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Delays in Procedural Deadlines by Administrative Authorities – Practical Problems and Solutions

Abstract

This article examines the problem of procedural deadline delays by administrative authorities from both legal and practical perspectives. The topic is highly relevant, as the violation of procedural deadlines in administrative proceedings significantly affects the efficiency of legal processes, the realization of citizens' right to legal protection, and the overall principle of the rule of law. Procedural deadlines, as established by legislation, are intended to ensure that administrative actions are carried out efficiently, transparently, and with legal certainty.

In many cases, delays are not merely the result of negligence but stem from systemic deficiencies such as overlapping competences among administrative bodies, lack of digital infrastructure, or insufficiently trained personnel. These issues complicate timely case handling and weaken public trust in state institutions. Moreover, unclear or overly flexible procedural rules in legislation may be exploited by authorities to justify administrative inactivity.

From a comparative legal standpoint, countries with well-developed administrative justice systems—such as Germany and Estonia—have introduced effective mechanisms including fixed legal consequences for missed deadlines, digital progress tracking tools, and enforceable rights for citizens to demand timely resolution. The lack of similar enforceable rights and sanctions in Azerbaijani law highlights the need for substantive reform.

The article provides a comparative analysis of the legal frameworks and administrative court practices of the Republic of Azerbaijan alongside countries such as Germany, France, and Estonia. Based on this analysis, the study proposes strengthening specific legal accountability mechanisms for deadline violations, expanding administrative oversight tools, and implementing electronic monitoring systems.

The research is based on methods of systematic analysis, comparative legal study and normative legal interpretation.

Keywords: *administrative procedure, procedural deadlines, administrative authority, legal mechanisms, citizens' rights, legal liability, legal uncertainty*

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İnzibati orqanlar tərəfindən prosessual müddətlərin gecikdirilməsi – praktik problemlər və həll yolları

Xülasə

Bu məqalə inzibati orqanlar tərəfindən prosessual müddətlərin gecikdirilməsi problemini həm hüquqi, həm də praktiki baxımdan araşdırır. Mövzu olduqca aktualdır, çünki inzibati icraatda prosessual müddətlərin pozulması hüquqi proseslərin səmərəliliyinə, vətəndaşların hüquqi müdafiə

hüququnun həyata keçirilməsinə və ümumi qanunun aliliyi prinsipinə əhəmiyyətli dərəcədə təsir göstərir. Qanunvericiliklə müəyyən edilmiş prosessual müddətlər inzibati hərəkətlərin səmərəli, şəffaf və hüquqi əminliklə həyata keçirilməsini təmin etmək məqsədi daşıyır.

Bir çox hallarda gecikmələr sadəcə səhlənkarlığın nəticəsi deyil, həm də inzibati orqanlar arasında səriştələrin üst-üstə düşməsi, rəqəmsal infrastrukturun olmaması və ya kifayət qədər öyrədilməmiş kadrlar kimi sistemli çatışmazlıqlardan qaynaqlanır. Bu məsələlər işin vaxtında baxılmasını çətinləşdirir və əhalinin dövlət qurumlarına inamını zəiflədir. Bundan əlavə, qanunvericilikdəki aydın olmayan və ya həddən artıq çevik prosessual qaydalar səlahiyyətli tərəfindən inzibati fəaliyyətsizliyə haqq qazandırmaq üçün istifadə edilə bilər.

Müqayisəli hüquqi nöqteyi-nəzərdən, Almaniya və Estoniya kimi yaxşı inkişaf etmiş inzibati ədliyyə sistemlərinə malik ölkələr buraxılmış son tarixlər üçün sabit hüquqi nəticələr, rəqəmsal tərəqqi izləmə vasitələri və vətəndaşların vaxtında həllini tələb etmələri üçün icra oluna bilən hüquqlar daxil olmaqla effektiv mexanizmlər tətbiq ediblər. Azərbaycan qanunvericiliyində oxşar tətbiq oluna bilən hüquq və sanksiyaların olmaması əsaslı islahatlara ehtiyac olduğunu göstərir.

Məqalədə Almaniya, Fransa və Estoniya kimi ölkələrlə yanaşı, Azərbaycan Respublikasının hüquqi bazası və inzibati məhkəmə təcrübəsinin müqayisəli təhlili verilmişdir. Tədqiqat bu təhlil əsasında müəyyən edilmiş müddətlərin pozulmasına görə konkret hüquqi məsuliyyət mexanizmlərinin gücləndirilməsini, inzibati nəzarət vasitələrinin genişləndirilməsini və elektron monitoring sistemlərinin tətbiqini təklif edir.

Tədqiqat sistemli təhlil, müqayisəli hüquqi tədqiq və normativ hüquqi şərh metodlarına əsaslanır.

