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ORGANIZATIONAL AND LEGAL ASPECTS OF TRANSITION TO DIGITAL TECHNOLOGIES AND FORMS OF ELECTRONIC PUBLIC CONTROL UZBEKISTAN

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Abstract. This article is devoted to the introduction of modern digital forms of public control, digitalization, features of public control in national practice, further improvement of electronic public control and their legal basis. Issues such as methods of further improvement and improvement of public control, public control units, international experience on public control, national experience on public control units, electronic public control units, prospects for development of public control units were analyzed in the article. The proposals and recommendations put forward and they can be used to study aspects of both the development of national legislation of public control, its digitalization and specific factors of electronics, as well as scientific and theoretical aspects of public control.

Keywords: digitalization of public control, electronic forms of public control, methods of public control, units of public control, electronic public control, national experience in the field of digitization, practice of public control, theory of public control.

RAQAMLI O'ZBEKISTON VA ELEKTRON JAMOATCHILIK NAZORATI SHAKLLARIGA BOSQICHMA-BOSQICH O'TISHNING TASHKILY-HUQUQIY ASOSLARI

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O'zbekiston Respublikasi Monopoliyaga qarshi kurashish
qo'mitasi markaziy apparati boshqarma boshlig'i,
Toshkent davlat yuridik universiteti mustaqil izlanuvchisi

Annotatsiya. Mazkur maqola jamoatchilik nazoratining zamonaviy raqamlashtirilgan shakllarini joriy etish, elektronlashtirish, milliy tajribada jamoatchilik nazoratining o'ziga xos jihatlari, elektron jamoatchilik nazorati va ularning huquqiy asoslarini yanada takomillashtirishga bag'ishlangan. Maqolada jamoatchilik nazoratini yanada kuchaytirish hamda takomillashtirish usullari, jamoatchilik nazorati mexanizmlari, jamoatchilik nazoratiga oid xalqaro tajriba, jamoatchilik nazorati mexanizmlariga oid milliy tajriba, elektron jamoatchilik nazorati, jamoatchilik nazoratini rivojlantirish istiqbollari kabi masalalar tahlil etilgan. Unda ilgari surilgan taklif va tavsiyalardan jamoatchilik nazorati bo'yicha uning raqamlashtirilishi, elektronlashtirish omillarini milliy qonunchilikda ishlab chiqish jihatlari va jamoatchilik nazoratining ilmiy-nazariy masalalarini o'rganishda foydalanish mumkin.

Kalit so'zlar: jamoatchilik nazoratini raqamlashtirish, jamoatchilik nazoratining elektron shakllari, jamoatchilik nazorati usullari, jamoatchilik nazorati bo'linmalari, elektron jamoatchilik nazorati, raqamlashtirishdagi milliy tajriba, jamoatchilik nazorati amaliyoti, jamoatchilik nazorati nazariyasi.

ОРГАНИЗАЦИОННО-ПРАВОВЫЕ ОСНОВЫ ПОЭТАПНОГО ПЕРЕХОДА НА ЦИФРОВЫЕ ТЕХНОЛОГИИ И ФОРМЫ ЭЛЕКТРОННОГО ОБЩЕСТВЕННОГО КОНТРОЛЯ В РЕСПУБЛИКЕ УЗБЕКИСТАН

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Аннотация. Данная статья посвящена внедрению современных цифровых форм общественного контроля, цифровизации, особенностям общественного контроля в национальной практике, дальнейшему совершенствованию электронного общественного контроля и их правовой основы. В статье проанализированы такие вопросы, как методы дальнейшего усиления и совершенствования общественного контроля, механизмы общественного контроля, международный опыт общественного контроля, национальный опыт механизмов общественного контроля, электронный общественный контроль, перспективы развития общественного контроля. Выдвинутые в ней предложения и рекомендации могут быть использованы для изучения аспектов развития национального законодательства, связанного с общественным контролем, его цифровизации и специфических факторов электронизации и научно-теоретические аспекты общественного контроля.

Ключевые слова: цифровизация общественного контроля, электронные формы общественного контроля, методы общественного контроля, подразделения общественного контроля, электронный общественный контроль, национальный опыт в области цифровизации, "практика общественного контроля, теория общественного контроля.

