

METHODOLOGICAL AND ORGANIZATIONAL - LEGAL FOUNDATIONS OF DIGITIZATION OF PUBLIC CONTROL

Otabek Usmanov

Adviser to the Chairman on the organization of public relations of the Competition
Promotion and Consumer Protection of Committee the Republic of Uzbekistan,
An independent researcher of the TSUL
E-mail: otabekusmanov0006@gmail.com

ABSTRACT

this article gives an interpretation of public control, stages of its historical development, factors of improving public control under the influence of theoretical social factors, stages and other components of the term public control. Specific stages in the development of public control and its main systems, organizational and legal mechanisms, best practices of public control in scientific research and research results, problems and their solutions in the field of public control, scientific conclusions on the introduction of new and modern forms of public control and further improvement their legal bases. And also such questions as “Methods of further strengthening and improvement of public control”, “Mechanisms of public control”, “Methodological concepts of public control and examples of research by scientists in international experience”, “National experience of public control mechanisms”, “General public control”, “Prospects for the development of public control” were analyzed. From the proposals and recommendations put forward in this scientific article, lessons can be learned for understanding the initial concepts of public control, with the aim of its theoretically complete analytical study. Also, it can be used to study the scientific and theoretical aspects of public control, the development of national legislation on public control, ensuring the rule of law by further strengthening the practice of public control.

Keywords: “theory of public control”, “methods of public control”, “historical forms of public control”, “mechanisms of public control”, “methods of public control”, “units of public control”, “comparative public control”, “national experience of public control”, “practice of public control”, “theory of public control”.

JAMOATCHILIK NAZORATINI RAQAMLASHTIRISHNING METODOLOGIK VA TASHKILIY - HUQUQIY ASOSLARI

Usmonov Otabek Odilbek og‘li

O‘zbekiston Respublikasi Raqobatni rivojlantirish
iste‘molchilar huquqlarini himoya qilish
qo‘mitasi raisining Jamoatchilik bilan aloqalarni
tashkil etish masalalari bo‘yicha maslahatchisi.

ANNOTATSIYA

Mazkur maqolada jamoatchilik nazorati, uning tarixiy rivojlanish bosqichlari, nazariy-ijtimoiy omillar ta'sirida jamoatchilik nazoratini takomillashish omillari, jamoatchilik nazorati terminining umlashish bosqichlari va boshqa tarkibiy qismlari talqin etilgan. Jamoatchilik nazoratida o'ziga xos rivojlanish bosqichlari va uning asosiy tizimlari, tashkiliy-huquqiy mexanizmlari, ilmiy o'rganishlarda jamoatchilik nazoratiga oid ilg'or tajribalari va tadqiqot natijalari, jamoatchilik nazoratini amalga oshirish sohasidagi muammolar hamda ularning yechimlari, jamoatchilik nazoratining yangi va zamonaviy shakllarini amalga joriy etish hamda ularning huquqiy asoslarini yanada takomillashtirishga bag'ishlangan ilmiy xulosalar. Shuningdek, "Jamoatchilik nazoratini yanada kuchaytirish hamda takomillashtirish usullari", "Jamoatchilik nazorati mexanizmlari", "Jamoatchilik nazoratiga oid metodik tushunchalar va xalqaro tajribada olimlarning izlanishlari namunalari", "Jamoatchilik nazorati mexanizmlariga oid milliy tajriba", "Umumnazariy jamoatchilik nazorati", "Jamoatchilik nazoratini rivojlantirish istiqbollari" kabi masalalar tahlil etilgan. Ushbu ilmiy maqolada ilgari surilgan taklif va tavsiyalardan jamoatchilik nazoratiga oid dastlabki tushunchalarni anglab yetishda, uning nazariy jihatdan to'laqonli tahliliy o'rganish maqsadida o'rganish mumkin. Shuningdek, jamoatchilik nazoratiga oid milliy qonunchilikni rivojlantirish, jamoatchilik nazoratiga oid amaliyotni yanada kuchaytirish orqali qonun ustuvorligini ta'minlash, jamoatchilik nazoratining ilmiy-nazariy jihatlarini tadqiq etish maqsadida ham foydalanish mumkin.

