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Research Article

# ORGANIZATIONAL AND LEGAL FRAMEWORK FOR PUBLIC CONTROL IN ENSURING SUSTAINABLE DEVELOPMENT

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#### ABSTRACT

One of the main features of a legal democratic state and civil society is public control. It is very important that citizens themselves control the state activities they have created, realize the proportionality of the interests of the power elite to the interests of citizens, exercise direct or indirect control over the actions of government officials to prevent corruption and protectionism, crime in the country, establish a fair attitude to the management of the state and society, create an open and transparent discussion of issues.

# **K**EYWORDS

Role of the state, public control, classical political scientists, structures achieve solutions.

# Introduction

Naturally, social control is an important factor that serves to ensure equality, responsibility and accountability relations the in individual, society and the state, while social

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justice is a factor in ensuring sustainability in society. It determines that human rights and freedoms are not only guaranteed by the state. but are also a priority in the activities of state bodies. Public control is control exercised by citizens.

Today, there are many points of view regarding public control. American sociologist Charles Cowley (Charles Horton Cooley), notes that public control plays an important role in eliminating vices in society, effectively preventing existing offenses. This phenomenon not only creates a kind of competitive environment in society, but also serves in its own way to form social conscience. 1. At the same time, it should be remembered that the role of the state in the implementation of public control is also very important. Despite the fact that the main object of control is the state, its effectiveness is difficult if the state does not allow public control from the point of view of national interests. In some countries, headed by powerful national leaders, it is the head of state that is the factor ensuring the effectiveness of public control. In this regard, the American anthropologist Ruth Benedict writes: "In itself, the establishment of final social control over people cannot be a guarantee that people will live a free life. Societies that feel free, democratic but have a strong leader or king have a common trait, such as the guarantee of certain freedoms common to all citizens."2.

In other definitions, social control is the main tool of social interaction. He controls behavior, interpersonal relationships and discipline in order to stabilize the social situation.

Each person, living in society, is forced to obey the existing rules and values, to follow the norms. It is public control that is necessary for these norms to act, causing socialization, harmonizing social relations and serving to create unity in society. Compliance with the norms in society means acceptance by all members of society. Public control identifies and prosecutes those who do not comply with them.3.

Public control is of particular importance in ensuring the rule of law and the observance of the principle of social justice in the activities of public authorities. Public control is a type of social control exercised by the media, associations, political parties, mass movements, creative unions, societies of scientists, women's, veteran and youth organizations, citizens, as well as their self-government bodies and other associations. Of the classical political scientists, J. Rousseau notes that control between the state and society can only be exercised by mutual agreement. In his opinion, "in society it is necessary to find such a form of social unit that would be able to limit and protect the person and property of each of its members, with the help of which everyone who joins the masses should obey only himself and remain as free as and

<sup>&</sup>lt;sup>1</sup> Dictionary.Reference.Com

<sup>&</sup>lt;sup>2</sup> Benedict, R. /An Anthropologist at Work. Part 4, (1959). From a paper "Primitive Freedom, written in 1942.

<sup>&</sup>lt;sup>3</sup> Umar Faroog. What is Social Control Meaning Definition and Characteristics. Studylecturenotes. Com. Saturday, 10 March 2012

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before. This is the main function of the social contract."4.

President of the Republic of Uzbekistan Sh.M. Mirziyoyev considers public control as the main mechanism for reforming the development of civil society. The head of state believes that "Public control is not only control over the activities of state bodies, but also a way of selfregulation of society, in other words, one of the most important factors in the development of civil society. Therefore, the Advisory Council for the Development of Civil Society, the Center for the Development of Civil Society, the National non-governmental non-profit Association organizations in the future should take the lead in creating an effective system for exercising public control in every area and industry. Public control should be introduced, first of all, in the field of law enforcement and supervisory authorities, finance, banking, education, healthcare, utilities, energy and transport. Also, such issues as the quality of products and services in the markets and in shopping malls should be under constant public control."5

Indeed, from the experience of democratic states, we know that the goal of public control is to enhance the efficiency of the activities of state bodies and local governments, to promote compliance by officials with the law in determining and implementing state policy in the effective implementation of their activities.

