



LEGAL FRAMEWORK AND GUARANTEES FOR THE FUNCTIONING OF CIVIL SOCIETY

¹**Shayakubov Shomansur Shakabilovich**

Ph.D., acting associate professor
Department of General Educational
Disciplines and Culture of TSUL,

²**Azimov Khakimali Imamovich**

Ph.D., acting professors
Department of General Educational
Disciplines and Culture of TSUL.

<https://doi.org/10.5281/zenodo.7393272>

ARTICLE INFO

Received: 19th November 2022

Accepted: 29th November 2022

Online: 30th November 2022

KEY WORDS

Civil society, social partnership, public control, fundamental research, standard-settings, training, non-governmental non-profit organizations, civil society institutions, regulations, public associations, citizens' self-government, legal support.

ABSTRACT

This article discusses the strategic directions for the development of civil society in the medium and long term. At the same time, an important task is to initiate fundamental and applied research with the participation of scientific specialists in the field of civil society development; development of indicators to assess the progress of civil society; the level of interaction of its institutions with state bodies, as well as their contribution to the socio-economic development of the country. The next priority area is the organization of the development of proposals for improving the organizational, legal and economic foundations for the activities of civil society institutions. Increased efficiency of social partnership and public control also requires special attention; create favorable conditions for expanding the participation of civil society institutions in public administration; further strengthening of their organizational potential, as well as organizing trainings to improve the skills of specialists.

Measures to deepen democratic reforms in Uzbekistan are characterized by gradual progress towards the formation of a civil society, the development of the state-legal and political system of the country, and the creation of conditions for the free functioning of civil society institutions.

Indeed, there are by-laws that address important points in the development of civil society, for example, the Decree of the President of the Republic of Uzbekistan "On

measures to radically increase the role of civil society institutions in the process of democratic renewal of the country" No. UP-5430 dated May 4, 2018, etc. However, , they also do not contain the corresponding terminology.

At the same time, the study of relevant foreign sources shows that the term "civil society", as a rule, defines an interconnected system of socio-political institutions independent of state power, participating, within the framework of



international and national legislation, in public relations (economic, social, cultural, moral, spiritual, corporate, religious, etc.) arising from the exercise by citizens of their rights and freedoms and outside state and personal relations. In this definition, civil defense is equated to the CSI system, the main factor of civil defense, an active individual, is put on the back burner and is limited to citizenship [1, 155-156].

This is a system of social relations (economic, social, cultural, moral, spiritual, corporate, religious, etc.) arising from the interaction of free, equal, economically and legally autonomous individuals, and their voluntary associations regarding the realization of human rights and freedoms and being outside state and personal relations [2, 802].

It seems that this definition may well be applied to civil society in Uzbekistan. It is advisable to consolidate it as a starting point in the formation of a national model for the development of civil society.

At the same time, it seems important to separately consolidate the role of ensuring the protection of private property rights in all the variety of its specific forms as an incentive for the emergence, functioning and charitable support of diverse public structures, as well as the presence of a free market economy, on the basis of which citizens self-organize according to professional interests with in order to protect their interests [3, 101-102].

It is also necessary to take into account the fact that civil society is a sphere of self-manifestation of citizens and voluntarily formed non-profit directed associations and organizations, protected from interference and arbitrary regulation by government and business, aimed at organizing public control in relation to the

activities of public authorities, for example , in part, appeals of citizens, deputy requests, etc. These citizens and organizations, in addition to rights, also have obligations to the state, clearly defined in the Basic Law of the country.

At the same time, it is necessary to clearly fix the definition of those subjects of relevant social relations, which are usually called institutions of civil society [4, 548].

The initial and main element of civil society is the individual, and already derivative - the institutions formed by him. Each individual participates in legal relations within civil society as an independent subject. However, civil society involves the activity of the individual to a greater extent within the framework of one or another association, depending on his interests and needs.

With all the variety of national features of the formation of civil society in different countries of the world, it is customary to single out several key conceptual and theoretical approaches to determining the goals, objectives and place of civil society institutions in a democratic legal state and the principles of interaction between the state and civil society.

According to experts, for the modern conditions of Uzbekistan and the requirements of large-scale reforms, defined in the conceptual works of Sh.M. Mirziyoyev, the Concept of the inseparable unity of the state and civil society seems to be the most optimal for implementation.

In this regard, it should be noted that one of the significant gaps in this area is that the current state programs of fundamental and applied research on the development of civil society and its individual institutions do not aim to critically analyze the existing theoretical concepts of the



essence of civil society and the patterns of its development. and development on this basis of conceptual and theoretical approaches to the formation of a national model for the development of civil society in Uzbekistan [5, 4180].

Appeal to the relevant foreign experience shows that the main directions for the direct formation and support of civil society institutions with the help of the state-legal mechanism are:

- creation of favorable organizational and legal conditions for the creation, state registration, professional activities and development of civil society institutions;
- providing subsidies for the implementation of state authorities for public procurement of products of NGOs protecting the interests (Germany, France) of vulnerable segments of the population (persons with disabilities, the elderly, etc.) and other forms of state support (for example, annual subsidies issued to some foundations);
- cooperation between public authorities and civil society institutions, contributing to the establishment of dialogue and mutual understanding between society and the state (public-private partnership);-
организация совместной защиты прав и законных интересов физических и юридических лиц, демократических ценностей, достижения социальных, культурных и образовательных целей, отвечающих государственным и общественным запросам;
- participation and assistance of state bodies in ensuring the activities of civil society institutions (for example, in the training and advanced training of employees and assets of civil institutions, etc.) [6, 4860].

