



Global Conference on Multidisciplinary Research and Innovation

Hosted Online from Berlin, Germany

Date: 2nd June, 2026

Website: <https://econferencia.com>

CORRUPTION RISKS IN THE PROCESS OF HANDLING CITIZENS' APPEALS AND MEASURES FOR THEIR PREVENTION AND ELIMINATION

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ANNOTATION

This article discusses corruption risks related to the time limits for reviewing appeals of individuals and legal entities, the procedure for extending and shortening such time limits, as well as liability for violations of legislation on appeals, and examines ways to eliminate these risks. Official statistical data on the consideration of appeals by state bodies and organizations are presented. The article also highlights the prospective tasks envisaged in the field of handling appeals under the updated “Uzbekistan – 2030” Strategy. Certain problematic issues related to administrative and criminal liability for violations of legislation on appeals of individuals and legal entities are analyzed through a comparative legal approach. The scientific and theoretical views of legal scholars, as well as the experience of a number of foreign countries regarding the time limits for considering appeals, are examined, comparatively analyzed with national legislation, and relevant proposals are put forward.

Keywords: appeal, application, complaint, proposal, corruption risk, corruption risk assessment, liability, responses to appeals.



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When discussing the time limits for considering appeals, it is also necessary to refer to foreign experience. For example, under the legislation of the State of Texas in the United States, the time limit for considering citizens' appeals is set at **10 working days** [1].

According to information published on the website of the Government of England, appeals must be considered within **20 working days**. If additional examination is required, this period may be extended for up to **12 weeks** [2]. Furthermore, the Ombudsman in England reviews complaints within a period of up to **8 weeks** [3]. Pursuant to Article 12 of the Federal Law No. 59-FZ of 2 May 2006 of the Russian Federation, **“On the Procedure for Considering Appeals of Citizens of the Russian Federation,”** appeals are reviewed within **30 days**. Where justified grounds exist, this period may be extended by the head of the relevant organization for up to an additional **30 days** [4].

As can be seen from the content of the above-mentioned foreign legal provisions, several differences exist compared to national legislation. In particular, in Texas the time limits are calculated in **working days**; in England, the extension period is considerably longer; and in the Russian Federation there is no separate shorter period, namely **15 days**, for appeals that do not require additional examination.

In addition, it is proposed to amend the fifth part of Article 27 of the Law of the Republic of Uzbekistan **“On Appeals of Individuals and Legal Entities”**, which currently states: “Responses to appeals shall, where possible, be provided in the language in which the appeal was submitted,” and replace it with the following wording: “Responses to appeals shall be provided in the language in which the appeal was submitted, using modern information and communication technologies and artificial intelligence capabilities.”

The reason for this proposal is that the phrase “where possible” does not clearly establish in which language the response must be provided. This amendment would



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prevent avoidance of responding in the language used by the applicant and would eliminate differing interpretations of the legal provision in practice. Moreover, in today's digital environment, modern information and communication technologies make it possible to translate appeal texts from one language to another quickly and with a high degree of accuracy.

Furthermore, the inclusion of the phrase “where possible” in the current provision does not exclude the possibility that responses may be provided in the language of the appeal only when the applicant has a close personal relationship with the responsible official of the state body or provides a certain material benefit to the relevant authority, thereby creating conditions for potential corrupt practices. We believe that the proposed wording would prevent and, to a certain extent, eliminate such corruption risks.

Similarly, Clause 41 of the **Model Regulation on the Procedure for Handling Appeals of Individuals and Legal Entities in State Bodies, State Institutions, and Organizations with State Participation**, approved by Resolution No. 341 of the Cabinet of Ministers of the Republic of Uzbekistan dated 7 May 2018, provides that: “In certain cases, the head of a state body or organization, or his/her deputy, may reduce the time limits for considering appeals” [5].

In our view, legislation should clearly specify which situations fall under the term “certain cases.” Otherwise, this provision may create corruption risks. If the legal grounds for reducing the time limits for considering appeals are not clearly and strictly defined, a public official may shorten the review period only for appeals submitted by close relatives or for persons who provide material benefits, thereby creating opportunities for corrupt conduct.

