



PHILOSOPHICAL ANALYSIS OF THE INSTITUTION OF PUBLIC CONTROL: INTERNATIONAL AND NATIONAL EXPERIENCE

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ABSTRACT

The article is devoted to the analysis of the limits and the possibility of using international and foreign experience in organizing and functioning to optimize the institution of public control in Uzbekistan. The authors define the concept of public control in Uzbekistan. The results obtained can be used both in educational and scientific, and in practical activities, including in teaching and lawmaking.

KEY WORDS: *international, foreign, public control, Uzbekistan, experience, organization, functioning, municipal, regional, public authority.*

INTRODUCTION

The object of the research is legal relations arising in the process of organizing and functioning of the institution of public control at the international and national levels, which can be used to optimize this institution in Uzbekistan. The aim of the research is to study the international experience of organizing and functioning of the institution of public control in order to identify that part of it that can be used to optimize the organization and functioning of this institution of civil society in Uzbekistan. Research objectives are as follows:

- 1) to give a definition of public control in Uzbekistan;
- 2) to substantiate that the optimization of the institution of public control in Uzbekistan involves the analysis of international and foreign experience in the organization and functioning of this institution of civil society;
- 3) to substantiate changes and additions to the current legislation, which must be adopted on the basis of a study of the successful experience of

organizing and functioning of this institution of civil society.

MATERIALS AND METHODS

The necessity of using international and foreign experience in the organization and functioning of the institution of public control in the process of optimizing this institution of civil society in Uzbekistan in the following areas:

- 1) in terms of formulating the concept of the institution of civil society control over public power;
- 2) in terms of its consolidation in regulatory legal acts;
- 3) to determine its basic principles, goals and objectives;
- 4) to fix the list of objects in respect of which control is carried out;
- 5) on the development and implementation of the basic forms and methods of this control;
- 6) on the institutionalization of the diversity of its subjects, as well as their powers.



A number of methods of scientific research were used in this article, in particular, historical, comparative, formal and logical analyses. This will allow not only to resolve modern problems arising in the organization and functioning of public control in Uzbekistan, but also to ensure its full development as a promising institution of civil society.

RESULTS AND DISCUSSIONS

In the process of organizing and exercising public control in Uzbekistan, numerous problems arise that impede the effective functioning of this institution of civil society. To resolve these problems, it is necessary to use international and foreign experience in the formation and functioning of public control for a number of reasons. *First*, the democratic institutions of civil society control over public power abroad have a fairly long history, during which numerous successful forms and methods were developed and put into practice. *Secondly*, due to the fact that after the collapse of the USSR, when building the state and legal system in Uzbekistan, the foreign model of the formation and functioning of public power was taken as a basis, it seems quite logical to use the best foreign models of formation for organizing and exercising public control over it. Moreover, most of them have been reflected in numerous international legal acts, the basic norms and principles of which, in accordance with the Constitution of Uzbekistan, are recognized as an integral part of Uzbekistan's legal system. *Thirdly*, the globalization of the socio-political, state-legal and socio-economic development of national societies and states dictates the need for the development of national legal systems in accordance with the development trends of international law, which consolidates all new legal guarantees to ensure the participation of citizens of national states in the management of state affairs, the most important part of which are the institutions of civil society to control public power. *Fourthly*, globalization gave rise to numerous opportunities, which led to a new successful round in the development of institutions for the participation of society in the control of public power. This experience made it possible to: harmonize the relationship between society and the state apparatus; to strengthen national legislation; to consolidate additional legal guarantees at the interstate level for the organization and implementation of public control over public authority.

The name used in Uzbekistan for the institution of civil society control over public power - public control - is generally atypical for its

designation in most modern states. As a number of authors rightly point out, "translating "public control" into the language of modern Western political rhetoric means seeing that it denotes public control differently - through a set of keywords centered around "transparency" and "participation"[2]. These words have become a kind of mandatory incantation, especially after the release of Obama's famous Memorandum on Transparency. The authorities and the public now have to increase the degree of transparency and participation in one way or another. This is the most relevant direction in the development of Western democracy. Together, the "transparency" of the state and the "participation" of citizens today constitute what is "public control" in Western democracies" [2]. At the same time, the "transparency" of public authorities presupposes an increase in its openness and accountability to civil society, for example, in the European Union and the United States. Unlike public control in Uzbekistan, this means the obligation of the state and municipal authorities to take active steps for citizens to exercise their right to know, which acts as a kind of guarantee for the exercise of their rights to participate in the management of public affairs.

In the United States, in accordance with the preamble of the Open Government national action plan, public authorities should: "be more transparent at every level, for which purpose it is necessary to provide the most complete information on government activities in a timely manner and make it easily accessible to people; to involve more and more of its citizens in decision-making processes, because this makes the government more effective and responsible; to implement the highest standards of honesty, because those in power should serve the people, not themselves; expand access to technology, because in the current digital age, access to information is becoming open to all"[3].

In this regard, various concepts are used to denote the control of civil society institutions over public authority abroad, such as: public participation in the activities of public institutions [4]; control over the activities of public administrations [5]; activities of public organizations to force public authorities to improve the quality of services provided to the population (public services), as well as to increase professionalism [6]; civil initiatives [7]; popular law-making initiatives [8], etc. At the same time, this approach is supported by the presence in the West of a widely developed system of public organizations. As V.V. Grib rightly notes, "currently there are about 1.5 million public organizations in the United States, whose activities are in one way or another connected with the implementation of public control."



The development of the Internet and integration processes in the world, in particular, in Europe gave rise to numerous formulations of the interactive participation of citizens of national states in monitoring the openness and accountability of public authorities to civil society. In this regard, it seems that the name of the institution of civil society control over public power in Uzbekistan is “public control” (in this work previously justified the need to change it to “public (people’s) control”). It is supported by a set of real powers of representatives of civil society to control government and local government bodies, their officials and organizations exercising certain public powers. In this regard, the main solution to the problem seems not so much to correct the name of this institution of civil society, but to fill its content with specific powers of the subjects of public control in Uzbekistan, which would allow it to act as a real guarantee of the implementation of the constitutional and legal principles of democracy and participation of citizens.

CONCLUSION

The use of successful foreign and international experience in legal regulation of this institution of civil society is also of great importance for optimizing the system of public control in Uzbekistan. Thus, in addition to Uzbekistan, the activities of numerous subjects of public control, for example, in a number of CIS countries, are more actively enriched in regulatory legal acts of ministries and departments. In addition, these subjects of public control are endowed not only with informational, advisory and other optional functions, but also with quite real, in particular supervisory, powers.

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