Public control as a sequence of actions carried out by citizens and their autonomous associations in order to identify and prevent negative phenomena and offenses in the interests of public administration and civil society, includes a number of stages.

The first stage is the systematic monitoring of decisions and actions of state and municipal authorities and their officials.

The second stage is a public examination of specific decisions and actions of state and municipal authorities.

The third stage is the public presentation of the results of a public investigation by the authorities and society, with the media playing the main role at this stage.6.

At the same time, public control contributes to the detection of gross, systematic, massive violations of human rights. But at this time, control is ineffective for collecting evidence. In such cases, the investigation will require additional verification special technologies by and methods.7.

<sup>4</sup> Руссо Ж.Ж. Об общественном договоре. Трактаты / Пер. с фр. - М.: "КАНОН-пресс", "Кучково поле", 1998. – С. 416.

<sup>5</sup> Мирзиёев Ш "Конституция ва қонун устуворлиги – ҳуқуқий демократик давлат ва фуқаролик жамиятининг энг мухим мезонидир"// Ўзбекистон Республикаси Конституцияси қабул қилинганлигининг 27 йиллигига бағишланган маърузаси. 07.12.2019, Тошкент шаҳри.

<sup>//</sup>Uza.uz/oz/politics /konstitutsiya-va-onun-ustuvorligi-u-u-iydemokratik-davlat-v-07-12-2019.

<sup>&</sup>lt;sup>6</sup> Чоршанбиев Ж. Фуқаролик жамияти шаклланишида жамоатчилик назоратининг ахамияти //Демократлаштириш ва инсон ҳуқуқлари. –Т., 2008. №2. – Б.14.

<sup>&</sup>lt;sup>7</sup> Ахмедшаева М.А., Нажимов М.К., Сайдуллаев Ш.А.,

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Summarizing various approaches to the forms of public control over the activities of public authorities and analyzing the current practice in this area, we can distinguish:

- Implementation of constant systematic control over the activities of authorities. This form will be typical mainly for states that are in a transitional period of a changing sociopolitical system;
- Carrying out targeted monitoring of the activities of authorities. For example, control of environmental public organizations over the policy of state authorities in the field of ecology;
- Public participation in making socially significant decisions;
- Creation of control commissions under the authorities;
- Establishment of public councils;

At present, the need for public control in ensuring sustainable development is also reflected in the content of the norms of the Constitution of the Republic of Uzbekistan: "The state, expressing the will of the people, serves its interests. State bodies and officials are responsible to society and citizens" (Article 2).

the Constitution of Uzbekistan, the mechanisms for exercising public control are enshrined in national legislation. In particular, articles 2,12,35,60 of the Constitution reflect the provisions of the media in the activities of civil

society institutions. In addition, "On selfgovernment bodies of citizens" (Art. 10-12)," On trade unions, their rights and guarantees of activity" (Art. 11-16), "On regulatory legal acts" (Art. 16), " On education "(Art. 28), "On fire safety" (Art. 9), "On non-governmental non-profit organizations" (Art. 7), "On labor protection" (Art. 4,6,23-24), "On the Chamber of Commerce and Industry of the Republic of Uzbekistan (Article 13), "On Physical Culture and Sports" (Article 3), "On Auditing" (Article 27), as well as Labor (Article 233), Air (Article 5), Land (article 84), Housing Codes (article 6) and other legal acts that establish legal norms relating to public control.

Enforcement of these constitutional norms can bear fruit, being under the constant control of the people. Cooperation, social partnership of the state, its bodies and institutions of civil society is one of the effective guarantees for the development of the country. Naturally, this cooperation (partnership) takes place within the framework of laws, as well as on the basis of morality, culture, traditions and customs. In this process, it should be emphasized that when entering into a dialogue with state bodies and civil society institutions on social, economic, cultural, political and legal issues of various content, it is understood that they act as equal subjects of law. At the same time, social partners not only act harmoniously, combining their capabilities, but also mutually control each other.

