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### Judicial proceedings on administrative legal disputes

**Abstract:** Judicial proceedings on administrative legal disputes provides an in-depth look at the key role of courts in resolving administrative complaints. The article highlights the complex nature of administrative disputes and emphasizes the importance of judicial control in ensuring justice and legality. Through structured procedural frameworks and varying standards of review, courts play a critical role in ensuring accountability and protecting individual rights. Overall, the article highlights the importance of understanding and managing administrative law litigation.

**Keywords:** court proceedings; legal state; administrative bodies; fairness; efficiency; rule of law; decision; claim.

Administrative legal disputes represent a critical intersection of law and governance, often involving challenges to the actions or decisions of government agencies, regulatory bodies, or public authorities. Judicial proceedings play a pivotal role in resolving these disputes, ensuring accountability, legality, and fairness in the exercise of administrative power. In this article, we embark on a comprehensive exploration of judicial proceedings in administrative legal disputes, examining their nature, significance, and key aspects.

Administrative legal disputes arise when individuals or entities challenge administrative decisions, actions, or regulations of administrative bodies, such as government agencies, regulatory authorities, or public officials that affect their rights, interests, or legal obligations. These disputes encompass a wide range of issues, including licensing, permitting, regulatory compliance, public procurement, and administrative penalties. Administrative legal disputes often involve complex legal and factual issues, requiring specialized expertise and procedural frameworks for resolution. Administrative legal disputes may arise in various contexts, including administrative law, environmental law, immigration law, and tax law, among others.

As it is known, legal state, democracy, respect for rights and freedoms are not only organically connected with each other, but also among the factors that condition each other. The rule of law reflects not only formal legality, which ensures regularity and consistency in the achievement and maintenance of democratic order, but also justice based on the recognition and respect of human rights and freedoms [7, p. 40].

Although the Republic of Azerbaijan regained its independence in 1991, the legal and judicial system inherited from the USSR prevented a number of innovations in the legal system of the newly independent state. These include building a democratic society, creating an effective protection mechanism for rights and freedoms, and forming an independent judicial system.

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The reforms carried out in our country have not bypassed the sphere of judicial process and other areas. The purpose of these reforms, covering all spheres of social and political life, was to improve administrative proceedings, the legal and judicial system in Azerbaijan, with the creation of a democratic, modern judicial system being of particular importance. During the implementation of judicial reform, one of the main goals was to transform the judiciary into an independent and influential force.

As a result of the reforms carried out in the direction of legal state building, it became necessary for administrative bodies to operate according to the rules of procedure, to protect the rights and interests of citizens from illegal acts and actions or inaction of administrative bodies.

The establishment of a legal state is impossible without the development of administrative court proceedings, which is its inseparable institution. As indicated in the decision of the Constitutional Court of the Republic of Azerbaijan, the presence of judicial control over administrative acts adopted by administrative bodies and other activities in the field of public law is one of the main signs of a legal state [3].

The Law of the Republic of Azerbaijan "On Administrative Proceedings" (2005) was adopted as the next step to ensure the implementation of human rights and freedoms by administrative bodies and to achieve the rule of law in the Republic of Azerbaijan, which is on the path of legal state building.

First time in the history of national legislation, the legal bases, principles and procedural rules of administrative proceedings were defined by the AR law "On Administrative Proceedings". The provision on the direct application of the generally accepted principles of law and the rule of law during the implementation of administrative proceedings was reflected in the law [1].

At present, the legislation of the republic provides several mechanisms for the protection of the rights of citizens from the illegal administrative act and action (inaction) of the administrative authority, one of which is administrative court proceedings.

Court protection is considered the main way to resolve social disputes and conflicts in society. Depending on the judicial system in the legal state, administrative court proceedings are carried out by general or specialized courts. As we know, the defense mechanism through the court is the most basic defense mechanism. This follows from the fact that the direct purpose of the court is the protection of human rights [4, p. 128].

