



ISSUES OF IMPROVING THE LEGAL BASIS OF THE ACTIVITIES OF NON-GOVERNMENTAL PROFESSIONAL ORGANIZATIONS IN OUR COUNTRY

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Abstract: Uzbekistan is building a state governed by the rule of law and an open civil society. it guarantees the constitutional rights of citizens to form associations and participate in the governance of the state and society. In order to exercise this right, a legal framework has been established that allows for the establishment of various forms of non-governmental non-profit organizations - public funds, public organizations, political parties, trade unions, charities.

This article examines the analysis of improving the regulatory framework for the activities of various forms of non-governmental non-profit organizations operating in our country today, and in this regard, the existing and solutions to the activities of these organizations in different segments of society. some features of the calculated problem aspects are analyzed.

Keywords: Non-Government Organisation, political party, trade union, charity.

Discussion:

Over the past period, more than 200 laws have been adopted to strengthen the legal status, role and importance of non-governmental organizations and civil society institutions, and their number is growing every year.

As an example, in the framework of the implementation of the Decree of President Shavkat Mirziyoyev dated May 4, 2018 "On measures to radically increase the role of civil society institutions in the democratic renewal of the country," further liberalize the activities of NGOs, remove existing barriers, we can cite the adoption of 15 pieces of legislation to provide material and moral support to these organizations.¹

The financial problems of non-governmental non-profit organizations are also significant today. From this point of view, it is important to update and facilitate the mechanisms of financial support for their activities, to identify specific sources of funding. That is why the activities of non-governmental non-profit organizations operating in our rapidly developing country today

Our government is developing a number of normative and legal norms to identify sources of support and funding, and they serve to systematically organize their activities. Given the normative and legal importance of addressing the main problems in financing the activities of non-governmental non-profit organizations, strengthening the legal framework is a topical issue today.

During the years of independence, the socio-political and legal environment of civil society in our country has improved. These positive processes make a person happy. because it is a requirement of our time that each of us not only be a consumer of the blessings of democracy, but also express ourselves as active individuals who create those blessings.

¹ <https://constitution.uz/oz/clause/index#section7>

The active participation of the citizens of our country in the life of the state and society, in turn, is closely linked with the further democratization, liberalization of our society and the formation and gradual development of civil society institutions. In this regard, important measures have been taken in recent years to strengthen the role and importance of civil society institutions, in particular, non-governmental organizations in the implementation of democratic change in all spheres of social life, social activism and their effectiveness in general.

According to the presidential decree, more than 200 normative and legal acts in this area have been adopted in the past period. In this regard, first of all, it is worth noting that the Constitution of the Republic of Uzbekistan plays a leading role in national legislation. Article 34 of our Constitution enshrines the right of citizens to form public associations. That is: "Citizens of the Republic of Uzbekistan have the right to join trade unions, political parties and other public associations, to participate in mass movements."²

Chapter XIII of Chapter Three of our Constitution is called "Public Associations." The articles in this chapter contain constitutional provisions aimed at restoring the traditions of civil society, legalizing the status of public associations, and ensuring their real and sustainable development. Most importantly, our constitution recognizes the legal basis for the establishment and operation of civil society institutions, and sets out the principles of their interaction with the state. In order to implement these constitutional norms in practice, the new edition of the Law "On Public Associations", "On Trade Unions, Guarantees of Their Rights and Activities", "On Political Parties", "Freedom of Conscience and on religious organizations", "On non-governmental non-profit organizations", "On public funds", "On financing of political parties", "Guarantees of non-governmental non-profit organizations". "On Sponsorship", in the new edition "On Citizens' Self-Government Bodies", as well as "On Guardianship and Sponsorship", "Social Partnership" The Law on Parliamentary Oversight was adopted.

On May 4, 2018, the Presidential Decree "On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country" was adopted. The decree strongly criticized the activities of civil society institutions. In particular, the document states: "There are a number of systemic problems and shortcomings that hinder the active participation of non-governmental organizations in the ongoing large-scale reforms, raising the political culture and legal awareness of citizens, meeting their spiritual and other intangible needs."³ noted.

Of course, this decree of the head of our state, first of all, gives a brief and objective assessment of the current state of the industry; second, the existing shortcomings are clearly stated; third, practical measures have been identified to address the identified problems; and fourth, clear mechanisms for implementing these effective measures and achieving the expected effectiveness.

Most importantly, the decree contains important initiatives of the President to support civil society institutions in Uzbekistan today and in the near future. In this sense, this decree is a real historical document.

As for the critical-analytical spirit of the decree, the current reality in the field is in fact the same. just one example: as mentioned, how many laws, decrees and decisions have been passed in this area, that is, a sufficient legal framework has been created.

However, social partnership has not been an effective mechanism for cooperation between government agencies and non-governmental organizations to address a wide range of citizens' social problems, especially youth initiatives and modern ideas.

Frankly, it is no secret that the fact that certain non-governmental non-profit organizations "agree" with the relevant government agency, often leads to various cases of harassment and intimidation.