At the same time, such elements of the state-legal mechanism as:

- economic (the foundations of civil society in the economic sphere are a diversified economy, various forms of ownership, regulated market relations);

- socio-political (decentralization of power, separation of powers, political pluralism, citizens' access to participation in state and public affairs, the rule of law);-

идеологические (отсутствие монополии одной идеологии и мировоззрения, свобода слова, печати, собраний, совести и вероисповедания, цивилизованность, высокая духовность и нравственность);

Forms of direct state support for civil society institutions are also:

- target financing of socially useful programs of public associations at their request (state grants);

- the conclusion by state bodies with public associations of any types of contracts, including on the performance of work and the provision of services;

- social order to an unlimited circle of public associations and holding competitions for the implementation of various state programs;

- granting privileges for the payment of taxes, customs and other fees and payments to non-governmental non-profit organizations established for charitable, educational, cultural and scientific purposes, in order to protect the health of citizens, protect the environment, develop physical culture and sports;

- provision of other benefits to non-profit organizations, including full or partial exemption from fees for the use of state and municipal property.

The study of the current legislative acts regulating the interaction between the



state and civil society showed that there are significant gaps in the definition of the relevant procedural mechanisms [7, 77-78]. For example, Article 7 of the Law "On Social Partnership" determines that state bodies may, with their consent, involve non-governmental non-profit organizations and other civil society institutions in the development and implementation of socio-economic development programs, as well as in the development and implementation of these programs collect proposals from interested non-governmental non-profit organizations and other civil society institutions [8, 710-711].

However, in the current legislation, the procedure for the participation of civil society institutions in this matter is not defined, which is one of the main reasons of a systemic nature that hinders the manifestation of the corresponding initiative of NGOs and other civil institutions.

To do this, it is necessary that the national model clearly define indicators for measuring the effectiveness of the development of civil society, allowing at each specific point in time to objectively assess the achieved level and trends in the

development of civil society and, in accordance with this assessment, make adjustments to the strategic directions for the development of civil society for the next and medium term [9, 70-71].

Based on international experience, such indicators can be:

- the level of legal culture and social activity of the population - is determined by sociological research, analysis of citizens' appeals, participation in an open discussion of draft legislative acts;
- the level of public participation - quantitative indicators of the participation of the population in the activities of various institutions of civil society that do not pursue political goals;
- the level of political participation - quantitative indicators of the participation of the population in the activities of political parties, elections at various levels, voting for certain program provisions of candidates and political parties;
- assessment of the economic, social, political and cultural situation in which civil society exists - monitoring and scientific analysis of the opinions of domestic and foreign scientists and experts in relevant fields.

References:

1. Jalilov A., Muhammadiyev U., 2015. Fundamentals of civil society. Tutorial. Tashkent. S. 264.
2. Yarullin I., Gabdrahmanova R., 2015. Development Of Students' Civil Responsibility In The Process Of Social Projecting // Procedia - Social and Behavioral Sciences. Volume 191. Pages 801-804.
3. Pavlenko U., 2008. Modern civil society // Issues of Economics. No. 10. S. 96-107.
4. Zhuravleva I., 2015. Institutions of Civil Society in Space of Democratic Politics // Procedia - Social and Behavioral Sciences. Volume 166. Pages 546-551.
5. Vasilescu R., Barna C., Epure M., Baicu C., 2010. Developing university social responsibility: A model for the challenges of the new civil society // Procedia - Social and Behavioral Sciences. Volume 2. Issue 2. Pages 4177-4182.



6. Tolen Z., Tulenova S., Assyltaeva E., Aitymbetov N., 2014. Formation of Civil and Patriotic Education of Youth in Kazakhstan // Procedia - Social and Behavioral Sciences. Volume 116. Pages 4859-4863.
7. Abdukarimov G., 2018. Citizens appeals are an important factor in the development of dialogue with the people. Toolkit. Tashket, Fan wa technology. P. 100.
8. Banks N., Hulme D., Michael E., 2015. NGOs, States, and Donors Revisited: Still Too Close for Comfort? // World Development. Volume 66. Pages 707-718.
9. Abdukarimov G., 2016. The experience of Uzbekistan in improving the potential of civil society institutions, improving the legal culture and activity of society. Tutorial. Tashkent. S. 84.
10. Адилов Ф., Шаякубов Ш. Архитектурное созвездие Амира Темура в письменных источниках. Ученый XXI века, 2016. Pages 64-68.
11. Azimov, H.I. (2019). «Protection of human rights and freedom is highest value in basic law,» Review of law sciences: Vol. 4 : Iss. 1 , Article 23. https://uzjournals.edu.uz/rev_law/vol2/iss1/31.
12. Азимов Ҳ.И. Амир Темурнинг тарихий мероси-илм-фан тараққиётининг муҳим омили. Academic research in educational sciences, 2022. NUU Conference 2. OOO «Academic Research». – PP. 1019-1023.