Administrative court proceedings are carried out on cases arising from disputed administrative-legal relations. Its main function is to focus on the resolution of the dispute and, if necessary, to implement procedural protection measures. The institution of administrative court proceedings acts as a set of administrative procedural norms regulating public relations arising during the resolution of an administrative legal dispute in the judicial process. I.M.Jafarov evaluates the administrative court proceedings as a set of administrative procedural legal norms that regulate the rules of handling cases related to administrative disputes [5, p. 18].

The main goal of the administrative process is to restore the violated rights and interests of participants in administrative legal relations. Thus, administrative law was created as the right to control management, the right to protect citizens from the arbitrariness of administrative power. When considering an administrative legal dispute, the courts not only resolve individual disputes, but also restore violated rights and interests protected by law, and exercise control over the legality of the activities of administrative bodies.

Judicial proceedings serve as the primary mechanism for resolving administrative legal disputes, providing individuals and entities with a forum to challenge administrative actions and seek redress for grievances. Through judicial review, courts scrutinize administrative decisions to ensure their legality, reasonableness, and compliance with statutory requirements. Judicial proceedings play a crucial role in upholding the rule of law, protecting individual rights, and promoting accountability within the administrative apparatus.

Judicial proceedings in administrative legal disputes are governed by specific procedural rules and principles designed to ensure fairness, efficiency, and due process. These procedural frameworks vary depending on the jurisdiction but typically include key elements such as:

- Filing of complaints or petitions challenging administrative decisions.
- Discovery of evidence, including document production, interrogatories, and depositions.
- Pre-trial motions and hearings to resolve procedural issues or legal questions.
- Adjudication of disputes through trials or hearings, where parties present evidence and arguments before a judge or adjudicatory body.
- Issuance of judgments or orders determining the legality and validity of administrative actions and providing remedies or relief to the parties involved.

In judicial proceedings involving administrative legal disputes, courts apply various standards of review to assess the legality and validity of administrative actions. These standards include:

- Deferential review, where courts give significant weight to administrative decisions and uphold them unless they are arbitrary, capricious, or unsupported by substantial evidence.
- Strict scrutiny, which applies when fundamental rights or constitutional principles are at stake, requiring the government to demonstrate a compelling interest and narrowly tailored means to achieve its objectives.
- Rational basis review, which applies to non-fundamental rights or economic regulations, requiring the government to demonstrate a rational connection between its actions and a legitimate government interest.

Administrative court proceedings are judicial control over the legality of the activities of administrative bodies. The specific aspect that characterizes this type of control is expressed in the verification of the legality of the actions of the authorities by the justice authorities [6, p. 20].

However, the control power of the courts over the activities of administrative bodies is not unlimited. The following provisions limiting the judicial control embodied in administrative court proceedings can be defined:

1) In order for this control mechanism to start functioning, the person whose rights or interests protected by law have been affected must apply to the court with a claim;

2) The principle of the possibility of a claim should be observed. According to Article 35 of the Code of Administrative Procedure of the Republic of Azerbaijan, in cases where the claimant justifies the acceptance or refusal to accept an administrative act, or the violation of his rights and interests protected by law as a result of the action or inaction of the administrative body, on dispute, on coercion, on the execution of obligations and a claim to refrain from certain actions is considered possible;

3) Filing a lawsuit in court does not automatically lead to the implementation of temporary protective measures. According to Article 40 of the Code of Administrative Procedure of the Republic of Azerbaijan, until a lawsuit is filed in court or at the same time as the lawsuit, or during the course of court proceedings, an interested person can apply to the court to suspend the execution of

an administrative act or to take other security measures aimed at securing the lawsuit (protecting the plaintiff's rights). As a temporary protective measure, the court may order the defendant to perform certain actions or to refrain from performing certain actions or to tolerate certain actions;

4) In administrative proceedings, only the legality of the activities of administrative bodies is checked, not the criterion of expediency, etc.

According to French administrative law, the judicial review of an administrative act covers four criteria: the adoption of the act within the authority of the administrative body, its legality, abuse of power, and correct choice of method and form [10, p.122].

