

Public Control as a Social Legal Mechanism Regulating the Activities of State Authorities (On the Example of Uzbekistan)

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ABSTRACT: The article covers the openness and transparency of the activities of state authorities, officials and features of its manifestation, forms, mechanisms of action in Uzbekistan by non-governmental organizations, political parties, the media, representative bodies, and reforms carried out to improve the effectiveness of this (public control) institutional system aimed at conducting "social control" over the activities of state bodies, practical work, opinions are expressed on the legal grounds being created and the geography of its impact.

KEYWORD: State of Uzbekistan, public control, public opinion, development of society, activity of state bodies, legal mechanism, civic principles, interests, goals, and responsibilities of people, institutional system, functional basis, non-state and non-profit organizations.

Introduction. Public control is a "driver" that regulates social relations that are taking place in the life of society, which has attracted constant public attention. Finding, developing ways to achieve the effectiveness of the institutional system that implements it becomes the basis for ensuring transparency of thought in society, openness of social relations.

The general purpose of public control is to ensure that the activities of non-state organizations, political parties, the media, representative bodies, public authorities, officials are within the law. Because in the absence of public control, bureaucratic barriers in public administration, abuse of power by officials, lack of social security of the people, social injustice, the rule of law, human rights abuses, democratic decline, and the decline of the state and its governing bodies leads to the formation of a relatively negative public opinion. That is why there must be public control in the life of society.

In short, in the renewed Uzbekistan, special attention is paid to strengthening the dialogue between the state and society, the establishment of strong public control as one of the important tasks.

Methodology. Today's Uzbek policy, which is directed to the provide the fact that governors, heads of ministries and departments, prosecutors, judiciary and law enforcement agencies, deputies and senators directly must report to the public on the basis of the principle "People should not serve government agencies but government agencies should serve our people" in Uzbekistan, which is moving from national revival to national uplift, is analyzed in the article through the principles of historicity, integrity, systematic approach, modeling and conformity, and conclusions were drawn using observational, comparative, descriptive, axiomatic, abstract to concrete, hypothetical deductive, analytical and synthesis methods.

Discussion and results. In recent years, Uzbekistan has been consistently working to develop and strengthen the activities of civil institutions, to ensure their free movement, to establish close cooperation between government agencies and citizens, to establish effective public control over their activities (government agencies). A legal framework for the transparency and openness of public oversight is being created.

For information: What is public control? What is its essence?

Public control is the control over the activities of public authorities and non-governmental organizations by citizens, their associations and self-government, other structures (institutions) of civil society, as well as public bodies formed within government and non-government bodies within the law¹.

The essence of public control – public control is a mechanism that serves the common goal, equality and responsibility in the relations of the individual, society and the state in the context of social justice, stability, mutual balance in society, under the influence of which human rights and freedoms are guaranteed, it can also be seen that their priority over the activities of the authorities.

The main purpose of public control is to increase the efficiency of state and local government in accordance with the law, to determine public policy and increase the responsibility of officials, the essence of this system is to ensure the rule of law in society. Because the more we strengthen the control functions of the state, the more the state structures and bodies dealing with control, the more the violence and corruption of officials will increase. Therefore, we must pay special attention to the comprehensive strengthening of public control over the activities of the state, including the activities of its power structures. There is no other alternative in this matter².

Since the first years of independence, Uzbekistan has been working to ensure the rule of law, to ensure that citizens are equal before the law and to establish a system of deep accountability of officials to the people. In particular, in his speech of the first President of the Republic of Uzbekistan Islam Karimov on November 12, 2010, the “Concept of further deepening democratic reforms and development of civil society in the country” stressed the need to adopt a law on public control. The law “On public control in the Republic of Uzbekistan³”, aimed at creating a systematic and effective legal mechanism for the control of civil society institutions, gave the opportunity to adopt the law. Thus, in Uzbekistan, extensive work has begun to determine the legal status of institutions exercising public control, the preparation of normative documents reflecting their powers.

On April 12, 2018 (numbered UzL-474) the Law of the Republic of Uzbekistan “On Public Control” was adopted. As defined by law, the subjects of public control are citizens of the Republic of Uzbekistan, citizens' self-government bodies, as well as non-state non-profit organizations registered in the manner prescribed by law, the media.

