World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-64 November-2026
ISSN: 2749-3601

LEGAL GUARANTEES OF THE ACCOUNTABILITY OF STATE BODIES IN THE SYSTEM OF HANDLING APPEALS

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Article history:

Received: 7th September 2026
Accepted: 10th October 2026

Abstract:

The article analyses the system for handling appeals of individuals and legal entities in Uzbekistan. The author argues that responding to an appeal does not in itself make a state body accountable. Accountability requires three conditions to be set out in law: review of the body's response by an independent actor, a clear criterion of a "resolved" appeal, and openness of results to the Parliament and the public. National legislation is compared with international standards and with the experience of Germany and the Republic of Korea. The study finds that guarantees for submitting and considering appeals are sufficiently established in law, while the conditions of accountability are only partly met. Amendments to the laws on appeals, on the Ombudsman and on parliamentary oversight are proposed.

Keywords: appeal; response; accountability; independent review; resolved appeal; ombudsman; parliamentary oversight.

INTRODUCTION

Appeals of individuals and legal entities are one of the principal forms of dialogue between the state and citizens. According to Article 40 of the Constitution, everyone has the right to apply to state bodies [1]. Since 2016, extensive reforms have been carried out in this area: the President's People's Reception Offices and the Virtual Reception were established [2], and in 2017 the Law "On Appeals of Individuals and Legal Entities" (hereinafter, the Law) was adopted in a new version [3]. Decree No. PF-51 of 1 April 2026 introduced reports by heads of state bodies on appeals before the Oliy Majlis (the Parliament) and a ranking of agencies [4].

In the course of the reforms, the deadlines for considering appeals and oversight of their execution were tightened [3; 4]. However, the fact that a response has been given does not in itself mean that the problem has actually been resolved. This raises an important question: does a response to an appeal mean that the problem has been resolved, and who verifies the correctness of the response given by a state body?

The aim of the study is to identify the legal guarantees of the accountability of state bodies in the system of handling appeals and to develop proposals for their improvement. To this end, the following tasks were set: to assess the guarantees of submitting and considering appeals against international standards; to analyse the mechanism for independent review of a state body's response; and to examine the openness of appeal results and parliamentary oversight over them.

LITERATURE REVIEW

The right to appeal has been studied in national legal scholarship from various perspectives. S. Yuldashev examined the constitutional and legal foundations of the institution of appeals [5]. O. Jurabaev analysed the procedure for considering appeals in internal affairs bodies [6], and S. Yusupov analysed the protection of the rights of individuals and legal entities through administrative courts [7]. In these works, the effectiveness of the appeals system is assessed mainly through compliance with the deadlines for consideration and the liability of officials.

In foreign literature, the distinction between responding to appeals and the accountability of state bodies has been widely discussed. G. O'Donnell regards oversight of the activities of state bodies by other independent state bodies as an important form of accountability [8]. According to M. Bovens, accountability is a relationship in which a state body explains its decision, while an independent actor can assess it and, if necessary, take action [9]. J. Chen and co-authors showed that officials respond to appeals more quickly when oversight by a higher authority exists [10]. However, a prompt response does not in itself amount to accountability.

From the standpoint of international law, the scope of application of Article 2(3) of the International Covenant on Civil and Political Rights is of significant importance. This provision requires an effective legal remedy [11]. As M. Nowak has emphasised, it applies only where the rights guaranteed by the Covenant have been violated [12]. It is therefore incorrect to assess all appeals under this provision. For ordinary applications and proposals, the main criteria are Article 19 of the Covenant (freedom of expression) and Article 25 (participation in the conduct of public affairs) [13; 14], whereas complaints about rights violations are

World Bulletin of Management and Law (WBML)
Available Online at: https://www.scholarexpress.net
Volume-64 November-2026
ISSN: 2749-3601

additionally subject to the requirement of an independent and impartial investigation [15, para. 15].

The literature review shows that national studies have not separately examined the distinction between responding to an appeal and the accountability of a state body. In this article, the author advances the following concept: a response to an appeal is only the initial stage of the accountability of a state body. Accountability is ensured when the following three conditions are established in law:

the first is the possibility of reviewing the state body's response by an actor independent of that body and of its superior body;

the second is a clear legal criterion for the notion that "the appeal has been resolved";

the third is the openness of appeal results to the Parliament, the Ombudsman and the public.

The following sections of the article analyse national legislation precisely on the basis of these three conditions.

RESEARCH METHODOLOGY

The study used formal-legal and systemic analysis and comparative-legal methods. The objects of analysis were the Constitution of the Republic of Uzbekistan; the Laws "On Appeals of Individuals and Legal Entities" and "On the Human Rights Commissioner of the Oliy Majlis of the Republic of Uzbekistan (Ombudsman)"; Decree No. PF-51; and the general comments of the UN Human Rights Committee. The normative acts were examined in their official texts as of October 2026.