Kalit so'zlar: "jamoatchilik nazorati nazariyasi", "jamoatchilik nazoratini metodlari", "jamoatchilik nazoratining tarixiy shakllari", "jamoatchilik nazoratini mexanizmlari", "jamoatchilik nazorati usullari", "jamoatchilik nazorati qismlari", "qiyosiy jamoatchilik nazorati", "jamoatchilik nazoratida milliy tajriba", "jamoatchilik nazorati amaliyoti", "jamoatchilik nazorati nazariyasi".

МЕТОДОЛОГИЧЕСКИЕ И ОРГАНИЗАЦИОННО-ПРАВОВЫЕ ОСНОВЫ ЦИФРОВИЗАЦИИ ОБЩЕСТВЕННОГО КОНТРОЛЯ

Отабек Усманов

Советник председателя по вопросам организации связей
с общественностью Комитета по развитию конкуренции
и защите прав потребителей Республики Узбекистан

АННОТАЦИЯ

в данной статье дается толкование общественного контроля, этапов его исторического развития, факторов совершенствования общественного контроля под влиянием теоретико-социальных факторов, этапов и других компонентов термина общественный контроль. Конкретные этапы развития общественного контроля и его основные системы, организационно-правовые механизмы, передовой опыт общественного контроля в научных исследованиях и результаты исследований, проблемы и их решения в сфере осуществления общественного контроля, научные выводы, посвященные внедрению новых и современных форм общественного контроля и дальнейшему совершенствованию их правовых основ. А также были проанализированы такие вопросы как, “Методы дальнейшего усиления и совершенствования общественного контроля”, “Механизмы общественного контроля”, “Методологические концепции общественного контроля и примеры исследований ученых в зарубежном опыте”, “Отечественный опыт механизмов общественного контроля”, “Общий общественный контроль”, “Перспективы развития общественного контроля”. Из выдвинутых в данной научной статье предложений и рекомендаций можно извлечь уроки для понимания исходных концепций общественного контроля, с целью его теоретически полного аналитического изучения. Также, можно использовать в целях исследования научно-теоретических аспектов общественного контроля, развития национального законодательства об общественном контроле, обеспечения верховенства закона путем дальнейшего усиления практики общественного контроля.

Ключевые слова: “теория общественного контроля”, “методы общественного контроля”, “исторические формы общественного контроля”, “механизмы общественного контроля”, “методы общественного контроля”, “части общественного контроля”, “сравнительный общественный контроль”, “национальный опыт общественного контроля”, “практика общественного контроля”, “теория общественного контроля”.

INTRODUCTION

It took a long time for public control to become a separate social concept and stand out from the structure of various concepts. We all know that the emergence of theoretical concepts and their development in practical and social relations depends on various unique factors. Among them, first of all, it is important in the emergence and formation of social understanding is what theoretical interpretations and general dependencies on tools it is based.

Public control and the factors of its implementation are not noticeable, but they are visible in each period in their own way. We can see that the concept of public control first penetrated from the branch of the science of Social Psychology, and later evolved into a separate field of science and entered the legal system. Many scientists have conducted research on the formation of public control as a separate social concept and tried to create its theoretical foundations. As a result of their research, its historical and theoretical formation continued to progress. T.Tard, one of the founders of the concept of public control, made a great contribution to the emergence and development of this concept and its separation as a separate social concept. In his research, T.Tard tries to prove that it is different from social concepts and that it is a separate social factor. In his opinion, the set of methods used to return the behavior of society to the framework of normative rules represents its exact self, the system of public control[1]. This was one of the first steps in interpreting public control as a separate social concept. Here we can see that the emphasis is placed on the implementation of public control over state agencies.

