



**ON THE SIGNIFICANCE OF ENSURING PUBLIC
INVOLVEMENT IN THE EVALUATION PROCESS OF THE
EFFECTIVENESS OF EXECUTIVE BODIES (THE CASE OF
UZBEKISTAN)**

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ABSTRACT

This article examines the evaluation process of the executing branch of modern democratic state systems. The author here tries to highlight the importance of assessment especially for realizing democratic ideals, and law enforcement in the newly independent states or so-called post-totalitarian regimes. For instance, from legal point of view there are so many cases where democratic rule and public control are prescribed in the earlier laws of the Republic of Uzbekistan. As author mentions in the article that it is very urgent to develop legal mechanisms and overall study the process, criterion of every aspect of the activities of executive branches (bodies) of democratically elective government bodies.

KEYWORDS

executive branches,
modern democratic
systems, Uzbekistan,
evaluation, the rule of
law, effectiveness,
transparency,
democratic principles

INTRODUCTION

The ongoing administrative reforms in the Republic of Uzbekistan focus on further improving the effectiveness of interaction between public administration and civil society institutions, ensuring the legitimacy, transparency, impartiality, reliability, comparison of regions and areas, openness and transparency.

The relationship between the state and society is also relevant in assessing the effectiveness of public administration. Civil society institutions, as an auxiliary force to public authorities, play an important role in ensuring the consistency of reforms, the effective solution of socio-economic problems in the expression of public interests.

First of all, it should be noted that the legal basis for public control over the activities of public administration bodies is set out in the Constitution of the Republic of Uzbekistan and other normative legal acts. In particular, as the Article no.2 of the Constitution of the Republic of Uzbekistan states: "The state expresses the will of the people and serves its interests. State bodies and officials are accountable to society and citizens", and the Article no.7 says: "The people are the only

source of state power”, and the Article no.32 says: “Citizens of the Republic of Uzbekistan have the right to participate in the management of public and state affairs directly and through their representatives. Such participation is achieved through self-government, referendums and the democratic organization of state bodies, as well as the development and improvement of public control over the activities of state bodies” [1]. This ensures the constitutional right of citizens to participate in the affairs of society and the state through the exercise of public control over the activities of state bodies.

In our opinion, civil society is one of the main requirements of a democratic state based on the rule of law. Public control is the activity of public authorities and administration, as well as non-governmental organizations in order to monitor and control their compliance with the law, the proper implementation of their obligations by citizens, the media, local governments, political parties in the manner prescribed by law.

Public control plays an important role in ensuring the quality and effective implementation of normative legal acts adopted by the chambers of the Oliy Majlis of the Republic of Uzbekistan, the President of the Republic of Uzbekistan, the Cabinet of Ministers and the competent authorities.

Case studies (analysis).

Effective public control is important in the implementation of the so-called view of the President of the Republic of Uzbekistan Sh.M.Mirziyoyev “Not the people should serve the government, but the government agencies should serve the nation”.

Ensuring the participation of citizens’ non-governmental and public organizations in assessing the effectiveness of the executive branch is also directly related to the generally accepted norm – the policy of separation of powers, restraint and balance of interests.

The issues of ensuring public participation in the evaluation of the effectiveness of the executive authorities and civil servants in the Republic of Uzbekistan are also provided for in the relevant regulations.

In particular, the Strategy of Action for the five priority areas of development of the Republic of Uzbekistan for 2017-2021 provides for “assessment of the effectiveness and efficiency of public administration and local government”, according to which the introduction of sociological surveys among the population[2].

The Law of the Republic of Uzbekistan “On Public Control” [3]. of April 12, 2018 plays an important role in the joint solution of existing problems between public administration and the public, the effective use of opportunities, the further development of the state and society. This law sets out the legal mechanisms for exercising public control. The law provides a legal basis for the mechanism of public control over the activities of public authorities and serves to improve the quality and effectiveness of control. It also plays a key role in the development of civil society. This, in turn, will serve to ensure the development of the country and the well-being of the people.

Public control is an important social institution in effectively addressing issues such as improving the quality of implementation, ensuring social justice in society, ensuring openness and transparency in the activities of public authorities and administration.