Germany and the Republic of Korea were selected for comparison. In Germany, appeals (petitions) are considered by a parliamentary committee, while in Korea they are considered by the petition-receiving bodies provided for by law (including local government bodies), with the participation of their petition review committees [16; 17; 18]. These two models make it possible to show the features of the Uzbek system more clearly. The study is limited to the analysis of legislation; how the norms operate in practice requires separate empirical research.

ANALYSIS AND RESULTS

1. Guarantees of submitting and considering appeals

The Law guarantees the possibility of submitting an appeal orally, in writing or in electronic form, individually or collectively [3, Arts. 5, 15]. Foreign citizens and stateless persons also have the right to appeal, and discrimination in the submission of appeals is prohibited (Arts. 15, 16). Applications and complaints are considered within 15 days and, if additional study is required, within up to one month; in exceptional cases this period may be extended by a further month (Art. 28). Persecution of a person for submitting an appeal or voicing criticism is prohibited (Art. 20). Under Decree No. PF-51, an overdue appeal in the Virtual Reception is automatically transferred to the superior body [4, para. 2].

In our view, these guarantees meet the requirements of international standards. In Germany, the deadline for considering a petition is not set by law, while in Korea it is 90 days and may be extended [18]. In this respect, Uzbek legislation pays more attention to the promptness of the response. However, the mere fact that a short deadline is set does not guarantee that the appeal will be resolved correctly on the merits. The main problem therefore lies not in the guarantees of a response but in the conditions of accountability.

2. The first condition: independent review of the state body's response

Under the Law, a person may appeal to a superior body or directly to a court against an unlawful refusal to accept or consider an appeal [3, Art. 32]. An appeal to a superior body must be lodged within one year from the moment the person learned of the violation of the right (Art. 22). Judicial oversight is exercised by administrative courts [7]. Thus, extrajudicial review is carried out mainly through superior bodies; that is, the body that gave the response and the body that reviews it belong to the same system.

Article 25, part three, of the Law prohibits sending an appeal to the very body whose decision is being appealed. This norm is an important guarantee of impartiality. However, Article 24, part two, permits sending an appeal to lower-level units in the order of subordination. As a result, a complaint may in practice remain within the same system. In our view, the prohibition in Article 25 should also apply to units subordinate to the body whose decision is being appealed.

By Decree No. PF-51, the President's People's Reception Office was granted the powers to submit to state bodies submissions that they are obliged to consider, to draw up reports on administrative offences, and to refer materials on unfulfilled demands to the prosecutor's office [4, paras. 10, 11]. This considerably strengthens oversight. However, the President's People's Reception Office reports to a unit within the Administration of the President [4, para. 8]. It therefore also remains a form of oversight within the system of the executive branch.

Review independent of the executive branch can be ensured by the Human Rights Commissioner of the Oliy Majlis (Ombudsman). The Commissioner is elected by the Parliament and operates independently [19, Arts. 2, 6], which also corresponds to international standards [20]. The Ombudsman considers complaints about violations of human rights (Art. 19) and sends the

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Available Online at: https://www.scholarexpress.net
Volume-64 November-2026
ISSN: 2749-3601

state body an opinion on amending, revoking or substantiating its decision, and the body is obliged to give a reasoned response within one month (Art. 27). However, a violation of the procedure for considering appeals is not specified in the law as a separate ground for complaining to the Ombudsman.

In our view, this ground should be clearly defined in the law. In doing so, the Ombudsman should not resolve the matter on the merits in place of the state body but should verify that the appeal was considered in accordance with the procedure established by law and that the response is well-founded. Since the Ombudsman does not consider matters within the competence of the courts (Art. 19), this mechanism does not replace judicial protection but complements it.

Under Article 30, part three, of the Law, if consideration of a repeat appeal is terminated because of the absence of new grounds or newly discovered circumstances, the applicant is notified in writing; however, a subsequent repeat appeal from a person whose correspondence has been terminated is discontinued without notifying that person [3]. This rule is repeated in paragraph 54 of Model Regulations No. 341 [24]. The conclusion that "there are no new grounds" is made by the body that considered the appeal or by its official (Art. 30, part two), and the law does not provide a separate procedure for reviewing this conclusion. In our view, this aspect reinforces the need for independent review of the response: a person who has not been notified may in practice be deprived of the opportunity to challenge the validity of the decision to discontinue, whereas an independent actor could verify the validity of that decision without resolving the matter in place of the body.