MATERIAL AND METHODS

From the state-organized society and all other similar events (in particular, state, civil and other forms of power management), as well as in changing (under the influence of certain circumstances) from this event itself (for example, during the existence of society before the state), on the other hand, in order to ensure the preservation and development of the entire nation, it is appropriate to say that the public has its value, characteristics, and as the owner of sovereignty and, in particular, the sole source of power, the full power in the state belongs to the public.

In a broad sense, public control of the governing authority is the activity of the subjects of public control carried out in certain forms in order to achieve the goals set by the current legislation and to solve problems[2].

Public control - in its definition, we should, first of all, focus the analysis on the fact that a single word creates a unified whole meaning. In particular, the Public: it is a community of people in a certain group, who can be seen as a community as a representative of the general society. But in this it does not represent the interests of exactly one group, that is, the public should give the meaning of a community in a holistic way. The term “public control” is used legally to define the totality of means and methods that guarantee that the behavior of society through its members, individual subjects of management, social groups is carried out in accordance with the established norms and values [3].

As for the second part, control this is also to say that it is a form of observation established over a certain social process, that is, it is used in the sense that it always holds in control the realization of all stages of the process and monitors its

interpretation and application. In general, public control is used to refer to people's control, their observation of reality and direct control over the implementation of all social processes. If we define the concept of public control, it can be defined by the general nature of state bodies and the methods of its implementation, and separately formed social groups of the society.

Public control is: a special form of public control over state executive and control agencies and almost all its branch forms, their officials, executive systems as a special form of the field of social science, individual initiative of a citizen, as well as aimed at coordinating the social factors of the specified form. F.Bacon, from England, was one of the first to theoretically study the system of social relations and individual control. He proved with evidence that disrespecting the opinions of the public, mistakes in the management process, social infallibility, the spread of rumors and gossip lead to the emergence of conflicts in society. This was also one of the first steps in the form of public control.

As a social institution, control over the activities of state authorities is carried out with the help of social methods and carried out with the help of the public. The legal supremacy of control implies the priority of legal methods, that is, methods and effectiveness of influencing state activities with the help of legal norms, the of which is ensured by state coercion. Legal management methods allow us to simplify management with public participation.

In this case, the same, binding-based relations are determined by the mechanisms of interaction for all parties to the rules (legal rules). Among such methods, we can take the method of law-making, legal regulation, fair legality. The correct creative method of control is designed to timely determine the needs of subjects, and in legal regulation, we can cite a certain segment of control objects of management relations, appropriate prepared systems and their adoption, we can cite normative legal documents as an example. The main legislative acts and norms that determine the legal framework are the basis for the organization and implementation of public control, the use of legal means, including by organization, is desirable to include such as the rights and obligations and procedure of their participants as their implementation.

RESEARCH RESULTS

In this regard, Jean-Jacques Rousseau, who has a great role in the interpretation of social spheres in life, distinguished certain forms of the public from the point of view of social dependence. His teachings are actively used even now. Rousseau in his works according to the forms of implementation of public control had highlighted particular views. He argued that, "Mutual agreement between citizens with forms of connection of forms of justice, its implementation is based on public analysis" [4].

We can see that Adam Smith, who made a unique contribution to the research on society and its socialization, also conducted great research. In his works, he explained that the main goal of the public is not to make a profit, but to exercise control over its own interests and institutions. The main goal of the public in his works is not to make a profit, perhaps he had explained his interests and the implementation of control over the institutions to be implemented. His theory of “natural order”, which he used separately in relation to the public, stands out[5]. The views of this scientist on methodological interpretations of the implementation of public control are significant.

German scientist G. Jacob argues that, “Voluntary associations aimed at the implementation of opportunities for citizens to participate in public affairs embody an active civil society. This society is characterized by the fact that citizens receive social responsibility for themselves, operate voluntarily for the well-being of society. Citizens gain the right to participate in public affairs of society and make political decisions, even with social responsibility in their duties”[6]. In world experience, the creation of public associations in a democratic society and its development is not only one of the laws of society management, but also one of the main principles of this concept.