Introduction

Public control – in its definition, we must firstly pay attention to the fact that a single word creates a single integral meaning. Including, *community*: this is a community of people in a particular group, which can be considered as a community representing society as a whole. However, at the same time, it does not represent the interests of a particular group, that is, the community should be a whole team. The term "public control" is legitimately used to denote a set of means and methods by which the society, through its members, guarantees that the actions of individual management entities and social groups are carried out in accordance with established norms and values [1, p. 712].

Public control and the factors of its implementation, although they remain unnoticed, manifest themselves in different ways in each era. We can see that the concept of public control initially entered the structure of the legal system from the branch of social psychology, and later developed and turned into a separate branch of science. In the formation of public control as a separate social concept, many scientists conducted research and tried

to create its theoretical foundations. Because of their research, this historical and theoretical development progressed.

One of the founders of the concept of public control, *T.V.Tard* made a great contribution to the formation and development of this concept, singling it out as a separate social concept. In his research, Tard tries to prove its difference 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 regulatory rules is precisely the society itself, that is, the system of public control [2, p. 10-12]. 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 exercise of public control over state bodies.

On the one hand, all other similar phenomena inherent in a state-organized society (in particular, state, civil and other forms of government management), as well as this phenomenon itself in changing (under the influence of certain circumstances) circumstances (for example, in the pre-state period of the society's existence), on the other hand, depends on its significance for ensuring the preservation and development of

the people, their properties and the fact that, as a carrier of sovereignty and, in particular, it will be appropriate if we say “ yes!”

Public control of administrative bodies in a broad sense is the activity of subjects of public control in relation to their objects, carried out in certain forms to achieve the goals and solve the tasks established by the current legislation [3].

As for the second part, control: we can say that it is an established form of observation of a particular social process, it is applied in the sense that it constantly monitors the implementation of all stages of the process and controls its interpretation and application. In general, public control is also understood as People’s control, which is carried out under direct control over the observation of the reality and implementation of all social processes. Defining the concept of public control, it is possible to distinguish public authorities by their general nature and methods of its implementation, separately formed social groups of society.

Public control is: as a separate form of social science, state executive and control authorities and practically all its branch forms, their officials, as a special form of public control over the executive system, as a special initiative of the citizen, and social factors in the established form will be directed to coordination.

One of the first people to introduce a system of social relations and separate control was the Englishman *F.A. Bacon* studied theoretically. He proved by proving facts that disregard for public opinion, mistakes in the management process, social maladaptation, the spread of rumors and gossip lead to conflicts in society. It was also one of the first steps in the form of public control.

Control over the activities of public authorities as a social institution is carried out using a wide range of social methods and social norms. The legal dominance of control presupposes the dominance of legal methods, that is, methods of influencing the activities of the state through legal norms, the effectiveness of which is ensured by state coercion. Legal management practices make it easier to manage with public participation.

At the same time, homogeneous rules of relations (legal norms) that are binding on all parties are determined by the mechanisms of

interaction. These methods include lawmaking, legal regulation, and the method of fair legality. The correct creative method of control is designed to identify the needs of subjects in a timely manner, and in legal regulation, one can cite as an example a certain segment of management relations, relevant prepared systems and regulatory acts of their adoption. The main legislative acts and norms that establish the legal basis for the organization and implementation of public control, the rights and obligations of their participants, and the procedure for using legal means, including through organization, should include the following.

In this regard, *Jean-Jacques Rousseau*, who has a great place in the interpretation of social spheres of life, distinguished certain forms of social life from the point of view of social connection. His teachings are still actively used today. Rousseau distinguished in his works separate views on the forms of public control. “Interaction between citizens with forms of linking forms of justice and its implementation is based on public analysis” [4] – he stressed that.

We see that *Adam Smith*, who has made significant contributions to community research and socialization, has also done extensive 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 the institutions in which it is carried out. His theory of “natural order”, which he applied to the public, stands out separately [5, p. 57]. The views of this scientist on methodological interpretations of the practical application of public control are considered as significant.

German scientist G. Jacob: “voluntary associations of citizens aimed on realizing opportunities for participation in public affairs embody an active civil society. This society is characterized by the fact that citizens take on social responsibility, carry out voluntary activities for the benefit of society. Citizens get the right to participate in the affairs of society and make political decisions, even if they are socially responsible for their duties” “ he said [6, pp. 38-39].

