

THE ESSENTIALS OF THE LAW OF THE REPUBLIC OF UZBEKISTAN ON THE LEGAL FRAMEWORK OF IMPROVING THE ACTIVITY OF THE SELF- ADMINISTRATIVE ORGANIZATIONS

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<http://dx.doi.org/10.26739/2573-5616-2018-3-1-11>

Abstract: The author of the article analyzes the introduction of the institute of civil self-governance in Uzbekistan and its role in social life. The legal framework for social, spiritual and enlightenment development of the mahalla (self-administrative organization in Uzbekistan) will be discussed in the context of indoctrination and responsibility of citizens.

Key words: self-governing body, family, human, society, state, reform, normative-legal basis, spirituality, politics, national and universal values.

In a country where the institute of self-governance is functioning, the people's honor, dignity and interests, as well as the interests and well-being of the state and society, are provided and guaranteed. The reason for this is that the civil self-governing body is intended to operate in a society based on the role of a person in society and in expressing his/her own interest in society.

The highest form of community life in Uzbek society is mahalla. This form of organizing local communities, local self-governance, has been functioning for centuries. Mahalla, which has a deep historical root, organizes the daily life of the people, creates a system of regular morals based on democratic foundations. These are values such as mutual assistance, solidarity, kindness, respect for the elderly, and the equality of all members of the community, which have endured the trials of the times.

As a result of the fact, that the self-governing body of our country has become the sacred place, where the people of our region have historically united for the common goal and it was the place of activity, which includes the national and universal values, traditions that embody the peculiarities of the lifestyle, spirit, social life of the Uzbek people.

Mahalla can be regarded as a large family that unites people, regardless of their age, gender, religion, race, language, beliefs, social background, personal and social status. This family lives and operates on the basis of mutual respect, love, and strong friendships of its members.

There exist many definitions and comments that have been made to the Institute of Self-Governance. For example, the great British scholar, I.Redlix, explains the concept of local self-governance as "the fulfillment of the duties and powers of the local population or its elected representatives under the legislative authority or within the framework of common rights". German scientist G.Ellinek states that local self-governance is "governed by people who do not have a high professional position, which manages a form of government that is contrary to the bureaucratic administration of the state". L.Velikhov, a Russian scientist gave the following definition to Local self-governance: "state administration within certain issues that arise through the election of a representative of the local population".

In our country, citizen self-governance can be considered as an institution of self-government and a community of individuals forming a united society, as well as a civil society that unites representatives of the community and social groups living in a society to gain a certain position.

According to L.Velikhov, "the society has the right to be free and independent from the central government. Indeed, the state does not create a community, but only acknowledges it"[1].

Thus, generalizing the ideas of the world scientists we can say that mahalla is a social-ethical institution, which promotes the social interests and activities of the local community and is governed by the local community.

For some government officials in some foreign countries, public service activities are a matter of public service, and this activity serves them as preparation for government service, because thorough self-governance they don't only get in touch with the problems theoretically, but also practically.

Another scholar, German political scientist Arthur Faynberg, says that "Mahalla is the tool of society, which promotes education and upbringing of young people with respect for human rights"[2].

This idea of Faynberg fully complies with the purpose of the self-governing bodies in Uzbekistan. Indeed, one of the main tasks of mahalla in Uzbekistan is directly related with the interests of the family in upbringing a healthy generation.

However, the self-governance of citizens is one of the main components of the self-governing rule of the people, along with the state power in Uzbekistan. In particular, Article 16 of the Law "On Self-Governing Bodies" states that "the decisions of citizens' self-governing bodies and their officials within the limits of their authority shall be made by the citizens residing

in the territory, as well as in the towns, villages, auls and mahallas resident legal entities (their officials)".

In particular, from the first days of independent development of our country a great deal of attention was paid to increasing the role and importance of civil self-governance bodies in the life of society. In particular, on September 2, 1992, by the Decree of the President of the Republic of Uzbekistan on the establishment of the Republican Charitable Fund "Mahalla"[3], the Law "On Self-Governance Bodies" in 1993[4] and the Law of the Republic of Uzbekistan "On Self-Governance Bodies" in April 14, 1999 in new edition have been adopted and it was an important step towards the national level of free movement of mahallas.