According to Alexis De Tocqueville, among the countries in the world, the most democratic country is a country where citizens consult each other to achieve goals and use this method of collective action more than others [7].

It also serves as a basis for explaining democracy in the development of states together with the extent to which public control is ensured. One of the studied forms of social relations based on it is the main social interaction, that is, the relationship between the state and the people has also been studied. In particular, the French philosopher scientist L.O.Blanqui, studying capitalist society, studies historical progress as the development of enlightenment and, on this basis, the formation of social relations. The concept of the public was formed and developed on the basis of the theoretical conceptual foundations of social partnership and public control, the theory of social action, mutual social solidarity, social flexible agreement, and social equality.

According to M. Weber’s research, traditional behavior is a well-developed model and basis of behavior in cultural traditions that cannot be analyzed and rationally criticized and controlled. In general, control is a social method, through which the socio-legal maturity of the society and the involvement of citizens are increased, the legal method covering the socially significant goals and the main part of control is management relations.

Another important aspect of public control is its theoretical aspects based on social action. This importance of action is justified by the fact that the daily behavior of people often occurs in this way.

Another American sociologist, Charles Cooley, continues this idea and emphasizes that public control plays an important role in eliminating the evils in society, and that it serves effectively in preventing existing crimes. This event creates a unique atmosphere of competition in the society, and also serves to form social conscience in a unique way.

In some countries led by strong leaders, the factor that ensures the effectiveness of public control is the head of state.

In this regard, the American anthropologist Ruth Benedict writes: “Leaving the final public control to the people themselves cannot guarantee that people can live freely. Societies that feel free, democratic, but have a strong leader or king, have in common the guarantee of certain freedoms common to all citizens”[8]. Other-party public control is the main means of social cooperation. It monitors behavior, interpersonal relationships, and discipline to stabilize the social situation. As long as everyone lives in society, they are obliged to obey the existing rules and values, to follow the norms. As a proof of these opinions, it is precisely public control and its norms that harmonize social relations and serve to create unity in society. The application of norms in society means that they are accepted by its members. Those who do not follow them will be identified and held accountable by public control.

In addition to what we said above, based on another aspect of J.J. Rousseau’s research, control between the state and society can be carried out only on the basis of mutual agreement. In his opinion, it is necessary to find such a form of social unity in society, which is able to limit and protect the person and property of each member, with the help of which everyone who joins the public should only obey himself and remain free as before. This is the main task performed by the social agreement [9]. According to some scientists, public control is a social control carried out by political parties, various public associations, voluntary organizations, mass media, citizens, i.e. subjects of public control over the observance of legality and provision of human rights in the activities of state bodies.

As noted by the political scientist I. Ergashev, the presence of strong public control over state authorities is one of the important conditions for building a civil society. Therefore, the activity of citizens, not being indifferent to social events, and the deep feeling of every civil servant that his activities are under public control are very important in the process of forming civil society [10].

According to Doctor of the Science of Law R. Hakimov, public control is one of the indispensable signs of a strong civil society, and means regular control of the activities of state authorities and management bodies and their officials by civil society institutions and the general public from the point of view of compliance with the law [11].

The above points are also of great importance in giving us an understanding of the theoretical aspects of the concept of public control.

According to H.R. Mukhamedkhodjayeva, who monographically studied the issues of public control over the executive power, public control of public associations, political parties, public movements, creative associations, the society of scientists, women's, veterans and youth organizations, mass media, citizens and their self-government bodies and other associations, legality and it is a control carried out in order to ensure and strengthen the observance of human rights. In this definition, the researcher mentions the subjects of public control by name [12].

Democratization carried out under the leadership of the state "from above", without the participation of people's representatives, does not always represent the interests of society. Such practice leads to negative consequences, including the inertia of citizens, a complete lack of understanding of their rights and interests, the lack of formation of a skill to combat the problems that arise in social life. State -requires a scientific-theoretical approach, public control, which is one of the effective institutions for eliminating such complications arising in social relations [13]. After all, our first president in this regard is I.Karimov noted "Today, the Institute of public and civil control is becoming one of the most important tools for ensuring the effective interaction of society with the state, determining the mood of people, their attitude to the changes taking place in the country" [14].