Furthermore, Article 29 of the Law “**On Appeals of Individuals and Legal Entities**” establishes the following grounds for leaving appeals without consideration:



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- where the appeal is anonymous;
 - where appeals are submitted through representatives of individuals or legal entities without documents confirming their authority;
 - where appeals do not comply with other requirements established by the Law.

Since the right to petition is a constitutional right guaranteed to every person, and because insufficiently defined grounds for leaving an appeal without consideration may effectively restrict this right, even if only temporarily, the grounds for refusing to consider appeals should be formulated clearly and unequivocally.

For this reason, it would be appropriate for the Law to explicitly specify which requirements are encompassed by the phrase “appeals that do not comply with other requirements established by the Law.” In particular, the Council of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and pursuant to Clause 11 of the Regulation on the Procedure for Submitting and Reviewing Electronic Collective Appeals through the “Mening Fikrim” Web Portal, approved by Joint Resolution No. 463-V of the Council of the Legislative Chamber and the Council of the Senate of the Oliy Majlis of the Republic of Uzbekistan dated 12 February 2025, the following matters may not constitute the subject of an appeal:

- matters concerning changes to the territorial integrity of the Republic of Uzbekistan;
- matters relating to the State Budget and taxation of the Republic of Uzbekistan;
- matters concerning amnesty and pardon;
- calls for the violent alteration of the existing constitutional order;
- statements undermining the moral values of society or infringing upon the honor, dignity, or business reputation of citizens;
- propaganda of war, violence, or cruelty, as well as incitement of ethnic, racial, or religious hatred, extremism, separatism, or fundamentalism;



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- calls for the commission of terrorist acts or other actions that may result in criminal or other forms of legal liability under the law;
 - propaganda of narcotic drugs, psychotropic substances, their analogues, or precursors; and
 - other matters specified by law.

Accordingly, it may be considered a legal requirement for electronic collective appeals that they do not contain any of the above-mentioned matters. Failure to comply with this requirement may result in the electronic collective appeal being left without consideration.

Under the current legislation, where a violation of the legislation governing appeals of individuals and legal entities causes substantial harm to the rights or legally protected interests of citizens, society, or the state, the responsible officials may be held criminally liable under Part One of Article 144 of the Criminal Code of the Republic of Uzbekistan.

One of the concepts related to this provision that may give rise to differing interpretations and approaches in practice is the notion of “**substantial harm.**” The occurrence of substantial harm constitutes one of the essential grounds for imposing liability under Part One of this article. However, the current Criminal Code does not provide a precise definition of what should be understood by the term “**substantial harm**” in Section Eight, entitled “**Legal Meaning of Terms.**” At the same time, pursuant to Article 4 of the Criminal Code of the Republic of Uzbekistan, the criminality of an act, its punishability, and other legal consequences shall be determined exclusively by the Criminal Code. It follows that the grounds giving rise to criminal liability should be clearly and expressly established within the Criminal Code itself.

Furthermore, according to Part Three of Article 23 of the Criminal Procedure Code of the Republic of Uzbekistan, all doubts concerning guilt, where the possibilities



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for eliminating such doubts have been exhausted, must be resolved in favor of the suspect, accused, or defendant. Likewise, doubts arising from the application of the law must also be resolved in favor of the suspect, accused, or defendant. Consequently, legislative provisions that are ambiguous and capable of differing interpretations should likewise operate in favor of the person suspected or accused of committing a criminal offense.

In conclusion, it should be emphasized that activities related to appeals of individuals and legal entities serve as a unique indicator of a state's effectiveness in addressing the concerns of its population, the extent to which state bodies and organizations properly perform their assigned functions, and the overall effectiveness of reforms being implemented within the country. Therefore, legislation in this area should be subject to continuous analytical review, improved on the basis of advanced foreign experience, and strengthened through the consistent minimization of corruption risks and vulnerabilities.

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5. Resolution No. 341 of the Cabinet of Ministers of the Republic of Uzbekistan dated 7 May 2018 “On Approval of the Model Regulation on the Procedure for Handling Appeals of Individuals and Legal Entities in State Bodies, State Institutions, and Organizations with State Participation.”