This issue has increased its relevance in Uzbekistan. Since the Decree of the President of the Republic of Uzbekistan of April 23, 1998 "On Support of Citizens' Self-Government Bodies"[5], the Decree of the President of the Republic of Uzbekistan "On the Development of Local Self-Government Bodies", the establishment of the Commission on working out and performance of the Decree of the Cabinet of Ministers of the Republic of Uzbekistan "On the Year of Obod Mahalla (Prosperious Mahalla)" adopted on February 7, 2003[6] and other documents played an important role in the widespread and consistent improvement of the activities of self-governance bodies in Uzbekistan.

The Law "On Elections of the Chairperson (aksakal) and his Advisors" of April 29, 2004 describes perfectly the organization and conduct of elections.

Elections to the bodies of citizens' gathering held in May-June 2006 and November-December 2008 were carried out on the basis of the "Law on Elections of the Chairperson (aksakal) of citizens and his advisers.

The Resolution of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On the Program of Actions for Improvement of the Activities of Civil Self-Government Bodies for 2007-2008" of 25 December 2006 has also been included in the above mentioned list.

Self-governance is also an integral part of a system of integrated social relations, although it is not entirely within the framework of a single social system. That is why, it is impossible to imagine self-administration of citizens as separated from the components of the institutional structure of the society and social relations in general.

Effective work of citizens' self-governing bodies in the process of reforming the society will allow to use as much as possible the great intellectual and spiritual potential of our people. The Chairperson of Citizens' assemblies (aksakals) and their counselors are well aware of the status of jobs in mahallas, towns, villages, and settlements, so they can solve many social, economic, spiritual and other issues at the places.

Practice shows, that the most important guarantee of the development of self-governance is the existence of a real civil society. However, it can also develop in the conditions of self-governing bodies, restoration of democratic institutions. Participation of local regional communities in the self-governance of the citizens, their understanding of the fact that they are a real representative of social power in the mahalla, is a necessary basis for the development of civil society in the Republic of Uzbekistan.

Like civil society, self-governing bodies also implement their objectives not only for the recognition of society and the state, but also on account of social and economic activity of citizens.

Interrelationship between state's civil self-governance and civil society can be seen in the social character of civil unity, as well as in relevant government programs. In particular, improving the organizational and legal framework of mahalla activities in the State program "Year of the prosperous mahalla" adopted by the Cabinet of Ministers in 2003; strengthening entrepreneurship in mahallas, developing services and trade and creating new jobs through small business; development of social infrastructure of mahalla; strengthening social protection of families with low income and supporting young families; the development of mahalla activities in the organization of spiritual and moral education among the population at the state level was a clear indication, that the government is not indifferent to the work of the non-governmental sector, and that the state creates the basis for the citizens to live a conformable life in the future.

On September 2, 1993 the Law "On self-government bodies" was adopted in the Republic of Uzbekistan. The role of self-governing bodies in the society, in social life, the role of mahallas in the revival and improvement of national values, and the role of self-governing bodies in the mahallas have been loaded to the obligation of the chairpersons. This law has been adopted in new edition with amendments and supplements issued on April 14, 1999 and on August 30, 2003 taking into account the needs of the local community, the fact that it enhances the political consciousness of the citizens, the public administration.

The procedure for electing the chairperson (aksakal) and organization of the self-governing bodies shall be regulated by the law. As set out in the law, civil self-governance bodies, including mahalla democracy, operate on the principles of transparency, social justice, humanitarian and principles of mutual benefit in solving issues of local significance. There exist commissions on the main directions of mahalla activity. The main goals of these commissions are to transform the mahalla into a real educational, spiritual exemplary school.

The speech of the President of the Republic of Uzbekistan at the joint session of the Legislative Chamber and the Senate of the Oliy Majlis of

the Republic of Uzbekistan on November 12, 2010 outlines the concrete tasks for the development of civil society and the formation of civil society institutions. In this sense, the institution of mahalla is becoming an important factor in protecting democratic values, human rights and freedom and legitimate interests of its members. In particular, a number of laws were adopted to develop this sphere.

Particularly, Article 13 of the Law of the Republic of Uzbekistan "On civil self-governance bodies" of April 22, 2013, establishes responsibility for the co-operation of educational institutions on issues of upbringing younger generation in the competence of the council of citizens.

In accordance with the Decree of the Cabinet of Ministers of October 7, 2013 "On measures to further improvement of the activities of citizens' self-governance bodies", the the adoption of the Charter of the Commissions for the further work of citizens' self-governing bodies in order to further improvement of the the organizational foundations of their activities, has once again raised the responsibility of the Citizens' Assembly.

