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DELAYS IN PROCEDURAL DEADLINES BY ADMINISTRATIVE AUTHORITIES – PRACTICAL PROBLEMS AND SOLUTIONS

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.*

Relevance and main directions of the research. The timeliness of administrative decision-making constitutes a fundamental guarantee of good governance and legal certainty. Procedural deadlines, as established by administrative law, are designed not only to ensure efficiency but also to safeguard individuals from undue delays, arbitrary conduct, and administrative inertia. However, in practice, administrative authorities in many jurisdictions, including Azerbaijan, frequently fail to comply with such deadlines, resulting in legal uncertainty, economic losses, and diminished public trust.

The problem has gained particular relevance due to the increasing complexity of administrative functions, the expansion of participatory rights in administrative proceedings, and the growing volume of regulatory tasks assigned to public bodies. While modern tools such as e-government systems offer the potential to expedite procedures, systemic shortcomings, insufficient resources, and gaps in legal enforcement mechanisms continue to hinder compliance. In European Union law, the right to have matters handled within a reasonable time is expressly recognised in Article 41 of the Charter of Fundamental Rights, and comparative analysis shows that several states have adopted mechanisms such as administrative silence doctrines or automatic decision-making to counteract delays.

In the Azerbaijani legal framework, statutory deadlines are embedded both in the Law on Administrative Proceedings and in sector-specific legislation, yet the absence of effective sanctions and weak monitoring mechanisms undermine their practical observance. This research therefore focuses on clarifying the legal nature and purpose of procedural deadlines, identifying systemic and case-specific causes of delay, and formulating proposals for legislative and institutional reform. The aim is to provide a balanced approach that ensures administrative decisions remain both lawful and timely, thereby strengthening legal certainty, protecting individual rights, and enhancing the overall credibility of public administration.

The timely conduct of administrative procedures is a core element of the rule of law and the protection of citizens' rights. Procedural deadlines serve as a structural guarantee against administrative inaction, ensuring that decisions are taken within a predictable timeframe and in accordance with the principles of legal certainty and proportionality. Delays in meeting these deadlines can have significant consequences, including the erosion of public trust, disruption of legitimate expectations, and the imposition of unnecessary financial or moral burdens on individuals and businesses.

In contemporary administrative systems, the relevance of this issue has increased due to the growing complexity of governance, the diversification of administrative functions, and the expansion of citizens' procedural rights. Public authorities are now required to handle an increasing number of applications, licenses, permits, and regulatory actions, often under greater transparency and accountability requirements. Despite these developments, procedural efficiency remains undermined by structural problems such as insufficient staffing, lack of procedural planning, outdated workflows, and the absence of effective internal monitoring systems. Even in jurisdictions that have introduced e-government platforms and digital case management tools, such innovations have not entirely eliminated delays, as technological solutions alone cannot overcome legislative gaps or the absence of clear sanction mechanisms.

From a comparative perspective, the right to a decision within a reasonable time has been embedded in various international and national legal systems. In the European Union, Article 41 of the Charter of Fundamental Rights enshrines this principle as part of the right to good administration. Several EU member states have gone further, adopting legal doctrines such as “administrative silence” - whereby the absence of a timely decision is deemed an implicit approval or rejection - as well as statutory default decisions to protect applicants. These mechanisms create legal certainty by shifting the burden from the applicant to the administration. In contrast, the Azerbaijani legal framework, while establishing procedural deadlines in the Law on Administrative Proceedings and in sector-specific statutes, lacks robust enforcement measures, with breaches often going unremedied in practice.

The scientific novelty of the research. This research offers a new, integrated approach to addressing delays in procedural deadlines by administrative authorities, combining legal theory, comparative law, and practical reform proposals. Unlike existing studies that focus mainly on the formal regulation of deadlines, it examines deadlines as a substantive guarantee of the constitutional right to good administration and as a mechanism of institutional discipline within public bodies.

The novelty lies in classifying procedural deadlines according to their legal functions and enforcement mechanisms, and in providing an original doctrinal interpretation that links their breach directly to violations of individual rights. The study introduces a comparative framework, analysing Azerbaijani legislation alongside the European Union model and advanced foreign practices such as administrative silence doctrines and automated decision-making.

It further proposes an innovative model for improving compliance, integrating legal amendments with technological tools like electronic time-tracking and public reporting mechanisms. The research also advances the role of judicial oversight by suggesting expedited review procedures and stronger remedies for administrative inaction. By merging theoretical analysis with actionable reform measures, the study contributes to both the academic development of administrative law and the practical enhancement of timely, accountable governance.

The main content of the research. 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. [9, p. 123–124]. 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 [3, 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 [11, p. 200–203]. With these considerations in mind, it is crucial to examine the specific procedural deadlines established by the national legislation governing administrative proceedings [3, 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 [1].

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.

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 [6, p. 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 [5]. Moreover, international legal standards and human rights jurisprudence emphasize the necessity of timely judicial remedies [2, p. 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 [6, 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 [Aliev, 2019, p. 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 [12].

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 [7]. 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 [Mehdiev, 2010, p. 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 [10, 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 [10, 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 [5].

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 [12, p. 114].

Conclusion of the research. The following important conclusions may be considered necessary in connection with the conducted research:

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 [4].

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 [8, 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 [1].

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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Р. М. Мірталібова. ЗАТРИМКИ ПРОЦЕСУАЛЬНИХ ТЕРМІНІВ АДМІНІСТРАТИВНИМИ ОРГАНАМИ – ПРАКТИЧНІ ПРОБЛЕМИ ТА СПОСОБИ ВИРІШЕННЯ

У статті розглядається проблема порушення процесуальних термінів адміністративними органами як з правового, так і з практичного погляду. Тема є досить актуальною, оскільки порушення процесуальних термінів в адміністративному провадженні суттєво впливає на ефективність правозастосовних процесів, реалізацію права громадян на правовий захист і загалом на принцип верховенства права. Процесуальні терміни, встановлені законодавством, спрямовані на забезпечення ефективного, прозорого та юридично певного здійснення адміністративних дій. У багатьох випадках затримки зумовлені не тільки недбалістю, а й системними вадами, як-от дублювання повноважень між адміністративними органами, відсутність належної цифрової інфраструктури або недостатня кваліфікація персоналу. Ці чинники ускладнюють своєчасний розгляд справ і підривають довіру суспільства до державних інституцій. Крім того, неясні чи надмірно гнучкі процесуальні норми в законодавстві можуть використовуватися органами влади для виправдання адміністративної бездіяльності.

З погляду порівняльного правознавства країни з розвинутою системою адміністративного правосуддя, як-от Німеччина та Естонія, запровадили ефективні механізми, охоплюючи встановлення жорстких юридичних наслідків за пропуск термінів, цифрові інструменти відстеження ходу справ, а також право громадян, що забезпечується законом, вимагати своєчасного розгляду. Відсутність схожих закріплених прав і санкцій у законодавстві Азербайджанської Республіки наголошує на потребі в суттєвих реформах.

У статті наведено порівняльний аналіз правових рамок і практики адміністративних судів Азербайджанської Республіки, а також таких країн, як Німеччина, Франція та Естонія. На основі проведеного аналізу пропонується посилити механізми юридичної відповідальності за порушення термінів, розширити інструменти адміністративного контролю та впровадити системи електронного моніторингу.

Дослідження ґрунтується на методах системного аналізу, порівняльного правового вивчення та нормативного тлумачення права.

Ключові слова: адміністративне провадження, процесуальні терміни, адміністративний орган, правові механізми, права громадян, юридична відповідальність, правова невизначеність.

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