In world practice, the emergence of public associations in a democratic society and its development is considered not only as one of

the laws governing society, but also as one of the fundamental principles of this concept. According to the rationale of Alexis de Tocqueville, the most democratic country in the world is one where citizens work closely together to achieve a goal and use this method of collective action more than others [7, p. 123]. It also provides a framework for explaining democracy in conjunction with how well public control is enforced in the development of States. Another of the forms of social relations studied in his time is basic social interaction, that is, relations between the state and the people. In particular, the French scientist-philosopher L.O. Blanc and following up capitalist society considers historical progress as the development of the enlightenment and the formation of social relations on this basis. Theoretical conceptual foundations of social partnership and social control on the basis of the theory of social action, ideas about mutual social solidarity, socially flexible agreement, and social equality, a public understanding was formed and developed.

According to research by *M. Weber*, the traditional movement is a model and basis of behavior that is firmly rooted in cultural traditions that cannot be analyzed and rationally criticized and controlled. In general, control is a social method through which the Social and legal maturity of society and the inviolability of citizens are carried out, a legal method that covers socially significant control goals and the main part of managerial relations.

Research results

Currently, the Republic of Uzbekistan is gradually implementing legal reforms aimed at establishing the theoretical basis for public control, strengthening the organizational and legal mechanisms of active influence. The organizational and legal formation of public control in our country has gone through many periods of development.

First of all, our Constitution enshrines the responsibility of the state to society and its maintenance. In particular, according to Article 2 of the Constitution of the Republic of Uzbekistan: authorities and officials are accountable to society and citizens [8]. This concept also defines the responsibility of the state to the public. As a first step towards public control, *"The Concept*

of Further Deepening Democratic Reforms and Development of Civil Society in the Country" was published on November 12, 2010, emphasized the need to adopt a law on public oversight. We define this factor by the fact that public control is first formally expressed by the state.

In 2013, the Law of the Republic of Uzbekistan No. 17 "On Citizens' Self-Government Bodies" was adopted.

According to this law, public control is defined by the fact that citizens have the right to study the state of implementation of laws and regulations, to apply to public authorities for appropriate action. Numerous regulations have been developed to legally ensure that public oversight is active. Examples include:

In accordance with the Law of the Republic of Uzbekistan adopted on April 16, 2014, Article 32 of the Constitution was supplemented with a new norm on the exercise of public control. The fact that this system was defined by the government in the Constitution was the greatest political will in the history of the country. Amendments and additions to our Constitution have been one of the most important reforms in the field of public oversight. According to this change, the constitutional basis for public control over the implementation of legislation by public authorities and administration has been formed, and this is defined in the basic concept.

The fact that our Constitution reflects these norms proves that the institute of public control has been given a constitutional and legal status, and for its time was a big step in the legal history of our country.

In order to determine the factors of public control, it was set as a priority to create a legal norm that defines the specific bases and forms of public control, and on this basis the legislative system for the implementation of the constitutional rights of the population to public control was established. On this basis, in the history of the country there are many other normative and legal acts that provide for the formation of the institution of public control and its legal framework, as well as its systematic functioning.

The Law of the Republic of Uzbekistan No. 419 "On Combating Corruption", adopted on January 3, 2017, also provides views on specific forms

of public control over the implementation of legislation. Currently, one of the forms of practical support of this system is the public appeals portal “*My opinion*”, which, unfortunately, is not used by the population efficiently and significantly

On February 14, 2017, the President of the Republic of Uzbekistan adopted the Decree No. PF-4947 “On the Action Strategy for the further development of the Republic of Uzbekistan.” The decree also developed a number of forms of public control.

The Resolution of the President of the Republic of Uzbekistan No. 2851 of March 27, 2017 “On additional measures to improve the activities of the Independent Institute for Monitoring the Formation of Civil Society” also defines the concept of public monitoring in the form of public control and its aspects were identified [6].

As one of the big steps in this normative-legal document, it can be seen that the state is transferring certain functions to the public. Secondly, the society itself is making great strides in the development of public organizations and, through their potential, is striving to develop the country, to have a large system and social role in its governance. Based on the above, the social foundations of the state should have been created in the basic form. In order to ensure the main subjects of public control and their social significance, it was important to create a regulatory framework for it.

On April 12, 2018, the Law of the Republic of Uzbekistan No. 474 “On Public Oversight” was adopted. The law consists of 21 articles, and the legal status and importance of public control in our country, although not fully defined, has been met with applause by the general public and international experts. This factor has been one of the great steps in the history of our country in the legal provision of this sphere, in the realization of public control. By looking at the history of the adoption of this law, it is evident that among the issues on the agenda on the basis of the State Program for the implementation of the Action Strategy in the Year of Active Entrepreneurship, Support of Innovative Ideas and Technologies, the law relating to “Public control” was developed by the deputies of the Legislative Chamber of the Oliy Majlis in a model form, and its optimized

model was approved at this stage after extensive discussions.

