

Comparative and legal analysis of effective mechanisms of public oversight over the activities of hakims on the example of foreign experiences.

A.A. Dadasheva

Keywords

The local governmental organs of authority, self-governmental organs of citizens, hakims, deputies of city people, Kengash, institution of civil community.

Annotation

The role and functions of local authorities, self-governmental organs of citizens, which have a crucial role in the formation of civil society, as well as comparative legal basis and powers of foreign countries, are scientifically analyzed.

Independent Uzbek society is manifested in the form of reforms taking place in all spheres of our life, and on reforms taking place on the most important spheres of the state development process, as well as changes taking place in organizational structures of governance bodies. In the transition to a market economy system, full reform of local government authorities, the creation of their organizational, legal and financial basis remains one of the main objectives of society. In particular, "We make every decision relating to the life of our country by consulting with our people, directly on the basis of conversation. The idea that "not people but government agencies should serve the people" have become a criterion for our work.

The state must fully secure its sovereignty so that it can take its place and safety in the world. Theoretically and scientifically, state sovereignty is a political

and legal feature of the state, which is expressed in the supreme and independent state of power.

The supremacy of the state authority is expressed in the following: the generality, universality of the power of the state, its power of influence on the whole territory of the country, all the population, all organizations and institutions, all political parties and public organizations; the uniqueness of the state authority, that is, its originality, and therefore the public authorities may consider it to be invalid if it is contrary to the law of any other social authority. For example, a breach of legislation on public organizations may lead to a suspension of the functioning of the court by the court in the presence of the grounds established by law; the presence of influence in the state authority, which is not available to other authorities.

In the constitution of the CIS and other former Soviet republics, Uzbekistan is dedicated to the bodies of the local government, the Constitution of the Republic of Belarus, "Local Government and Self-Regulating Government", the Constitution of the Republic of Kazakhstan, "Territorial Structure and Self-Regulating Government of the State", Constitution of Kyrgyzstan, Russia and Estonia "governance", the "Constituency of the Local Authorities" section of the Turkmen Constitution- separate chapter and "Local Government", are given in separate chapters.

The President of the Republic of Kazakhstan signed the Decree "On the organising organs of government in the context of economic reforms and developing their actions in the Republic of Kazakhstan" in 1992. Here the initial view of the institute of representative bodies is the replacement of functions and powers of representative and executive-administrative bodies with the principle of delimitation.

The Law on Local Authorities of 30 August 1993, adopted by the Supreme Council on 10 December 1993, "On local representative and executive authorities

of the Republic of Kazakhstan", in January 2001, "On Local Government in the Republic of Kazakhstan" The 2004 Decree "On Elections of Hokim of Districts and Villages of the Republic of Kazakhstan" was proposed by the hakims to conduct general, direct and indirect elections. The decisive factor for the successful functioning of the state mechanism is the coordinated work of the government and local authorities. However, the regulatory legal acts do not clearly define some functions and powers of central and local authorities.

According to the Philippine Constitution, "the local authorities have autonomy but the Philippine President has a general control over them" (Article 3). The Code of the Philippines of Local Government, adopted in 1991, provides for the rehabilitation, incentives and clear division of responsibilities and centralized operations, training local authorities, developing a system of selection, appointment and dismissal of local officials, issues relating to salaries, powers, functions and responsibilities, as well as issues related to the establishment and operation of local authorities.

The hakim (governor) appointed by the Council of Ministers will be the head of the region in the Republic of Turkey with the consent of the President. The hakim is the principal representative of the central government in his province and is directly accountable to the interior minister¹. The main functions of the Minister are the implementation of the political aspect of the state and the implementation of government decisions. Article 129 of the Turkish Constitution states that "public officials and other civil servants must fulfill their duties in accordance with the constitution and laws."²

In this regard, we have the right to say that the Year of the Republic of Uzbekistan in 2017 is the year of the new system of communication with the people, its worry, the effective solution of its problems. Virtual Lobbies of the

¹ Ulchenko N.Yu. Islam in the business world of Turkey // Islam in the modern East. M., 2014. - from 294-406

² Constitution of the Republic of Turkey. November 7, 1982.

President of the Republic of Uzbekistan, which is the basis of this system, justify itself as a democratic institution of citizens' appeals. In the short term, more than half a million people have appealed to these embassies, and the number of problems which have not been resolved for many years have been proven to be effective, it shows that people power is really working effectively, not just for the sake of duties. An important factor of this system was the increased personal responsibility of managers and to quickly eradicate their mistakes and shortcomings.³

Today, no one doubts that the main condition of democratic development in our country is the creation of civil society institutions and the successful development of reforms. However, in the early 20th century, our practice of reforming the 21st century made it clear that this task was difficult to achieve without creating a strong state, and in such a situation it was crucial to identify the forms and mechanisms of relationships between civil society and the state. One of the main ways to tackle this problem is to ensure that the democratic nature of our strong statehood and strong civic engagement is a local authority.

The process of reforming the system of public administration in Uzbekistan leads to the creation of a new local governance structure, which is composed of executives representing executive and representative government branches. The civil society is governed by the rule of law and civil society is a set of non-governmental, social, ideological, ethical, family, national and similar relations, direct interference with government authorities and freely regulated activities of free individuals, the voluntary self-determination of civil society organizations and associations.

