



PROSPECTS FOR IMPROVING THE ACTIVITIES OF EXECUTIVE AUTHORITIES IN UZBEKISTAN

Shakhriddin Abdugarimov

Graduating Student of Tashkent State

University of Law

+99890 003 41 42

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ABSTRACT

This article analyzes the prospects of improving the ways of administrative legal regulation and implementation of the activities of executive authorities. In addition, the article examines the experience of foreign countries in terms of executive authorities, and offers recommendations on the application of their positive aspects to the national legal system and the prospects for improving the activities of these bodies.

Introduction

In recent years, large-scale administrative reforms have been carried out to form an effective operating management system, which is considered an important condition for the establishment of a new Uzbekistan. In particular, by reducing the non-sectoral tasks of state bodies and the widespread introduction of digital technologies into their activities¹, their structure was on average approved by 15 percent, as well as reducing the positions of 40 deputy leaders in 26 state bodies and organizations². In order to reduce bureaucratic barriers and improve the system of public services to the population at the expense of the introduction of modern principles of management into the activities of state bodies, about 30 types of licenses and permits were canceled, more than 70 public services were simplified, more than 60 documents were canceled by state organizations. The number of users of the "e-government" system exceeds 4 million, through which more than 130 information resources of government agencies were created. On the single interactive public services portal, almost 350 types of services have been established to be provided in online form.

In recent years, consistent reforms have been carried out in Uzbekistan in all spheres of state and public life, including in terms of building an effective system of public administration. In particular, the Decree of the President of the Republic of Uzbekistan No. PF-5185 dated September 8, 2017 was adopted "On the approval of the Concept of Administrative Reform in the Republic of Uzbekistan", and the planned reforms also proved fruitful. The new

¹ The Law of the Republic of Uzbekistan "On Electronic Government". dated 09.12.2015 No. 395. Online available: <https://lex.uz/docs/-2833860>

² Decree Of The President Of The Republic Of Uzbekistan "On Measures To Implement The Administrative Reform Of The New Uzbekistan". Online available: <https://lex.uz/uz/docs/-6324756>



Uzbek “development strategy”, which is a logical continuation of the “action strategy” for the five priority areas of Uzbekistan’s development for 2017-2021, was adopted on the basis of Decree No. PF-60 of January 28, 2022. President of the Republic of Uzbekistan SH.M. Mirziyoyev’s works “New Uzbekistan’s development strategy”, published in 2022, contain the opinion: “the new Uzbekistan development strategy implies the transformation of executive power into a body that literally serves the people”³. The next wave of changes, we can say, was continued by the Decree adopted on January 25, 2023 “On priority organizational measures for the effective establishment of the activities of the executive authorities of the Republic”⁴. In accordance with this decree, it was announced that a total of 17,447 staff units are being reduced in the system of ministries and departments, and the system of the Cabinet of Ministers has been optimized. But according to ahon Bank's data related to world Governance indicators, we see that the efficiency of the Government of the Republic of Uzbekistan is estimated at 44% of 100%. We know that this is a sad situation when it is considered very low and does not even amount to 50% percent.

Today, in order to improve the standard of living and well-being of citizens, the activities of the executive authorities of the state and their administrative and legal regulation are of urgent importance. The success of the reforms carried out in our state, of course, directly depends on the governing bodies.

Today in our country there are many ministries, state committees, agencies, committees, inspections, the functions of some of them are close to each other, repeat each other’s activities. Therefore, in modern conditions, the creation of compact and effective public administration bodies and the regulation of their activities is an urgent issue. Thus, in the process of studying the functions, powers and responsibilities of the executive authorities of the Republic of Uzbekistan, one of the urgent tasks is to develop conclusions, proposals and recommendations that are justified from the point of view of legal science and practice.

Main Part

The entities that make up any branch of power operate under their own laws, which are the legal basis for the regulation of their activities. That is why executive authorities also have a system of laws that regulate a particular activity of their own. Such a system of laws does not allow it to deviate from its powers and functions in the activities of executive bodies.

The executive bodies of the state that we are analyzing are those that include public governing bodies: ministries, state committees, agencies, inspections, committees, centers, inspections, municipalities, companies, associations, concerns and associations.

The executive body that deals with executive activities in the lowest system is the local public authority. It is carried out on the basis of the law “on local state government” as the legal basis for the legal regulation of the activities of the authority. The Act enshrines its activities through the Institute of people's deputies and governors, which forms the local government system.