It was also introduced directly to the President by the Senate of the Oliy Majlis, and it was given official status after it was signed by the President, and it can be seen that finally the legal document of normative act on public control as a whole has been developed.

As one of the next steps in the active establishment of public control, the following normative documents can be cited.

The Resolution of the President of the Republic of Uzbekistan No. 3837 of July 4, 2018 “On measures to establish public councils under government agencies.” can be shown. Following the implementation of this decision, public councils have been established under many bodies. Prior to the decision, many organizations had public councils. In particular, the Public Council established under the Ministry of Information Technologies and Communications in December 2016, the Public Council for Monitoring and Evaluation of Transparency of Government and Activities under the Cabinet of Ministers in July 2017, Public Council for the New History of Uzbekistan under the Academy of Sciences in 2017.

There are many examples of this, but we do not think it is necessary to dwell on this form of public control because it does not have clear performance and performance indicators.

The above situation can be seen in the example of various factors. As an example, we can see that the Public Council is established under the same state organization and is accountable to it, and its funding depends on the state bodies, which controls it. This shows its practical importance as a form of managed public oversight and its inability to do practical work in the real interest of the public.

We can see the concept of the President of the Republic of Uzbekistan PF-5618 “On radical improvement of the system of raising legal awareness and legal culture in society,” adopted on January 9, 2019. The main goals of the concept are to ensure a mechanism of public control: a comprehensive legal ideology to be formed in the younger generation, legal consciousness and its wide range of influence, and other goals. It also includes all aspects of public oversight and the

social relations that are currently important to them.

Article 13 of the Law on Public Oversight provides for the “study of public opinion” and sets out the rules for its organization in all its social aspects.

One of the systems for implementing this part of the law was the Public Opinion Research Center in Uzbekistan. It is constantly studying public opinion on social processes. In addition, the portal *regulation.gov.uz* was created at the initiative of the Government and at the suggestion of the public to study public opinion, suggestions and complaints about the legislation, and its legal basis was established. At present, this portal also plays an important role in defining the role of the public in our national legislative system.

Currently, the practice of many democratic, legally developed countries has laid the foundations for public scrutiny, but there has been no practice of adopting such a unified law. Thus, the adoption of this law in the Republic of Uzbekistan was welcomed by the general public. The new law also defines the subjects and forms of public control, its organizational and legal basis, which are systematically defined, and its initial mechanisms. Social justice and its specific principles of operation, the mechanisms of public control are defined by political will and it was a stepping stone in the development of our country.

On April 16, 2020, the Decree of the President of the Republic of Uzbekistan No. PF-5980 “On the establishment of the Public Chamber under the President of the Republic of Uzbekistan” was adopted [9]. The adoption of this decree has a special legal significance in ensuring its clear mechanisms of public control.

However, it should be noted that for some reason the implementation of this presidential decree has not been fully ensured so far. We believe that if this unique structure is created, the Republic will have a separate mechanism with the authority to exercise public control.

If we look at the mechanism of this public control in the experience of Uzbekistan, we can now say with regret that the specific mechanisms of public control are not sufficiently provided in our state social practice. The main reasons for this are its legal provision, the underlying systems and mechanisms that determine the

basis of the executive, the insufficient basis for which is not fully established, and there are some issues that need to be addressed.

According to the Resolution of the Cabinet of Ministers No. 444 of July 16, 2020: The procedure for electronic reporting of public organizations to the public has been established.

Since September 1, 2020, public administration bodies, their territorial divisions, as well as the Council of Ministers of Karakalpakstan, authorities of regions and Tashkent city, authorities of districts (cities) have been providing electronic reports to the public about their activities semi-annually and annually.

Civil society institutions aimed at studying specific social relations should establish forms of public control over the real concerns of citizens and various social groups in a particular area by addressing or inquiring about its real significance.

Article 16 of the Law on Public Oversight defines the rights and obligations of public authorities in the field of public oversight, including the right to initiate public oversight. But in practice, we cannot say that the practical influence of government agencies serves to develop public control. In this regard, the state and society must be able to work together in a way that serves to define forms of public control.