Public control not only strengthens the democratization of public authorities and administration, but also ensures citizens' trust in government agencies that they are active in the welfare of the country. In the Official Address of the President of the Republic of Uzbekistan Sh. M. Mirziyoyev dated January 24, 2020, it is necessary to clearly define the obligation to hold public consultations and public hearings in making decisions on the most important issues of socio-economic life of the country and of special interest to the public: "If the public says yes – acceptable, and if they say no – no acceptable" [4]. This means that public control over public administration is an important factor in ensuring the development of society and the state.

It is required to gradually transfer some issues within the competence of public authorities to non-governmental and representative bodies. This, in turn, indicates the growing importance of public scrutiny.

In the words of the President of the Republic of Uzbekistan Sh.M.Mirziyoyev "It is necessary to further increase the role and responsibility of local executive and representative bodies in public administration" [5].

The doctrine of "New Public Service" is not to govern the office, but to serve the community, the purpose of public services is to ensure the well-being of the people, to serve the population through direct contact with citizens, not sitting in the office, openness, openness and transparency should be given priority [6].

According to G.V.Atamanchuk, "attempts to objectively assess the quality of the activities of State bodies and public administration in general were carried out in almost every state in the world at different historical stages. Most of the assessments made were generally critical, urging heads of state to take measures to improve the effectiveness of Public Administration"[7].

The task of public control is to ensure the legitimate interests and rights and freedoms of citizens, to ensure the rule of law in the activities of public authorities and officials, to ensure the effective functioning of public institutions that protect the interests of the state and society.

Effective public control serves to protect the rights and freedoms of citizens, improve state structures and ensure their effective functioning. The activities of the country's executive branch require more public scrutiny than in other areas.

Public control ensures that officials take a more responsible approach to the performance of their official duties. Socio-economic, administrative-political activity in the society is an important tool for effective fight against negative factors such as localism, corruption.

We can see in every piece of legislation that our country works on the principle that human interests take precedence over everything else.

In particular, the Law "On Appeals of Individuals and Legal Entities"[8]. introduced new rules for more effective protection of the interests of citizens, restoration of their violated rights, electronic receipt of applications, complaints and suggestions to protect against excessive costs, finding legal solutions to their problems. special attention was paid to duration and quality.

On the ground, appeals to the heads and staff of the executive branch and the resolution of problems arising from their actions or inactions highlight the importance of public scrutiny. The role of public control in building a democratic state based on the rule of law is incomparable.

The Decree of the President of the Republic of Uzbekistan dated September 8, 2017 "On the Approval of the Concept of Administrative Reforms" [9]. states that the activities of the executive branch are

not sufficiently open and transparent, weak mechanisms of public control lead to excessive bureaucracy and various forms of corruption. The Decree also notes that the lack of adequate responsibility and initiative of some leaders has a negative impact on the timely and quality implementation of tasks and targets for integrated socio-economic development of the regions. Civil society institutions also need to be developed to ensure that public and government agencies work together effectively.

Public control serves to ensure the quality of compliance with the law by public administration bodies, strengthen the responsibility and accountability of officials, the effectiveness of activities, ensuring cooperation between government agencies and the public, as well as the interests of the state and society.

In accordance with the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 320 “On Taking Comprehensive Measures to Implement the Provisions of the Law of the Republic of Uzbekistan “On Transparency of Public Administration” [10] to ensure transparency, monitor and a Public Council for Coordination was established. According to it, on the basis of a 100-point rating system, the evaluation of the activities of entities responsible for ensuring the transparency of public administration, the effectiveness of specific methods of ensuring transparency, the satisfaction of information users. A satisfactory and possible minimum score was set at 75 points[11].

The fact that information on the activities of public administration bodies is provided to the general public through the media shows that it is the result of democratic reforms in the system. Ensuring the transparency of public administration is enshrined in law, which is of particular importance in the exercise of the public’s right to information, freedom of speech and information, and the formation of civil society.