Мухамедходжаева Х.Р. Жамоатчилик назорати фуқаролик жамиятини шакллантиришнинг мухим омили. Монография. – Тошкент: ТДЮУ, 2014. – 154 бет.

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Scientists A. Khramtsov, B. Bezmenova and N.A. Lar believe that the main tasks of public control are:

- Monitoring compliance with current legislation;
- Monitoring the expediency of management decisions;
- Control over observance of the rights, freedoms and interests of citizens:
- Observance of official discipline, control over the quality of powers by the authorities, etc.8.

An important feature of civil society is its ability to effectively control the activities of state bodies. Public control over the activities of state bodies in civil society is carried out by its institutions. The subjects of public control are political parties, various public associations, the media and citizens. The parliament, formed on the basis of a multi-party system, absorbed the interests of various political parties, sections of our society, and, as the First President of the Republic of Uzbekistan Islam Karimov noted, "the parliament of the Republic of Uzbekistan is a parliament created on the basis of a multi-party system" ... as the authority grows, strengthening the positions of the deputy corps, political parties and nonstate, non-governmental public organizations in society, they will become the main means of public control over the activities of state and power structures"9.

Separately, it is worth noting that public control is one of the essential features of a strong civil society and is a systematic control by the institutions of civil society, the general public over the activities of state authorities and administration, officials in terms of compliance with the law. Such control is usually expressed in the analysis of the activities of public authorities and administration, their officials, the study, formation, assessment and proper presentation of public opinion on this issue.

Today, effective mechanisms for exercising public control over the activities of the executive branch have been formed in our country. In particular, the specifics and mechanisms for exercising public control are reflected in the "Public Control Law" (2018), which brought work in this direction to a new level.

Public control is carried out in the following forms:

- Appeals and requests to the relevant state bodies;
- Participation in open meetings of the jury of state bodies;
- Public discussion, public hearing, public monitoring, public expertise, public opinion research:
- Hearing reports of officials of state bodies by self-government bodies of citizens.

<sup>8</sup> Исакова Юлия Игоревна Концептуализация понятия «гражданский контроль» в социологическом знании // https://cyberleninka.ru/ article/n/kontseptualizatsiyaponyatiya-grazhdanskiy-kontrol-v-sotsiologicheskom-znanii

<sup>&</sup>lt;sup>9</sup> Ольга Кочева, Игорь Аверкиев. Гражданский контроль: технологии// https://sites.google.com/ site/infodiaghilev/grazdanskij-kontrol-ponatia-i-tehnologii

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In this regard, public control is carried out in the form of a civil inquiry. Civil investigation is the collection, systematization and analysis of relevant evidence on cases of serious and prolonged violations of the rights and legitimate interests of citizens. This form of public control is largely a technique used in the practice of developed democratic states that have many years of experience in this matter, which requires compliance with a number of rules. These rules differ in some respects from the conduct of formal controls. For example, in a public inquiry, it is often required that the organization or institution that is the subject of oversight obtain information from sources informally, without formally contacting the relevant officials. In such cases, it would be appropriate to obtain information from older staff who do not hold any positions of responsibility. In addition, obtaining written information from socially active individuals can also give the expected results.

Public control is the main task of public organizations, which consists in attracting the widest possible range of citizens to it, through which the eradication of such vices as bureaucracy, corruption, control over state budget expenditures, protection of the legitimate rights and interests of citizens in all areas is achieved in the activities of the state, public life, assistance to law enforcement agencies in the prevention of offenses, etc. N. Public control carried out by public organizations can cover all areas of public administration. These tasks stem from the fact that public organizations must

protect the interests of their members and realize their desires.

Naturally, the presence of public control is an important condition for the development of a democratic legal state and civil society. It is through Public Control that citizens and public structures achieve solutions to problems in the life of society. Thus, the institution of public control, to one degree or another, can be assessed as the most important way to eliminate shortcomings in the life of society, to find solutions to existing problems, to develop the state and society, and to build a civil society.

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