Açar sözlər: *inzibati prosedur, prosessual müddətlər, inzibati orqan, hüquqi mexanizmlər, vətəndaşların hüquqları, hüquqi məsuliyyət, hüquqi qeyri-müəyyənlik*

Introduction

From a legal standpoint, the existence of time limits ensures that access to legal remedies remains effective; without them, individuals may face indefinite delays, thereby weakening the enforcement of their rights. In practice, the absence of time constraints can result in backlog, inefficiency, and bureaucratic obstacles within public institutions. This not only damages the credibility of administrative authorities but also decreases public trust and satisfaction with government services. The principle of the rule of law requires that administrative proceedings be carried out through clear, accountable, and timely processes that protect both legal order and the rights of citizens (Aman, Manyon, Rookard, 2023, p. 293). Thus, establishing specific, measurable, and binding deadlines within legislation is essential to maintaining procedural logic, legal certainty, and the efficiency of administrative governance. Timeliness and adherence to procedural deadlines in administrative proceedings are fundamental for ensuring the rule of law, effective governance, and protection of citizens' rights. Deadlines serve as critical legal mechanisms that regulate the pace and sequence of administrative actions, thereby preventing undue delays, arbitrariness, and inefficiency within the administrative justice system.

Practically, the observance of deadlines mitigates the risk of legal disputes arising from inaction or delayed decisions, thus reducing the burden on administrative courts and fostering a more efficient justice system. It also aligns with international best practices, where procedural guarantees are recognized as integral to fair administrative procedures and the protection of fundamental rights. With these considerations in mind, it is crucial to examine the specific procedural deadlines established by the national legislation governing administrative proceedings (Aman, Manyon, Rookard, 2023, p. 302). The Law of the Republic of Azerbaijan on Administrative Proceedings sets forth clear temporal parameters aimed at ensuring that administrative authorities act within defined timeframes while providing effective legal assistance and maintaining communication transparency with applicants.

In the legislation of foreign countries, the regulation of deadlines related to administrative processes is given particular importance. For example, Germany's "Verwaltungsverfahrensgesetz"

(Administrative Procedure Act) ensures the specification of concrete deadlines at all stages of administrative proceedings, and violations of these deadlines may affect the validity of administrative acts. This law aims to guarantee the transparency of administrative procedures and the timely protection of citizens' rights. Similarly, the United Kingdom's "Administrative Procedure Act" recognizes procedural deadlines as a crucial criterion for the speed and efficiency of legal processes.

Research

In the European Union countries, general administrative procedures are regulated by acts such as the "EU Directive 2006/123/EC" and "Regulation (EC) No 1049/2001," which establish specific time limits for adopting administrative decisions and reviewing applications. These norms ensure that administrative processes are predictable and fair for both citizens and state authorities.

The regulation of procedural time limits in administrative proceedings is of paramount importance for ensuring the efficiency of the legal system and upholding the principles of justice. While the legislative framework in the Republic of Azerbaijan clearly establishes time limits for administrative authorities to perform their functions, it is equally critical to regulate the procedural timelines within administrative judicial proceedings—that is, the judicial review of administrative acts by administrative courts (Karimov, Valiyeva, 2006, pp. 124-125).

Internationally, it is common practice in advanced legal systems to prescribe specific procedural deadlines within administrative judicial proceedings. For instance, many European jurisdictions, including Germany and France, explicitly regulate such timelines within their administrative procedural laws (Bundesministerium der Justiz, 1976). Moreover, international legal standards and human rights jurisprudence emphasize the necessity of timely judicial remedies (Aliyev, 2019, pp. 279-280). The European Court of Human Rights consistently affirms that undue delays in judicial proceedings, including those concerning administrative matters, constitute violations of the right to a fair trial and effective remedy. Delays in administrative justice erode legal certainty and compromise the effectiveness of legal protections afforded to individuals. Within the Azerbaijani legal context, the absence of clear procedural deadlines in administrative court proceedings is not merely a technical omission but represents a critical barrier to the effective protection of citizens' rights (Karimov, Valiyeva, 2006, p. 99).

Another significant challenge within administrative proceedings arises when citizens erroneously select the incorrect administrative body to submit their applications, leading to refusals on procedural grounds.

However, practical implementation reveals a persistent gap between legislative intent and administrative practice. Despite the legal mandate, many administrative bodies refrain from exercising their forwarding authority and instead issue outright refusals to the applicants. These refusals frequently lack precise guidance on the correct authority to approach, often only vaguely recommending submission to a "relevant" entity without specifying the exact institution. This procedural shortcoming contravenes the fundamental purpose of administrative proceedings, which is to uphold and protect human rights and freedoms by obligating administrative bodies to employ all available means to facilitate the realization of these rights (Aliyev, 2019, pp. 283-284). Consequently, citizens face unnecessary procedural obstacles, extended timelines, and, in many instances, the loss of substantive rights due to statutory deadlines lapsing. From a comparative legal perspective, this problem is recognized internationally as a barrier to effective administrative justice. Jurisdictions within the European Union and other developed legal systems emphasize the importance of administrative bodies' proactive engagement in guiding applicants to the correct institutions (Ziller, 2021).