Another important document which was adopted in order to improve the effectiveness of the activities of citizens' self-governing bodies, to ensure the implementation of the right of the community to join into associations, and further development of interaction was the Decree of the President of the Republic of Uzbekistan "PD №-4944" on February 3, 2017 "On further improvement of the institute of mahalla". The decree establishes the organization of citizens' assemblies in the form of a legal entity, as well as the status of the First Deputy Chairman of the Republican Council, its housing, medical and social welfare of the Councils, the Republican Council for the Coordination of Citizens' Self-Government Bodies (hereinafter referred to as the Republican Council) in accordance with the terms of access to the transport service was equalized as to the Minister, Deputy Chairman of the Republican Council as to the Deputy Minister.

Thus, the legal basis for the activities of citizens' self-governing bodies is being developed and these normative documents are being improved over the years.

It is well known from the legislative acts given above, that over the last fifteen years the attention to mahallas has risen to the level of state policy.

In accordance with the Decree of the President of the Republic of Uzbekistan of February 14, 2017, D-4849 "On organizational measures for the implementation of the Strategy for Actions for the Five Priorities of the Republic of Uzbekistan in 2017-2021", the effective implementation of the Strategy of Actions, legislative and other draft documents, the activity of civil self-governance bodies and the welfare of their families in the implementation of the strategy of actions Family-private business sector, structural measures are identified[7].

At the same time, within the framework of the Strategy for Actions for 2017, there was adopted State Program "Year of Encountering with People and Human Interests", the civil self-governance bodies, as well as the legal awareness and legal culture of the population, in order to explain the essence and content of new legislation, it is necessary to introduce and regularly conduct training sessions called "Legal Knowledge" in mahallas once a week, for which it is envisaged in the document that on time delivery of the purpose, essence and content of existing legislation, especially the new laws, will be developed by the development of the annual plan and program of the training sessions of partner and competent organizations.

The spiritual and physical development of youth is a priority of the state policy. The foundation for the upbringing the youth is laid in the family. Education is a complex and long-lasting process, which begins long before the birth of a child. That is, the health, genus, outlook, the inner and outer world, the moral, material and spiritual level of the future parents, the spiritual and physical readiness of the future parents are important in the upbringing of future children. Organization of cooperation of family, school, mahalla and community in upbringing in the family, effective training of family traditions, values, parenting and labor of older generation and their heroism is an important factor in forming a mature human. The present Institute also seeks to set up a healthy generation, healthy environment in the families and mahalla, with the support of partner organizations.

Increasing the responsibility of young people in family life, raising them through mental and physical labor, forming national consciousness and pride through the commonality of national and universal values, increasing the responsibility before the family, the nation, the duties and responsibilities before the Homeland, their thinking, awareness of one's thoughts should become one of the main activities of every parent, state and public organization.

"In our country, a unique chain of self-government, the mahalla operates effectively. Here you can not hide your wealth and income from anyone. Some of our neighboring countries are mistrustful towards this specific form of government - the mahalla. But there is a saying from our ancestors: "One look is worth a thousand words[8]" said the First President of the Republic of Uzbekistan Islam Karimov.

What a positive changes have happened in the life of the Uzbek family for historically short 26 years! Wide opportunities have been created for the comprehensive development of the family. The essence of family education was abolished from communist ideas, and it began to be based on national educational standards.

The key issues in ensuring the rule of law in the conditions of a holistic approach to a fair and democratic society in Uzbekistan are the issues like improving the legal interests of family, motherhood and childhood, improving the legal framework of family relations, raising the legal culture of citizens, and most importantly, there are created all the possibilities for the members of society to become active citizens.

In conclusion, we want state the following systematic works that have been carried out in our country until these days:

- The problems of improving the activities of citizens' self-governing bodies in accordance with modern conditions and the current legislation, the issues of improving the welfare of the families in mahallas are being solved in Uzbekistan;

- Widespread efforts are being made to implement the multi-functional features of civil self-governance institutions based on the state-society-citizen principle;

- In collaboration with mahalla activists and relevant organizations, a large-scale action is being taken to prevent girls from early marriages;

- The scope of cooperation between the institutions of self-governance and educational institutions is expanding, and the concept of a cooperation "family-mahalla-educational institution" is functioning;

- Measures have been taken to establish family business in cooperation with state and public organizations and entrepreneurs in order to ensure the employment of citizens, especially young people, to provide them with all possibilities to get a profession.

References

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