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FURTHER IMPROVEMENT OF THE ADMINISTRATIVE AND LEGAL STATUS OF STATE BODIES IN THE REPUBLIC OF UZBEKISTAN

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ABSTRACT

The article considers administrative-legal relations regulating the organization of the activities of state bodies, based on the study of the rights and duties of the subjects of executive power bodies, whose status determines their place in the structure of state bodies. The author gives the concept of the subject of administrative law and on the basis of the study of law enforcement activity and the status of subjects of state bodies of executive power, made conclusions and developed appropriate proposals.

KEYWORDS

Administrative law, executive bodies, subject of administrative-legal relations, rights and powers, law enforcement activities of administrative bodies.

INTRODUCTION

The President of the Republic of Uzbekistan Shavkat Mirziyoyev in his Address to the Oliy Majlis and the people of Uzbekistan, noted that “In order to bring the country’s development to a new level, it is necessary to change the system of governance, the legislation and

the society. If we do not change, if do not draw attention to the vivid problems, we will definitely be behind of life and the progress. Our people, our youth shall not forgive this.

The principle “First and foremost – the human being, then – the society and state” should deeply be reflected in the Constitution and laws, in our daily life. We need to further strengthen the national statehood, thanks to this solid foundation we are able to effectively overcome today’s serious trials and future, yet unknown challenges and threats” [1].

In this connection, Uzbekistan is carrying out a purposeful administrative and legal reform concerning various aspects of administrative and legal relations, including the status of the executive authorities. The basis for the activity of any body of executive power is the administrative and legal status, the characteristics of which include its position in the hierarchy of subjects of state power, issues of subordination, as well as the goals, tasks and functions of the body, the order of formation, directions, forms and methods of activity, and, of course, the structure of the body itself.

THE MAIN FINDINGS AND RESULTS

Our country is implementing large-scale reforms and practical measures to further reform the state civil service, strengthen its organizational and legal foundations, and train modern civil servants who carry out effective work activities [2].

According to the Presidential Decree of December 21, 2022 “On measures to implement administrative reforms of the New Uzbekistan”, from January 1, 2023, a system of direct interaction between the heads of

executive authorities who are members of the Cabinet of Ministers and the Prime Minister has been introduced, regardless of the structural subdivisions of government bodies [3].

Administrative-legal and administrative-procedural (jurisdictional) relations constitute the most important aspects of the status of executive authorities performing management functions. Among the latest regulatory legal acts that create the legal basis for this activity, one can name the Law of the Republic of Uzbekistan “On State Civil Service” adopted on August 8, 2022 [4].

The President of Uzbekistan points out that the problem of determining the legal status of the civil service has been postponed for 30 years since independence. In particular, it is stated that “the civil service has not yet become a system that meets the expectations of people” [5]. At the same time, it was noted that the above law was developed over two years on the basis of a comprehensive discussion with the involvement of domestic and foreign specialists [5].

The main criterion is human rights, public service as a public legal institution is a normatively established mechanism for professionally ensuring the implementation of government powers to implement legislation in the interests of citizens, protecting their rights and freedoms [6].

Administrative-legal status individualizes the position of any subject of public administration, as it determines not only rights and obligations, but also tasks, functions, organizational structure, management structure, forms of responsibility, competence, etc. The main purpose of executive authorities is to implement management decisions.

Some researchers have come to the conclusion that assessing the effectiveness of executive authorities is a pressing issue of comprehensive scientific research [7]. Executive power is exercised by the government, which is a collegial body headed by the president, prime minister, chairman, and chancellor, depending on the form of government. The real role of the government is determined by its relationship with other branches of government, with the head of state, and with political parties represented in parliament [8].

The institution of subjects of administrative law is fundamental in the theory of administrative law, which is defined as a system of norms regulating the management relations of the activities of government bodies and the subjects are persons with appropriate powers. This also applies to ensuring the rights and interests of administrative jurisdiction [9].

In our opinion, the phrases “administrative jurisdiction of subjects”, “rights of participants in administrative legal relations”, “legal succession of subjects”, “administrative legal personality” and “administrative

legal status” carry the main content of the conceptual apparatus of the administrative and legal status of state executive authorities. All of them are aimed at protecting human rights involved in the process of administrative law, the guarantor of which is the state.

In this regard, it is necessary to correctly evaluate the qualities their activities [10]. Consequently, they are the main bearers of subjective rights and obligations under administrative law, which determine the legal status of subjects. To effectively assess the implementation of their powers, it is necessary to introduce automated management to ensure systematic control by subjects of management of the compulsory enforcement system [11].

The executive body, according to Yu.A. Tikhomirov, has its own status. We are talking about the constitutional elements of the status (if they are defined in constitutions, charters), on the legislative basis of status, on regulation of status in by-laws. [12].

J.N. Nematov justified the need to apply enforcement measures against individuals or legal entities who have violated the law during administrative proceedings on the basis of the principle of proportionality, ensuring that these measures are sufficient to achieve a legitimate goal [13].