In carrying out the issue of improving the activities of this executive body, we can first of all make a proposal to change the laws of this body as the legal basis of its activities or introduction new norms. Or separately we can propose to adopt a new legislative act on the

³ Mirziyayev. Sh.M. New development strategy of Uzbekistan. - Tashkent: Publishing house Uzbekistan, 2022. – 88 P.

⁴ National database of legislative data, 25.01.2023., 06/23/14/0053; 25.03.2023-y., 06/23/43/0167



status of the subjects of these bodies. And of course, these proposals are offered to study the experience of developed foreign countries as a basis and introduction their positive achievements into our national legislation.

International practice.

Section 37 of the UK Local Government Act 2000 states that local government is an executive body. Section 39 of this Act states: “an elected governor, in relation to local government, means a person whose elected mayors are elected as head of government by local government voters under the local government area under the provisions provided for in this section”.⁵

Article 170 of the Constitution of the Polish State provides for the following rule: “Members of the self-government society may, through a referendum, resolve issues related to their society, including the decision to dissolve a local government body established by direct elections. The principles and procedure for holding a local referendum are established by law”⁶.

In our opinion, based on the above overseas experience, we also propose to establish the procedure for governors who are the head of the local state government to take office by election. The UK has adopted a ministerial code that oversees ministerial activities. We give its positive aspects as a recommendation, citing the following rules.

Paragraph 3.3 of the UK Ministerial Code provides that “all special secretaries must protect their responsibility not only to the minister who appoints them, but to the entire government. The management and conduct of special secretaries, including the issue of responsibility for discipline, is the responsibility of the minister who carried out the appointment. Relevant ministers are responsible to the prime minister, parliament and the public for their actions and decisions towards their special secretaries”⁷.

In our opinion, based on the above rule, it should be said that depending on the scope of the function performed in each of the ministries operating in accordance with the direction of activity in the UK, there are special advisers in the country's parliament who protect the rights of the relevant ministry. Their task is to strengthen the interaction between the government and Parliament. Protects the rights of the concerned ministry during the adoption of a law concerning the interests of the relevant ministry. He is not considered a member of the Government by position.

We believe that we propose to apply similar experience in our national legal system. We have the institution of an authorized representative of the Cabinet of Ministers in Parliament, but in its activities it can make it difficult to protect the rights of entire ministries. Therefore, it may have a positive value if each of the ministries has a special adviser in parliament. When applying such provisions in national legislation, it is proposed to adopt a law “On the status of the Ministers”.

In the UK, according to paragraph 7.7 of the: “Ministers should carefully avoid the risk of a real or perceived conflict of interest between their ministerial positions and personal financial interests. They should follow the general principle that they should abandon the

⁵Wilson, D., & Game, C. (2011). Local government in the United Kingdom. Macmillan International Higher Education.

⁶ www.constituteproject.org

⁷ www.assets.publishing.service.gov.uk



interests that caused the conflict, or take alternative measures to prevent it," the statement says.⁸

The concept of "conflict of interest" in this provision is enshrined in the law "About the Cabinet of Ministers", which does not prescribe the implementation of such activities by ministers and its legal consequences. This rule is enshrined in the Law of the Republic of Uzbekistan "On Combating Corruption" only in general terms. But even due to the fact that such cases in the activities of ministers are becoming more and more noticeable, it is proposed to put this institution into effect by adopting the law "on executive bodies".

We think that another provision of the British "Ministerial code" will be important for us. Paragraph 7.20 of this Code reads as follows: "This is a clear and recognized rule, according to which no minister should accept gifts, hospitality or services from anyone who falls under his duties or can prove himself"⁹.

We think that this rule will undoubtedly also bring us a positive result. Because, maybe, we do not have a law or some kind of norm regulating the receipt of a greeting gift by the minister. It is proposed to introduce this norm by adopting a law "On the status of the Ministers", and set a limit on the value of the gift with the corresponding base amount of calculation.

Over the past decade, public service guarantee acts have been passed in more than twenty Indian states. All of these documents were adopted at the initiative of state governments with different political views, without any influence from the central government. All these laws have the same legal structure. These laws, aimed at simplifying service delivery, provide a structure in which authorized bodies must provide certain public services at certain intervals. Otherwise, citizens can apply to internal appeal authorities. It also provided for punitive actions against erring officials¹⁰.