3. The second condition: the criterion of a "resolved appeal"

The Law obliges state bodies to keep statistical records of appeals in the categories "considered", "satisfied", "satisfaction refused" and "left without consideration" [3, Art. 35]. However, the definitions of these categories are not given in the law. The law contains only one criterion: an appeal is deemed "considered" if all the issues raised in it have been examined and a response has been sent (Art. 27). This criterion shows that a response has been given, but it does not show that the problem has been resolved. Decree No. PF-51 sets the "level of resolution" of appeals as one of the criteria of the agency ranking [4, para. 3], but a definition of the notion of "resolution" exists neither in the Decree nor in the Law. Under Article 34 of the Law, the head removes an appeal from control, and Article 35 lists the statistical categories; Model Regulations No. 341 repeat the same procedure (paras. 46, 78, 79) [24]. Neither document discloses the content of the notions "satisfied" or "resolved".

In our view, it is also incorrect to equate a "resolved appeal" solely with the satisfaction of the applicant's demand. If a demand has been rejected on a lawful basis and a reasoned response has been given, the appeal is considered legally resolved in the correct way. For this reason, it is proposed to distinguish two notions in the law: a "considered appeal" is an appeal that has been considered in accordance with the established procedure and answered; a "resolved appeal" is an appeal on which a well-founded decision has been taken, the violated right has been restored, or the demand has been lawfully rejected. Article 27 of the Law requires that the response contain clear grounds on each issue; therefore, the well-founded nature of the response should also be a component of this criterion. Such an approach would make the statistics accurate and comparable across different bodies.

4. The third condition: openness of results and parliamentary oversight

Under the Law, state bodies summarise appeals every quarter and publish the results of the analysis on their websites [3, Art. 35]. Decree No. PF-51 introduced hearings of reports by heads of state bodies on appeals in the chambers of the Oliy Majlis at least once a quarter and the publication of the agency ranking every six months [4, paras. 2, 3]. This is a positive step. However, these mechanisms are established at the level of a Decree, not a law. The Law "On Parliamentary Oversight" does not provide for hearings on appeals [21], while the procedure for considering electronic collective appeals received through the "Mening fikrim" portal is established by a joint decision of the Councils of the chambers [22]. There is also no unified nationwide report on appeals or an open dataset.

In Germany, the Petitions Committee of the Bundestag publishes a detailed public report on its activities every year [23], while in Korea petitions and their results are published openly in an electronic system [18]. In our view, it is also advisable in Uzbekistan to consolidate parliamentary oversight of appeals at the level of law and to introduce a single annual report. In doing so, it would be correct not to copy foreign institutions literally but to use the powers of existing institutions: the Oliy Majlis and the Ombudsman.

The results of the analysis are summarised in Table 1.

Table 1. Legislative provision for the conditions of accountability in the system of handling appeals

Condition	Position in legislation	Assessment
Guarantees of submitting and considering appeals	Constitution, Art. 40; Law, Arts. 5, 15, 16, 20, 28	Ensured

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Available Online at: https://www.scholarexpress.net
Volume-64 November-2026
ISSN: 2749-3601

Condition	Position in legislation	Assessment
1. Independent review of the response	The superior body and the President's People's Reception Office operate within the executive system; violation of the appeal procedure is not specified among the grounds for complaining to the Ombudsman	Partly ensured
2. Criterion of a "resolved appeal"	Articles 27 and 35 of the Law contain statistical categories but no definition	Partly ensured
3. Openness and parliamentary oversight	At the level of a Decree and a joint decision; no unified report or open data	Partly ensured

CONCLUSION AND PROPOSALS

The study led to the following conclusions. First, the guarantees of submitting and considering appeals in Uzbekistan are sufficiently established in law and correspond to international standards. Second, a response to an appeal does not in itself mean the accountability of the state body: accountability requires independent review of the response, a clear criterion of a "resolved appeal" and openness of results. Third, these three conditions are only partly ensured in national legislation: review is carried out mainly within the system of the executive branch, the notion of a "resolved appeal" is not defined, and parliamentary oversight is not consolidated at the level of law.

On this basis, the following proposals for improving legislation are advanced. First, to establish in Article 19 of the Law "On the Human Rights Commissioner of the Oliy Majlis of the Republic of Uzbekistan (Ombudsman)" the violation of the procedure for considering appeals as a ground for complaining to the Ombudsman, and to record in Article 32 of the Law "On Appeals of Individuals and Legal Entities" a person's right to apply to the Ombudsman. Second, to extend the prohibition in Article 25, part three, of the Law to units subordinate to the body whose decision is being appealed, and to harmonise it with Article 24, part two.

Third, to introduce the notions "considered appeal" and "resolved appeal" into Article 3 of the Law and to establish in Article 35 that statistical records are to be kept on the basis of these notions. Fourth, to introduce into the Law "On Parliamentary Oversight" hearings of reports by heads of state bodies on appeals and the procedure for considering electronic collective appeals, and also to establish an obligation to submit a single annual report on appeals to the Oliy Majlis.

The implementation of these proposals would help transform the appeals system from one oriented toward giving responses into a system in which state bodies are accountable for their decisions.

Author's Note

The views expressed in the article are the author's personal scholarly opinion and do not reflect the official position of the organisation in which the author works.

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