At present, in many developed and developing countries, a large-scale work is being done to ensure the efficiency and transparency of public administration. In addition to practical work to ensure the effectiveness of cooperation between government agencies and public organizations in the Republic of Uzbekistan, scientific research is being conducted.

In particular, G. Ismailova, a lawyer who has conducted research in this area, in her work “On the State-legal Directions of the Liberalization of Local Government and Self-government in Uzbekistan” analyzed the problems of legislation aimed at regulating the activities of public authorities and self-government, and states that: “The relationship between local government and the institution of citizens’ self-government as an integral part of the state mechanism necessitates and complements each other, which creates the need for the development of norms that strengthen the legal framework of these two bodies[12].

It is known that the mutual social cooperation of public authorities and non-governmental and public organizations serves to further enhance the development of the state and society. Public authorities and civil society are independent entities that control and complement each other. The activity of civil society institutions plays an important role in building a democratic state governed by the rule of law. The main goal of both entities is to build a humane, democratic state governed by the rule of law.

Ensuring the effectiveness of modern public administration requires increasing the activity of civil society institutions, ensuring social cooperation between the state and society.

It is a fact that in the process of democratic reforms to further improve the functioning of public administration, further strengthening the powers of public control over the executive branch, ensuring

the participation of civil society institutions, increasing their initiative and activity, strengthening the role of the media in coverage .

Ensuring citizen participation in evaluating the effectiveness of executive bodies is an important practice in increasing the objectivity of evaluation. At the same time, it is important not only to analyze the results of surveys on the level of satisfaction of the population with the activities of the executive authorities, but also the accountability of the executive authorities.

Accountability is a form of control, based on which information about the work carried out, comparison, analysis, monitoring and control of the current situation, as well as confidence in government agencies for openness and transparency of government activities are strengthened. It should be noted that in public administration, accountability as a form of control is a tool that increases public confidence, ensures openness and transparency.

It serves to optimize the activities of executive bodies, bring them closer to the people, develop social cooperation with civil society institutions, further improve the efficiency of their activities.

“Both social structures and government agencies are equally interested in social partnership and cooperation. As a result of this cooperation, government agencies will be able to address pressing issues in society, while civil society institutions will be able to increase their prestige (image) and position in the political arena in the implementation of their program goals” [13].

“Raising cooperation between the state and civil society institutions to a new level in our country, in particular, the formation of social partnerships, has become a priority of public policy. This is because the growth of social partnerships will serve the development of the country, both economically and socially, as well as politically and legally”[14].

CONCLUSIONS

In conclusion, it should be noted that, along with the practical aspects of ensuring public control over state administration bodies, the study of scientific research works carried out by our country's and foreign scientists on the same topic serves to effectively organize public control and further strengthen its legal foundations.

At this point, it is worth noting that the system of evaluating the performance of executive authorities and civil servants should be in line with modern, advanced foreign experiences in improving the performance of public administration bodies, and should serve to ensure the transparency of evaluation processes, as well as ensuring the participation of non-governmental organizations in ensuring the effectiveness of the activities of executive authorities (local branches as well).

One of the main demands of civil society in modern state and society management is to ensure the participation of non-state and representative bodies and the public in evaluating the activities of state administration bodies and employees. The effectiveness of the activities of state administration bodies and employees is determined by the completeness and quality of the level of meeting the demands and needs of the population. Therefore, the opinion of the population and the level of satisfaction of the inhabitants of the region should be the main place in the evaluation of the effectiveness of the state bodies.

The more people participate in the evaluation and the more they are from different social strata of the population, the more transparent the system will be. For this, information related to the activities of state bodies (exception from the information related to state secrets) should be open to the general public. It serves to ensure the active participation of the population in the ongoing socio-economic reforms and political processes, as well as the efficiency and transparency of the activities of state administration bodies.

It is worth noting that the participants of public control over the activities of state authorities and management bodies are required first of all to have a high culture, in addition to legal and political knowledge, to be aware of the essence of the reforms being carried out in our country, and to fully understand the essence of the adopted normative legal documents. After that, social activism is required from citizens and non-governmental organizations to solve existing problems and prevent future shortcomings.

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