials of the International Scientific and Practical Conference ; editor: Kikotya B.Ya., (Moscow: MosU of Ministry of Internal Affairs of Russia, 2003), pp.111–117; Salischeva N., Abrosimova E., «Re: Problems of Development of the Institution on Administrative Procedures in the Russian Federation», *Constitutional Law: Eastern European Review*, No.4 (2002); Khazanov S.D., «Concerning Problems of Development of the Institution on Administrative Procedures», *Journal of Administrative Law and Process*, No.4 (2005), pp.43–48.

²¹ Berkutova O.S., «Administrative Procedural Proceedings in the Field of Executive Power» (Executive summary of the dissertation for the PhD in Law, Moscow, 2005); Yefremov M.O., «Administrative Procedures as a Form to Implement the Competence of the Public Administration Bodies in Relationships with Private Persons» (executive summary of dissertation for the PhD in Law Moscow, 2005); Zyuzin V.A., «Administrative Procedures: Theory, Practice and Problems of

Legislative Regulations in the Russian Federation» (Executive summary of the dissertation for the PhD in law, Moscow, 2007); Lazarev I.M., «Administrative Procedures in the Field of Relationships Between Citizens and Organizations Thereof and Executive Power Bodies in the Russian Federation» (Executive summary of the dissertation for the PhD in Law Moscow, 2002); Nikolskaya A.A., «Administrative Procedures in the Field of Public Administration (Problems of Administrative Legal Regulation)» (executive summary of the dissertation for the PhD in Law Voronezh, 2007); Novikov A.V., «Appeals of Citizens» (Administrative Procedural Legal Aspects) (Executive summary of the dissertation for the PhD in Law, Voronezh, 2006); Pomazuyev A.V., Administrative Procedures on Access of Citizens to Public Information: (Executive summary of dissertation for the PhD in law, Yekaterinburg, 2007); Tikhii R.S., Problems of Legal Regulation of Administrative Procedures in the Russian Federation (Regional Legal Aspect) (Executive summary of the dissertation for the PhD in Law, (Tyumen, 2005).

²² Zyuzin V.A., Administrative Procedures: Theory, Practice and Problems of Legislative Regulations in the Russian Federation (Executive summary of the dissertation for the PhD in law, Moscow, 2007).

²³ Ibid, p. 7.

²⁴ See: Nikiforov M.V., «Problems of Theory on Administrative Procedures» a monograph (Nizhniy Novgorod: Nijegorod Law Academy, 2006), pp. 23–33.

²⁵ See: Ibid, p. 27.

²⁶ Tikhii R.S., Problems of Legal Regulation of Administrative Procedures in the Russian Federation (regional legal aspect) (Executive summary of the dissertation for the PhD in Law, (Tyumen, 2005), p. 8.

²⁷ Ibid, pp. 8–9.

²⁸ Ibid, p. 15.

²⁹ Pomazuyev A.V., «Administrative Procedures on Access of Citizens to Public Information» (Executive summary of dissertation for the PhD in law, Yekaterinburg, 2007), p. 13.

³⁰ See: Pomazuyev A.V., Administrative Procedures on Access of Citizens to Public Information: (Executive summary of dissertation for the PhD in law, Yekaterinburg, 2007), p. 7.

³¹ Degtyareva E.A., «Administrative Procedures» (Executive summary of dissertation for the PhD in law, Rostov-on-Don, 2007), p. 7.

³² Ibid.

³³ Nikolskaya A.A., «Administrative Procedures in the Field of Public Administration» (problems of administrative legal regulation); (Executive summary of the dissertation for the PhD in Law (Voronezh, 2007), pp. 9–10.

³⁴ Ibid, p. 11.

³⁵ See, e.g.: Khazanov S.D., «Legal Regulation of Administrative Procedures in the Russian Legislation: State of Affairs and Perspectives»; «Rule of Law in the Field of Public Legal Relationships. Interdisciplinary Legal Professions» Materials of International Conference, 10–11 September 2005; Editors' team: Rustambaev M.H., and others (Tashkent State Institute of Law, Nagoya University, Tashkent: TSLI Publishing House, 2005), p. 95.

³⁶ Tikhii R.S., «Problems of Legal Regulation of Administrative Procedures in the Russian Federation (regional legal aspect)» (Executive summary of the dissertation for the PhD in Law, Tyumen, 2005), p. 17.

³⁷ Zyuzin V.A., «Administrative Procedures: Theory, Practice and Problems of Legislative Regulations in the Russian Federation» (Executive summary of the dissertation for the PhD in law, Moscow, 2007), p. 9.

³⁸ See: Khazanov S.D., «Legal Regulation of Administrative Procedures in the Russian legislation: State of Affairs and Perspectives», pp. 94–95.

³⁹ Degtyareva E.A., «Administrative Procedures» (Executive summary of dissertation for the PhD in law, (Rostov-on-Don, 2007), p.14.

⁴⁰ Ibid.

⁴¹ See: Nikiforov M.V., «Problems of Theory on Administrative Procedures», Monograph (Nizhniy Novgorod: Nizhegorod Law Academy, 2006), pp. 46–63.

⁴² See: Zyuzin V.A., «Administrative Procedures: Theory, Practice and Problems of Legislative Regulations in the Russian Federation») (Executive summary of the dissertation for the PhD in law. Moscow, 2007).

⁴³ Ibid.

⁴⁴ Sorokin V.D., «Problems of Administrative Process», (Moscow: Legal Literature 1968), p. 50.

⁴⁵ Ibid, p. 51.

⁴⁶ Ibid, p. 53.

⁴⁷ Ibid, p. 49.

⁴⁸ Ibid.

⁴⁹ See: Ibid, pp. 66, 72.

⁵⁰ Ibid.

⁵¹ See: Ibid, p. 61.

⁵² Ibid, p. 64.

⁵³ See: Ibid, p. 65.