The object of public control is the normative legal acts, decisions adopted by officials of state bodies, sectoral and regional programs adopted on the basis of their (State bodies) decisions, in which public interests, public opinion, rights and legitimate interests of citizens, legal entities are taken into account and the activity on the implementation of the requirements of the legislation in the field of protection of public interests – is carried out through public control.

¹ Dostjonov T., Hasanov S. Ozbekiston demokratik taraqqiyot yolida. – Tashkent: Tashkent State Institute of Finance, 2004. – P. 79.

² Karimov I.A. Biz tanlagan yol – demokratik taraqqiyot va marifiy dunyo bilan hamkorlik yoli. Volume 11. – Tashkent: O'zbekiston, 2003. – P. 28-29.

³ Karimov I.A. Demokratik islohotlarni yanada chuqurlashtirish va fuqarolik jamiyatini shakllantirish – mamlakatimiz taraqqiyotining asosiy mezonidir. Volume. 19. – T.: O'zbekiston, 2011. – P. 51.

The subjects of the institutional system, which exercise public control over the activities of government agencies, act on the basis of the following principles:

- legality;
- the priority of the rights, freedoms and legitimate interests of citizens;
- voluntary participation in the implementation of public control;
- publicity and transparency of public control;
- impartiality of the subjects of public control;
- reliability of the results of public control;
- inadmissibility of unjustified interference in the activities of public authorities and their officials by the subjects of public control and their undue influence.

According to the Law of the Republic of Uzbekistan “On Public Control”, public oversight institutions address appeals and inquiries to government agencies, participate in public board meetings, public hearings, public monitoring, public expertise, public opinion polls, citizen self-government. bodies in the form of hearings of reports and information of officials of state bodies.

Entities exercising public control in the manner prescribed by law have the following rights:

firstly, to initiate, organize, and participate in the conduct of public oversight activities;

secondly, to request from state bodies the information necessary for the implementation of public control in accordance with the legislation;

thirdly, to prepare proposals and recommendations based on the results of public control and send them to the relevant government agencies for consideration;

fourthly, to send materials to law enforcement agencies in case of violation of the rights and legitimate interests of citizens, legal entities, the interests of society;

fifthly, to appeal against illegal decisions of state bodies, actions (inaction) of their officials to a higher body or official or to a court in accordance with the procedure established by law;

sixthly, it has the right to publish the results of public scrutiny through the media or mass media.

A number of comments are being made by the general public on the ongoing reforms in the Republic of Uzbekistan to ensure public control and further improve the legislation in this area. In particular, the law does not define the legal mechanisms for exercising public control; the lack of clear procedures for conducting public hearings; the legislation does not adequately regulate the conduct of public hearings, the procedure for conducting such meetings, regulations, questions and answers, hearings of explanations of a representative of a state body or official, record keeping, decision-making on its results, complaints (objections) to this document; the procedure for holding repeated public hearings on the same issue⁴ has not been established. As a result of the public control, the law does not provide for any liability for failure to respond to the submissions made by officials of the relevant state body, organization or agency.

The above issues that are forming in the general public opinion can be explained as follows:

- Monitoring of public control in the Republic of South Korea and Japan begins with the collection of the necessary data. At the next stage, this information is analyzed and a report is prepared with clear

⁴ <http://hudud24.uz/nega-jamoatchilik-nazorati-t%d1%9e%d2%93risidagi-%d2%9bonunni-takomillashtirish-kerak>

conclusions and relevant recommendations. The draft report will then be discussed with the participation of stakeholders, the results of which will be presented to the general public.

- In the Swedish experience, public control is carried out in the form of a social audit, i.e. in accordance with the Law “On Social Audit” adopted in 1995. At the same time, they focused on scientific research and social audit results based on clear theoretical foundations and the opportunity for all was created to get acquainted and express their views.
- In Germany, the form of expertise of public control is widespread, with special platforms for public examination of issues of social importance, including ecology, economic development, innovation in public utilities and other areas.
- The Law of the Russian Federation “On the Fundamentals of Public Control” stipulates that public control over the activities of not only public authorities, but also local self-government bodies, state and municipal organizations and other bodies exercising special public powers under federal law public examination of the documents.