It sets out the regulatory framework for the overseas countries to oversee and monitor the implementation of the norms. From the state experience of foreign countries, we know that in the first years of independence, the executive bodies

³ The President of the Republic of Uzbekistan Sh.M. Mirziyoev addressed to the Legislative Chamber of Oliy Majlis. December 28, 2018. Tashkent.

enjoyed high positions and powers, such as the USA, Germany, Italy, France, and Great Britain.

“Without a strong executive power, even the most democratic decisions can not be fulfilled. It requires the enforcement of legal decisions, the protection of citizens' rights and freedoms, and the strengthening of the presidential authority, which ensures the implementation of political and economic reforms.”⁴

At the same time, local governments should be given adequate liberties for the implementation of public administration. Sh.M.Mirziyoev noted that "Effective solutions to existing problems in society today and the need to consistently continue large-scale reforms require a completely new system of public administration. I think that it is time to consider the draft law "On State service". Among other important issues, it is desirable to envisage the payment of state workers' salaries and the creation of a proper social security system, as well as raising the responsibility of officials. We need to introduce clear criteria and procedures for governance, primarily for improving the performance of executive authorities, rational use of staff, material resources. Secondly; it is necessary to clearly define the order of fulfillment of the responsibilities of the executive branch and their responsibilities.. Thirdly; reducing administrative impacts on sectors of the economy and widespread use of market mechanisms. In other words, it is necessary to restrict the creation of state-linked businesses, develop market-specific mechanisms, and transfer certain functions of the state to the private sector.

Fourth; It is necessary to gradually overestimate the centralized governance by improving the ways and methods that provide for close co-operation between the authorities and the executive branch. There is a need to provide public services directly in lower levels, and to increase the financial and other capacities for local authorities. There is a need to streamline and simplify the existing procedures,

⁴ Uzbekistan-Democracy and Social Justice Association, p.

introduce innovative forms of governance. Fifthly; reform of the public service, introduction of mechanisms of effective anti-corruption. Today, life itself requires an effective system of forming a professional, fast and effective public service system, providing a broader approach to innovative, initiative, country-loyal staff. To implement the aforementioned tasks, we must implement the Concept of Administrative Reforms in the Republic of Uzbekistan without interruption."⁵

The task of the hokims is to think of the people's fate, to solve the most important tasks, not to get tired of the slightest anxieties, to give the right direction to cultural and educational work.

"Governors need to be aware of people's concerns and work, to unite them, to raise their spirits, to create the necessary conditions and spiritual climate, and mobilize them to accomplish the goals they are pursuing."⁶

At present, the role of the local representative bodies in regulating the socio-economic development of the region is insignificant. The law "On Local Government Authorities" does not disclose their particular powers and does not define their organizational and reserve requirements. In fact, hakims have only the ability to legitimate the organizational, financial, political, and legal norms. Hokim of the provinces, towns and districts do not actually report to the representative bodies and citizens. Often this leads to the fact that hakims and their subordinate government do not take into account the needs of the population, and they do not interfere with their own tasks, including interference in the economic activities of the enterprise. Lack of adequate control over the activities of the representative government of the local authorities leads to poor quality of public services.

It is worth noting that the actual issues of civil society and local self-governance are more important than in the present day. It is not only practically, but also theoretically important. The role of civil society and local self-governance

⁵ The President of the Republic of Uzbekistan Sh.M. Mirziyoev addressed to the Legislative Chamber of Oliy Majlis. December 28, 2018. Tashkent.

⁶ I.A.Karimov Let us have a free and prosperous Motherland. T.2. - T.: Uzbekistan, 1996. - p. 223.

is relatively rare in relation to one another and to the issue of citizenship. In our opinion, this is incorrect, because in terms of democratic values nowadays, the state is distributing key areas in its activities by civil society, and at the same time, local government is one of the few ways to ensure the optimal relationship between the state and society. In this context, the issue of the nature and function of the relationship between local self-governance bodies and civil society is crucial, since its understanding of content essentially understands the nature, and basic principles of the most favorable reform strategy in the public sector and, therefore, so it is a fully democratic civil society in Uzbekistan

The level of scientific recognition of the problem is nowadays to respond to the adventurous, damaging and demanding needs. The number of works on local self-governing and civil society is growing steadily, and their scientific-practical and theoretical aspects have been gaining momentum throughout the ages.

In the generalized conclusions, the following conclusions and suggestions are based on theoretical and scientific definitions, "Local public administration is an organic "internal" element of the relationship between the state and society, one of the most important factors for the formation and shaping of civil society institutions, through the system of intelligent management of the creative active capacity of the population, targeted effect and control ".

So "It should be obvious to us that in the 21st century, no state or society can live on a wall in the age called the " Information Age." ⁷ Especially during the period when the information age is at the highest level.

"At present, information is becoming a necessary part of community life. It is noteworthy that in today's social event, there is no network of human activities related to the processes of information acquisition and processing".

Therefore, the Information Institute plays an important role in helping people to adapt to new conditions in a rapidly developing world of today, providing

⁷ Karimov I.A. The main criterion is to reflect the reality of life. - T .: Uzbekistan, 2009. - B. 12-13.

information about events, processes and news, as well as creating opportunities for relationships with social institutes and government agencies."⁸ It is desirable to give first-hand information on the circumstances, transparency, openness, and the status of its functions.

⁸ J.A. Abdullaev. The Role of Media in Forming Civil Society (Theoretical Legal Issues) Tashkent 2010. 16 p.