In the Azerbaijani legal context, the "Administrative Procedure Law" explicitly obligates administrative bodies to notify interested parties about ongoing proceedings and to ensure their participation. Moreover, the law establishes the requirement for administrative agencies to examine applications for compliance with formal and substantive criteria, including issuing requests for additional documentation when necessary. However, in practice, administrative bodies sometimes bypass these obligations by issuing refusals without engaging the applicant in the process or

granting opportunities for correction. The law further provides mechanisms for correcting formal deficiencies within applications by granting short periods to applicants for adjustments, alongside clear explanations of legal consequences for non-compliance (Mehdiyev, 2010, pp. 327-328). Such provisions are critical for maintaining the accessibility and fairness of administrative justice. Nevertheless, the observed administrative reluctance to implement these corrective processes undermines these safeguards and diminishes citizens' ability to seek redress effectively.

Internationally, many countries have institutionalized these procedural protections as core elements of administrative law. In jurisdictions with mature administrative justice systems, administrative agencies' failure to follow procedural protocols, including adequate notification and engagement with applicants, is often subject to judicial review and can lead to the annulment of administrative decisions. Such judicial oversight functions as a critical check on administrative arbitrariness and promotes transparency and accountability.

International experience extensively addresses issues related to the breach of administrative deadlines and their solutions. Legislative frameworks in European countries, the United States, and other developed legal systems implement various mechanisms to ensure adherence to administrative deadlines. These include increased liability for administrative bodies in cases of deadline violations, additional protective measures for citizens' rights, and strengthened judicial oversight. Learning from these practices is crucial for advancing the administrative law system in Azerbaijan through appropriate reforms (Rama, 2016, p. 188). Moreover, the root causes of deadline violations at different stages of administrative proceedings must be analyzed, and effective legal and managerial tools must be applied to prevent them. Alongside legal regulation of deadlines, enhancing transparency and accountability of administrative bodies, improving communication with citizens, and simplifying procedures play a significant role.

Moreover, in countries such as Germany and Sweden, the legal systems provide personal accountability and internal oversight mechanisms for public officials responsible for procedural delays (Rama, 2016, p. 202). Administrative employees who fail to act within established timeframes may face disciplinary or legal consequences, and internal supervisory bodies monitor and report such delays. This structure enhances the responsiveness of administrative bodies and strengthens the practical realization of the right to timely legal redress (Bundesministerium der Justiz, 1976).

Additionally, identifying specific officials within administrative agencies who cause procedural delays and establishing supervisory mechanisms for their accountability is critical; individual accountability ensures that responsibility is not diffused across the institution but is instead directed to those whose actions or omissions hinder timely administrative action; this approach is consistent with international best practices where transparency and responsibility in public service are prioritized, such as in Scandinavian countries and Canada, where performance reviews and public reporting hold officials accountable for procedural efficiency; legally, this aligns with principles of good administration and administrative responsibility, emphasizing that public officials must act diligently and within prescribed deadlines; incorporating such provisions domestically would not only incentivize prompt action but also enable corrective measures against negligent behavior, thereby improving the quality of administrative services and safeguarding the rights and interests of citizens.

Conclusion

- Strengthening liability and control mechanisms over administrative authorities: Effective monitoring tools—such as those found in France and Germany—must be applied by oversight bodies (such as ombudsmen and prosecutors) to prevent repeated procedural violations and ensure legal discipline (République française, 2015).
- Holding specific staff members accountable for delays: Delays in administrative proceedings often stem from individual negligence.

- Implementing the legal fiction of a tacit (silent) approval mechanism: In countries such as Italy, Spain, and the Netherlands, if the administrative authority fails to respond within the prescribed timeframe, the application is deemed approved. This "administrative silence equals consent" doctrine discourages delay, incentivizes timely responses, and safeguards the applicant's interests by preventing arbitrary silence (Mehdiyev, 2010, p. 487).
- Mandatory redirection of misaddressed applications: When citizens mistakenly apply to the wrong administrative authority, the receiving authority should be legally obligated to forward the application to the competent institution, instead of issuing a rejection.
- Ensuring citizen involvement and access to administrative procedures: Citizens should be kept informed not only about final decisions, but about all stages of the administrative process.
- Introducing time limits in administrative court proceedings: Establishing time constraints for administrative courts—similar to the legal frameworks in Estonia and Germany—would ensure the timely enforcement of administrative rights and bolster judicial efficiency (Riigikogu, 2015).
- Legal assessment of delayed yet favorable administrative decisions: In practice, administrative authorities may issue decisions that benefit the citizen but are delivered well beyond the legal timeframe.

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