Studying the world experience, the following practical work is being done in Uzbekistan to further develop the institutional system of public control, to improve the legal framework in this area, taking into account public opinion:

In order to establish an effective dialogue between the state and society, the Institute of Virtual Reception of the President of the Republic of Uzbekistan and the People's Reception, the Prime Minister's Reception, the Agency for Public Services were established;

the Public Chamber of the Republic of Uzbekistan was established in order to further strengthen public control, establish close cooperation between the state and society, and form a “dialogue platform” between the state and the people;

The establishment of accountability of public authorities to the chambers of Oliy Majlis and regional, city and district Councils of People's Deputies, the introduction of “e-government”, the implementation of the web portal “My opinion” to further strengthen public control, establish close cooperation between state and society serves to further strengthen the work being done;

A proposal was made by the president of Uzbekistan to establish public councils operating under all state bodies. The "mechanism of operation" was determined, indicating that these public councils should act as bridges that ensure the openness of the activities of state bodies, directly connecting them with the population⁵

As a result of special attention to the media, freedom of speech is ensured, the status of the media is growing, which serves to strengthen the bridge between the state and society and ensure uninterrupted communication. Most importantly, society's activism and interest and involvement in political processes is increasing, leading to increased public scrutiny. For example, the media began to express their attitude to each process, the mutual integration between the state and society accelerated.

Suggestions. Based on today's demand, it is necessary to pay more attention to the following social and legal factors in order to strengthen real public control:

1. Today, more than 10,000 non-state non-profit organizations operate in our country. It would be expedient if each of them would draw the attention of government agencies to the only problem facing the population today and give their well-founded proposals.

⁵ Мирзиёев Ш.М. Ўзбекистон Республикаси Президентининг Олий Мажлисга Мурожаатномаси. –Т., 2018. –Б.36

2. In the implementation of each form of public control, first of all, it is necessary to determine the ways and procedures for the development and implementation of its legal mechanisms.
3. It is proposed to introduce the institutions of “public inspector”, “public observer”, “public commission”⁶, which will monitor the implementation of international and national legal norms, which directly cover the mechanisms of public control.
4. In order to expand the participation of the people in ensuring public control, first of all, it is necessary to develop a mechanism to strengthen the level of legal knowledge of the population, that is, to develop a sense of belonging to the country, the promotion of active citizenship.
5. It is necessary to further develop the civil society in the country, to raise legal awareness and legal culture, to further improve the legislation that improves the activities of entities implementing the mechanism of public control. Because in many cases, such laws do not go beyond the principle of “work on paper”.

Conclusions. We believe that the following factors should be taken into account in order to further improve the legal framework for public control over the activities of government agencies, the development of mechanisms to ensure the implementation of the law “On public control” and by-laws:

First of all, the law of the Republic of Uzbekistan "on public control"(2018), aimed at strengthening the solidarity of people and state bodies, creates transparency in the activities of state bodies on the basis of the fact that it serves to prevent the adoption of illegal decisions by state authorities and officials. Secondly, it leads to the formation of positive public opinion in relation to state bodies.

Secondly, it is necessary to develop to ensure the active participation and control of the general public in solving problems in the socio-economic life of society, to unify the control of public opinion in the context of increasing integration of peoples, nations, to increase the effectiveness and efficiency of public opinion control.

Thirdly, the formation of public control, identification of development trends, readiness for any contingencies, ensuring the continuity and legitimacy of public control over the activities of government agencies or officials, implementation of socio-economic programs, protection of rights and freedoms, interests of the population, the search for opportunities and mechanisms for their control over the activities of public authorities and administration is one of the tasks to be solved today.

Fourthly, public control over the processes associated with human social activity, changes in the life of society, in particular, the changes taking place in the minds of people in relation to the reforms taking place in the state, is of great importance in their management. In other words, if the laws passed in the country do not take into account the fact that the reforms aimed at modernization are in the interests of the people, there will be instability in society. Therefore, ensuring the participation of ordinary people in public control over public administration, reform policy is a prerequisite for targeted development.

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⁶ <http://hudud24.uz/nega-jamoatchilik-nazorati-t%11%9e%d2%93risidagi-%d2%9bonunni-takomillashtirish-kerak>

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