It must be noted that administrative court proceedings can be considered as a means of legal protection and control, as well as a means of resolving legal collisions. Traditionally, legal collisions are understood as contradictions that exist between individual normative legal acts regulating same range or mixed social relations, as well as conflicts that arise in the process of law enforcement and in the process of exercising their powers by competent government bodies and officials [8, p.129].

Administrative court proceedings can ensure the legal elimination of legal conflicts arising both in the field of ensuring the rights and freedoms of citizens, and in the field of judicial control over the legality of administrative acts. Administrative court proceedings are a necessary attribute of a modern legal state, it is an institution of responsibility and control carried out by an independent branch of the judicial power for administrative acts and actions (inactions) of administrative bodies affecting the rights and interests of citizens. Although the court is not the best tool for conflict resolution, there is not found a perfect mechanism yet [9].

The mechanism of responsibility created by administrative proceedings is characterized by specific aspects related to its procedural features. So, in contrast to civil proceedings, the principle of equality of parties in administrative proceedings differs in some features. Because in administrative proceedings, the burden of proof is distributed unevenly between the parties, and the administrative authority participate as it is defendant.

In accordance with the legislation, the following claims are considered in the order of administrative court proceedings:

- claims regarding the dispute (cancellation or change) of the administrative act adopted by the administrative body regarding the rights and duties of the person (claim on dispute);
- claims on the imposition of a corresponding obligation on the administrative body in connection with the adoption of an administrative act or claims on protection against the inaction of the administrative body (claim on coercion);
- claims for taking certain actions not related to the adoption of an administrative act by an administrative body (a claim for performance of an obligation);
- claims for protection from the illegal intervention of the administrative body that is not related to the adoption of an administrative act and directly violates the rights and freedoms of a person (a claim to refrain from taking certain actions);
- claims regarding the existence or absence of an administrative legal relationship, as well as the invalidity of an administrative act (a claim for determination or recognition);
- claims regarding verification of legality of normative acts (lawfulness claim), with the exception of matters related to the powers of the Constitutional Court of the Republic of Azerbaijan;

- claims regarding the property claim related to the resolution of administrative disputes, as well as the claim for compensation for damage caused as a result of illegal decisions (administrative acts) or actions (inaction) of administrative bodies;
- actions of municipalities against administrative control bodies or claims of administrative control bodies against municipalities [2].

Judicial proceedings in administrative legal disputes have far-reaching significance and implications for individuals, businesses, and government entities. These proceedings provide a means for individuals and entities to challenge governmental actions, protect their rights, and hold administrative bodies accountable. Moreover, judicial decisions in administrative legal disputes contribute to the development of administrative law jurisprudence, shaping legal principles and precedents governing the conduct of administrative bodies and the interpretation of statutory and regulatory frameworks.

In conclusion, judicial proceedings play a central role in resolving administrative legal disputes, ensuring accountability, legality, and fairness in governance. By providing a dedicated forum for the review of administrative decisions, these proceedings uphold the rule of law, protect individual rights, and promote transparency and accountability within the administrative apparatus. Understanding the nature, significance, and key aspects of judicial proceedings in administrative legal disputes is essential for navigating the complexities of administrative law and upholding principles of justice and fairness in governance.

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### Судебное производство по административно-правовым спорам

**Аннотация:** Судебное разбирательство по административно-правовым спорам представляет собой глубокий обзор ключевой роли судов в разрешении жалоб на административные действия. Освещается сложный характер административных споров, подчеркивается значение судебного контроля в обеспечении справедливости и законности. Благодаря структурированным процессуальным основам и различным стандартам рассмотрения суды играют решающую роль в обеспечении подотчетности и защите прав личности. Подчеркивается важность понимания и управления судебным разбирательством в сфере административного права.

**Ключевые слова:** судебное разбирательство; правовое государство; административные органы; справедливость; эффективность; верховенство закона; решение; иск

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