As for the above-mentioned Indian experience, such activities are similar to the relations we have in force, regulated by the Law of the Republic of Uzbekistan "On Administrative Procedures" of 2018 No-457. One of the best and most effective ways to regulate the activities of executive authorities are legislative acts regulating their activities - administrative procedures. The improvement of this law in accordance with the requirements of the time will put an end to the arbitrariness and excessive administration of the activities of administrative bodies.

Based on the tasks set out in the "Concept of Administrative Reform", it should be recognized that as part of the implementation of the "Concept of Administrative Reform", reforms have been carried out in 93 public administration bodies, of which 77 ministries and departments have been reorganized, 7 have been liquidated and 9 have been reorganized. But, nevertheless, recently the Ministry of Justice has established that there are 48 recurring functions related to ministries, departments in the fields of housing and communal services, forestry, tourism, nature protection, public-private partnership. Cases of combining the functions of economic entities with public administration bodies have also been identified.

⁸ www.assets.publishing.service.gov.uk

⁹ www.assets.publishing.service.gov.uk

¹⁰ www.rgics.org



It should not be forgotten that the key to the successful implementation of large-scale reforms at the present stage of the country's development is absolutely modern and effective functioning of the executive bodies (governing bodies) of the state and issues of preventing shortcomings in their activities and responsibility for the mistakes they have made.

The wider application of the "Electronic Government" system in the activities of the executive authorities of the state, its full implementation in the public administration system can be recognized as one of the most important factors in ensuring the openness of public administration. It's no secret that the World Wide Web has become an integral part of our daily lives. Even in this context, the "Electronic Government" system serves as the most effective, responsive and efficient mechanism of advanced experience of modern statehood.

According to a UN study, after the COVID-19 pandemic, most countries of the world began to stick to their practical life, taking the e-government Strategy seriously. As a result, the processes of providing high-quality electronic public services to individuals and legal entities by the executive authorities of states are accelerating. Reasoning from the above, we will not be mistaken if we say that the transition of state bodies to a system of exclusively "inhuman document management" with minimal use of the human factor in the exercise of their functions in daily activities would certainly put an end to the abuse of productivity at work, professions of all kinds.

Our President Sh.M. Mirziyoyev noted that: "we forgot to communicate with people in the next moment. To penetrate into them and hear their open and sincere speech, their pain, unfortunately, has receded to the last place in our activities"¹¹.

In our opinion, from the above-mentioned thoughts of our president, it can be understood that state bodies, as servants of this people, interested in their pain, anxiety, are obliged to solve their problem in full. And at the same time, by means of legal regulation of various kinds of administrative bureaucracy in the activities of these bodies, it becomes possible to limit the commission of various illegal actions by them in their activities.

Optimization refers to the optimization of the system of executive authorities of the state and the entire state administration as a whole, there are cases when employees of existing bodies are misunderstood as a reduction in the number of staff units. However, the process called optimization is an activity aimed at improving the system as a result of identifying and eliminating duplicate or inefficient functions of its functions in the activities of these bodies by rethinking the tasks assigned to state bodies. Since the activity of each state body is an activity aimed at specific goals, now the task is to have repetitive functions of state executive bodies with such a repetitive function, which leads to inefficiency of their activities.

Therefore, it would be advisable to shorten the executive bodies with a repetitive function and attach them to another structure with a high workload. And at the same time, it must be said that through this legal framework, creating also a legal basis for the activities of these bodies, the task of administrative and legal regulation of their activities will be solved.

Conclusions

¹¹President Of The Republic Of Uzbekistan Sh.M. Mirziyoyev's speech at the solemn ceremony on the 24th anniversary of the adoption of the Republican Constitution of Uzbekistan on December 7, 2016 <https://www.gazeta.uz/ru/2016/12./08/people>.



Despite the fact that serious reforms have been carried out in the system of executive authorities in recent years, a number of problems remain in the practice of these bodies. On the basis of solving these problems in a positive way and studying and analyzing the available literature on the topic, organizational and legal issues of improving the activities of executive authorities in Uzbekistan, issues of administrative and legal regulation of the activities of executive authorities were studied from the point of view of this article.

Also, this article introduced international experience in the development of executive power activities. In this case, the legal systems of such countries as the United Kingdom, India, Germany, Poland, Georgia were studied, and a number of documents necessary for us were cited. The prospects for the development of the activities of executive power were studied and the necessary conclusions were drawn about what results can be achieved.

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