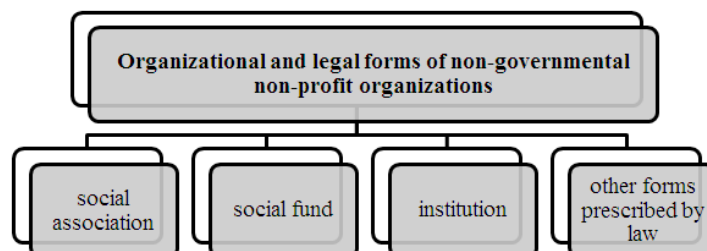
² <https://constitution.uz/oz/clause/index#section7>

³ <https://constitution.uz/oz/clause/index#section7>

From now on, it is enough for those NGOs to inform the state body that registered them about the event.

In short, the decree of the President envisages many new approaches aimed at supporting non-governmental organizations and other civil society institutions. All this will serve to radically increase the role and importance of civil society institutions in the comprehensive and accelerated development of the country, strengthen their cooperation with public authorities, as well as the gradual implementation of priorities identified in the action strategy.

The organizational and legal forms of non-governmental non-profit organizations can be as follows:



Picture 1. Organizational and legal forms of non-governmental non-profit organizations⁴

Chapter II of the Law of the Republic of Uzbekistan “On Non-Governmental Organizations”, adopted on April 14, 1999, describes the legal status, rights and obligations of a non-governmental non-profit organization. Article 6 of this law states that “a non-governmental non-profit organization shall be a legal entity.”

A non-governmental non-profit organization shall be established for an indefinite period of time, unless otherwise provided by its constituent documents.

The rights of non-governmental non-profit organizations are:

- to represent and protect the rights and legitimate interests of its members and participants;
- come up with initiatives on various issues of social life, make proposals to public authorities and administration;
- Dissemination of information about their activities;
- Participate in the development of decisions of public authorities and administration in the manner prescribed by law;
- Establishment of mass media and publishing activities in accordance with the established procedure;
- Establishment of business structures to fulfill the tasks set out in the charter;
- create their own symbols;
- holding meetings, conferences on issues related to its activities;
- Establishment of representative offices and branches in accordance with the legislation.
- The non-governmental non-profit organization has other rights provided by the legislation.⁵

Analyses show that the Ministry of Justice registered 23 non-governmental non-profit organizations in 1991, 452 in 2010, 557 in 2016, and 824 in 2017, compared to 873 in 2018. taga yetgan. The Ministry of Justice also accredited 215 foreign non-governmental organizations in 2015, 249 in 2016, 287 in 2017, and 335 in 2018. As of 2018, 9,860 organizations of all forms and status are registered with the Ministry of Justice.

⁴ Independently prepared by the author on the basis of data.

⁵ Law of the Republic of Uzbekistan "On Non-Governmental Organizations", April 14, 1999, Article 7

Among civil society institutions, the role of non-governmental organizations, the “third sector”, is particularly important. Today, the participation of this sector in public administration has a solid legal basis.

In the framework of the implementation of the Decree of President Shavkat Mirziyoyev dated May 4, 2018 “On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country,” further liberalize the activities of NGOs, remove existing barriers. In order to provide material and moral support, 15 laws of the Ministry of Justice were adopted.

According to him, “Houses of non-governmental organizations” will be established in each region. The tax burden on non-governmental organizations has been reduced, and their representatives have been encouraged by the ministry to be nominated for state awards. From January 1, 2019, an electronic form of registration and communication with non-governmental organizations has been introduced. Reporting forms for religious organizations have been approved, the number of reports has been reduced, the number of documents required for their registration has been significantly reduced, registration has been simplified, and state fees for their registration have been reduced by 5 times.

We believe that the following measures should be taken to develop non-governmental organizations and other social structures:

Further improvement of the legal framework for state support of non-governmental organizations and other public structures, critical review of existing legislation, adoption by the government of state programs for the development of this sector, simplified procedures for the establishment and registration of such structures creation, transition to a mutually beneficial contractual relationship between the government and these structures, etc. are the main levers of legal strengthening of the activities of these sectoral organizations.

Among the complex measures aimed at state support of non-governmental organizations and other public structures, it is important to create new legislation. It is no secret that non-governmental organizations around the world are called "non-governmental organizations", and all legislation includes this concept. The words

“NGOs” in the current legislation in this area should be equated with the internationally recognized concepts. Theoretically, all organizations, including non-governmental non-profit organizations, will exist within the state and will not be subordinate only to the government, as such structures are created on a voluntary, voluntary basis and for specific purposes, and the activities of citizens. reflected in the Charter adopted by them. They operate independently in contractual relations with the government and public administration bodies.

Conclusion:

The elimination of the above confusion in the legislation will lead to the clarification of the status of non-governmental non-profit organizations as civil society institutions, increase their prestige in the state and society, and ensure their independence.

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