We believe that it will be more appropriate to use the following definition, which covers the main social characteristics of public control and gives it a reasonable conclusion: public control is - the strengthening of the public control factor, the progress of the state in all respects, the prioritization of the human factor, the creation of a legal, humane system, in general, such a set of universal social factors as the recognition of man as a "wonderful miracle of nature" will be correct. "The most applicable form of public control to current practice is strengthening the legal framework of public control [15]. In general, even before us at the present time are many things that we need to do to establish the legal foundations of public control and to progress, we will cite in the following chapters suggestions for ensuring its mechanisms. Thus, based on the above, we would describe the general theoretical significance and methodological classification of the concept of public control as follows, that is, a type of legal process determined by legal norms is a consistent procedure for the participation of citizens and institutions of civil society in determining the quality of normative legal documents adopted in the field of state administration, effectiveness of their implementation by state bodies and local self-government bodies in order to prevent violations of the rights, freedoms, and legal interests of individuals and legal entities, to minimize their consequences, and to restore rights violated by similar violations and criteria of justice

with the help of public control and it is a generalized system of social relations, such as conducting these activities as a whole.

CONCLUSION

We can see the importance and real power of public control in an active way in the fact that the citizens of the country can freely express their freedom of opinion and its foundations, and it is provided by the state. Regular control over the activities of state bodies under public control based on the principles of justice. Also, we believe that officials should apply the requirements of the law in the direction of public interests, at the same time, they should refrain from directing their work activities to negative factors and should be able to put national interests above their own interests.

Currently, reforms aimed at improving public relations, strengthening the organizational and legal mechanisms for its implementation are being carried out in stages to combat such negative factors as above, in accordance with which the participation of citizens in the management of society and state affairs is realized through the development and improvement of public control over the activities of public bodies.

In our opinion, the main theoretical interpretations of public control have a commonality and we think that it is impossible to interpret them in different ways. In this regard, it is necessary to consistently systematize the existing problems in this area and to approach them extensively and support the processes of finding solutions and developing recommendations based on the conditions of Uzbekistan. In the field of public control, it is possible to study the fundamentals of the development of new specific proposals and, in this case, to study active proposals of citizens and to sort out experiments that are found to be effectively justified, systematize, create a general conclusion and, as its large-scale proof, create a “model of national public control”.

REFERENCES:

1. Купреев С.С. Общественный контроль как средство противодействия коррупции в органах власти и управления // Административное и муниципальное право. 2010. №9. С. 10–12. [Kupreev S.S. Public control as a means of combating corruption in government and administration // Administrative and municipal law. 2010. No. 9. pp. 10–12].
2. Boltayev A.R. Ispolnitelnaya vlast v Respublike Uzbekistan. Monografiya. – Tashkent.: TDYU 2006. -268 b. [Boltaev A.R. Executive power in the Republic of Uzbekistan. Monograph. -Tashkent.: TSUL 2006. p. 268].
3. Бахрах Д.Н. Административное право России. М.: Норма, 2009. 712 с. [Bahrakh D.N. Administrative law of Russia. M.: Norma, 2009. 712 p.]