Today, we can see a specific form of public control through social networks (the global network of the Internet), and the fact that their citizens are publicly assessing the practical policies of the state. Some of the shortcomings and problems that need to be addressed on the basis of the above forms need to be legally, socially reviewed and re-evaluated. Issues that need to be addressed during the activities of public authorities, including one of the most important aspects, should be the legal provision of forms of public control. At the same time, public authorities must pay constant attention to public control in the conduct of their activities and ensure that they are treated fairly and effectively.

We believe that active forms of public control can be achieved by strengthening the rule of law. The form of public control, according to its sphere of influence, allows the system of social management to organize the activities of state

bodies on a legal basis, to use it effectively, systematically within its powers and to actively use its influence, and to such as the complete implementation of the basics.

The focus on citizen participation in strengthening public oversight is based on the fact that citizens in this area, perhaps in the entire legal field, have a higher level of legal awareness and are able to express their fair and reasonable attitudes towards social relations.

In general, the above-mentioned normative legal acts are also one of the most important systems in the formation and maintenance of public control mechanisms. In particular, the loading of legal consciousness and legal culture is one of the most important factors in the formation of active public control over the population.

In addition to the above, it is appropriate to cite the following as the main objectives of public scrutiny:

- a comprehensive legal ideology that should be formed in our people, in the younger generation;
- the formation of legal consciousness and its wide-ranging influence, and other goals.

The concept of “Radical improvement of the system of raising legal awareness and legal culture in society” was aimed at raising the legal awareness of the population through social networks, as well as the constant attention of citizens to the legislative process.

In particular, regulation.gov.uz, advice.uz, public control portals “My opinion” were officially developed by the Ministry of Justice at the initiative of the President. It is gratifying that on these social networking sites, the general public is able to freely express their views on all legal norms and their forms through the Internet. This is evidenced by the growing active participation of the population in these social networks.

The fact that the system of state reforms is in harmony with the main goals and aspirations of the citizens of our country, is consistent with each other in terms of justice and is focused on a single goal, is the main basis for ensuring reforms in this area.

We believe that the normative framework of public control created in Uzbekistan on the basis of these factors will have a real, vital force and will bring this sector to a more effective stage

of development in Uzbekistan. Public oversight needs to be digitized to address these issues.

Convenience should be created for ordinary citizens. The activities of the state body and its officials must be strictly controlled, which ensures the rule of law [10].

In conclusion, we can say that public control, which is a new and unique form of legal control in the Republic of Uzbekistan, how deeply its practical experience penetrates into the forms of public administration and ensuring the real functioning of specific mechanisms are democratic factors in our country and how specific forms of governance are evolving and adapting to the principles of justice and humanity.

Conclusions

The emergence of public control as a concept and its transformation into a single social relationship based on different concepts has been different in different countries. We all know that the emergence of theoretical concepts and their transformation into practical social relations depends on various factors. Among these, first of all we can see that the emergence and formation of a social concept is determined by what interpretations it is based on and in what form it develops. We have seen above that before the word public control became a social factor, the words public and control became a unified concept. At this point, we believe that the extent to which this form of control is exercised by humans and becomes a well-founded practical process depends primarily on its basis and theoretical basis. The theoretical foundations of public oversight have evolved through a period of great historical formation. These factors, as well as theoretical aspects, prove the importance of public scrutiny.

As the President of the Republic Sh.M. Mirziyoev rightly criticized in his Address to the Oliy Majlis, “... to date, there are no clear legal mechanisms for effective public control over the activities of government agencies “ [11]. As a proof of the above opinion, we can say that public control is slowly being introduced in our country, not in a fully functioning mechanism, that is, on the basis of propaganda.

We believe that the ground on which we live, as social relations develop and new social relations between people emerge, new specific

forms of public control, its mechanisms of operation, appear. Public scrutiny has historically been a form of development.

This concept was also originally the control forms of specific control systems of separate control regimes, but later this control passed to a specific democratic unit, mainly in the hands of the public, and it became a form of unrelated control to the state in the hands of the public. The transformation of the form of control from a state regime to a form of public control is an important factor in the transformation of democracy into a unique form of human history.

The growth and development of public control, of course, depended on the political will of the state in its specific periods. In the stages of its development and formation in the history of mankind, the development of democratic principles, their influence on the formation and development of the people's goodwill, as well as public control have been formed.

It is precisely in the field of public control that its elements can be determined, in theory, by the development of social aspects in its development. The development of public control is based on direct interrelated social relations.

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