Management activities in resolving a particular situation depend on the vested powers that determine the administrative and legal status of the subject,

which characterizes its place in a specific system of administrative legal relations. Consequently, the administrative and legal status of subjects depends on their rights and obligations provided for in the relevant regulatory legal acts regulating the administrative activities of executive authorities.

According to the theory of administrative law, subjects making management decisions are divided into two main types, namely, into organizations with power as legal entities and individuals endowed with a specific administrative-legal status or a combination of them. At the same time, this status has a decisive law enforcement significance for the activities of subjects making management decisions.

Another criterion for dividing subjects of administrative law based on their legal status is their activities, carried out both individually and collectively.

In turn, in this regard, they can be divided into individuals, legal entities, administrative bodies, other government bodies, and civil servants. They are given the right to carry out the administrative-jurisdictional process. According to

S.V. Komleva, the main features that make it possible to distinguish the administrative-jurisdictional process from other types of activities in the sphere of executive power are independence and legal isolation [14].

The division of subjects with appropriate powers is based on the determination of their administrative legal personality, based on their administrative legal status.

State bodies performing administrative functions are based on generally accepted principles of administrative law. These include the unity and stability of the state civil service system, legality, justice, service to the people, etc.

In addition, these include the priority of human rights, freedoms and legitimate interests, openness and transparency, objectivity, professionalism and competence.

The specified principles of modern administrative law, how their strict observance, their efficiency, transparency and fairness of public administration, as well as the rights to protect individual rights in the administrative process, converge and find practical embodiment in the activities of government bodies performing the administrative functions of the executive branch.

This also applies to the interaction mechanism of the Oliy Majlis and the Cabinet of Ministers of the Republic of Uzbekistan through a comprehensive study of the organizational and legal mechanism of relations between parliament and the government [15].

The structure of state power forms state bodies specially created to implement the goals and objectives of the executive branch, endowed for this with the corresponding state powers. The content of their powers includes executive and administrative activities, control and supervisory functions, legal actions and decision-making, rule-making activities, provision of public services, and law enforcement activities. All this can be described as a public service, which



F.U. Yuldasheva defines “one of the important areas of public administration reform, and any scientific research conducted in this regard is important” [16].

As a result of the reforms carried out in New Uzbekistan, the structure of government bodies acquired a completely new content. Thus, by the decrees of the President of the Republic of Uzbekistan dated December 21, 2022 “On measures to implement administrative reforms of New Uzbekistan” [17] and dated January 25, 2023 “On priority organizational measures to effectively establish the activities of republican executive authorities” [18], it is clearly defined list of republican government bodies.






The above-mentioned normative legal acts, in order to continue administrative reforms, identified priority measures aimed at the effective organization of the activities of ministries and departments of public administration:

- 1) the total maximum number of all managerial personnel of the republican executive authorities was approved. This affected both territorial and district (city) subdivisions financed from the state budget and extra-budgetary funds;
- 2) the introduction of additional managerial staff units at the expense of extra-budgetary funds of ministries and departments is prohibited;
- 3) the Unified List of Republican Executive Bodies - ministries, committees, agencies and inspectorates, as well as their full (official) and abbreviated names was approved.


In conclusion, we can conclude that a completely new system for organizing the administrative management of ministries and departments helps to improve the administrative and legal status of executive authorities in our country in the following main areas:

-  determination of the administrative and legal status of subjects in the implementation of an effective algorithm for the functioning of ministries and departments, the implementation of adopted development programs, strategies and concepts;
-  implementation of organizational, legal and financial measures aimed at finding ways to resolve issues related to with administrative and legal status in the areas of creating favorable conditions

for the population, solving systemic problems of citizens;

-  establishing the administrative and legal status of executive authorities in the introduction of public-private partnership and outsourcing mechanisms in relevant areas, in the gradual transfer of some functions of ministries and departments, as well as organizations subordinate to them, to the private sector;
-  improvement of the administrative and legal status of executive authorities in the exercise of control functions by ministries and departments, as well as organizations subordinate to them based on the results of the “risk analysis” system, as well as optimization of their coordinating and control functions;
-  improving the model for the provision of administrative and legal management subjects in the provision of public services to business entities and the population by ministries and departments, as well as organizations subordinate to them;
-  prevention based on the study of the reasons and conditions for the commission of corruption offenses by subjects of administrative and legal management in the most corrupt areas in the context of ministries and departments;
-  implementation by the subjects of administrative and legal management of the introduction of information and communication technologies in

the sphere, including digitalization of the work process of ministries and departments;

-  increasing the professional skills and responsibility of the subjects of administrative and legal management operating in the field, attracting proactive, selfless, loyal personnel, constantly engaged in self-development, to subordinate organizations, as well as increasing their potential on a regular basis, etc.

CONCLUSION

Thus, based on the Constitution of the Republic of Uzbekistan, optimal criteria for administrative-legal relations are currently being introduced, which create the necessary conditions for the development of the mechanism of activity of executive authorities, including, in the activities of entities carrying out administrative management. In addition, optimization of administrative-legal relations allows us to prevent a negative impact on socio-economic processes, eliminate the balance between republican and territorial executive authorities, as well as ensure the rational distribution of human and material resources.

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