4. Rumyantseva V.G. Public control over activities of the state means: to the theory of a question // History of state and law. — 2009. — № 11.
5. Mualliflar jamoasi “Jamoatchilik nazoratini amalga oshirishda uning davlat organlari ustidan nazoratini ta’minlash asoslari”. O‘zbekiston Respublikasi Bosh Prokratura Akademiyasi. —Toshkent-2020. —57 bet. [The team of authors “Fundamentals of ensuring its control over state bodies in the implementation of public control”. Academy of the General Prosecutor’s Office of the Republic of Uzbekistan. —Tashkent-2020. 57 pages.]
6. Якоб Г. Добровольный труд в гражданском обществе. http://zluka.isr.Lviv.ua/Files/SCI_66/HTM.- Б.38-39. [Jacob G. Voluntary labor in civil society. http://zluka.isr.Lviv.ua/Files/SCI_66/HTM.- pp.38-39.]
7. Aleksis De Tokvil “Ijtimoiy harakat asoslari” nashriy to‘plami. UKMARY, — 2019.—123b [Alexis De Tocqueville Foundations of Social Action Publishing Collection. UKMARY, —2019—123p].
8. Fedorov V.V. Public control over the activities of the penitentiary system as a form of interaction between civil society and the state. ABSTRACT of the dissertation for the degree of candidate of juridical sciences. – Vladimir, 2006. – p.7.
9. Roman Makarov: Read more at PG: <https://www.pnp.ru/in-world/2014/03/19/kak-u-nikh-obshhestvennyy-kontrol-vzarubezhnykh-stranakh.html>
10. Эргашев И. Кучли фуқаролик жамияти йўлида. Тошкент, “Маънавият”, 2011. 10-б [Ergashev I. Towards a strong civil society. Tashkent, “Spirituality”, 2011. p.10].
11. Hakimov R.R Mamlakatni modernizatsiya qilish va kuchli fuqarolik jamiyatini barpo etishda jamoatchilik nazoratini takomillashtirishning dolzarb masalalari // Fuqarolik jamiyati. – 2011. – №10. [Hakimov R.R. Current issues of improving public control in modernization of the country and building a strong civil society // Civil society. – 2011. – No. 10].
12. Ma’nba keltirilishi. Yuridik fanlar axborotnomasi-Vestnik yuridicheskix nauk-Review of Law Sciences 1 (2017) – Toshkent- 25-32-betlar. [Citation of the source. Bulletin of legal sciences- Bulletin of legal sciences -Review of Law Sciences 1 (2017) - Tashkent- pages 25-32].
13. Muxamedxodjayeva X.R. Ijro hokimiyati faoliyati yuzasidan jamoatchilik nazorati: nazariy-huquqiy muammolar. Yurid. fanlar nomz. dis...avtoref. – Toshkent, 2011. – B.16. [Mukhamedkhodjayeva X.R. Public control over the activities of executive power: theoretical and legal problems. ABSTRACT of the dissertation for the degree of candidate of juridical sciences. - Tashkent, 2011. – p.16].
14. Долгова И.Е. Махалля как субъект общественного контроля // Мамлакатимизда инсон ҳуқуқларини таъминлаш дадавлат органлари фаолияти

устидан самарали жамоатчилик назорати механизмини ишлаб чиқиш ва такомиллаштириш: республика илмий-амалий конференцияси материаллари тўплами. – Тошкент: ЎзРМГХТИ, 2018. – С.347-352. [Dolgova I.E. Mahalla as a subject of public control // Development and improvement of the mechanism of effective public control over the activities of state bodies to ensure human rights in our country: a collection of materials of the republican scientific-practical conference. - Tashkent: MTINGRU, 2018. - P.347-352].

15. Karimov.I. A. Mamlakatimizda demokratik islohotlarni yanada chuqurlashtirish va fuqarolik jamiyatini rivojlantirish Konsepsiyasi. T., “O‘zbekiston”, 2010. [Karimov I. A. Concept of further deepening of democratic reforms and development of civil society in our country. T., “Uzbekistan”, 2010].

16. Yakubov Sh.U. “Elektron jamoatchilik nazorati: mohiyati, ahamiyati, zarurati va istiqbollari ” // Yuridik fanlar axborotnomasi, Ilmiy- huquqiy jurnal.TDYU—2020-yil,—№ 3-son.—32bet. [Yakubov Sh.U. “Electronic public control: its essence, importance, necessity and prospects” // Bulletin of legal sciences, Scientific and legal journal. TDYU-2020, - No. 3 - 32 pages].