

THE LEGAL STATUS OF INSTITUTES OF CIVIL SOCIETY

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Annotation: In this article analyzed legal-theoretical status of the institutes of civil society including the non-governmental organizations and self-governance bodies.

Key words: institute of civil society, legal status, rights and obligations, liability, guarantees.

ПРАВОВОЙ СТАТУС ИНСТИТУТОВ ГРАЖДАНСКОГО ОБЩЕСТВА

Аннотация: В данной статье анализируется теоритически-правовой статус институтов гражданского общества, в которые также входят негосударственные некоммерческие организации и органы самоуправления граждан.

Ключевые слова: институт гражданского общества, правовой статус, право и обязанности, ответственность, гарантии.

ФУҚАРОЛИК ЖАМИЯТИ ИНСТИТУТЛАРИНИНГ ҲУҚУҚИЙ МАҚОМИ

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Аннотация: Ушбу мақолада фуқаролик жамияти институтлари, жумладан нодавлат нотижорат ташкилотлари ва фуқароларнинг ўзини ўзи бошқариш органларининг ҳуқуқий мақоми назарий-ҳуқуқий таҳлил қилинган.

Калит сўзлар: фуқаролик жамияти институти, ҳуқуқий мақом, ҳуқуқ ва мажбуриятлар, жавобгарлик, кафолатлар.

President of Uzbekistan Shavkat Mirziyoyev by his decree has approved the action strategy on priority areas of the country's development for 2017-2021. The action strategy will be implemented in five stages, and each stage provides for approval of a separate annual state program on the strategy's implementation in Uzbekistan, according to the decree.

The strategy includes five priority areas, and the first one envisages improvement of state and social construction, strengthening the role of the Uzbek parliament in modernization of the country, development of the institutional framework of the state administration, reduction of state regulation of the economy, strengthening the role of civil society institutions and the media.

"The strategy is considered the national strategy which ensures in deepening the democratic reforms in the field of economic, social, security, inter-ethnic harmony and religious tolerance, implementation of balanced, mutually beneficial and constructive foreign policy aimed at strengthening the independence and sovereignty of the state"¹.

¹ Saidov A.X. "The action strategy – new and serious from the point of view of quality, from the point of view of volume and the scale of our interests to provide effective and aspiration to structural reforms" // <http://www.nhrc.uz/uz/library/proverb/895/>

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The strategy also envisages reformation of the institutes of civil society; it is proposed to strengthen the role of political institutions and the guarantee of protection of them, development and liberalization of the civil society institutions.

“Society - is complicated social organ. There is collision among the spheres of various economic, political, religious, social and cultural aspects of events. People and the forms of systematic associations always be in touch mutually. To ensure them official institutions will be organized and followed”.² Currently, these institutes are called the institutes of civil society.

The concept of civil society is used in the works of the First President of Republic of Uzbekistan and the research works of other scientist. For the first time the institute of civil society institution used as an official term in normative legal act - The decree of the president of Republic of Uzbekistan “The further measures of approval of civil society institutions”. This decree played a great role in regulation of the action of civil society institutions. “The civil society institutions acts on the basis of strong fundament and democratic laws”.³

The independent institute of monitoring the formation of civil society institutions published report according to the 2015 results. Nowadays, according to the report more than 150 thousand civil society institutions are operating.

Civil society organizations include the Women's Committee of Uzbekistan, Kamolot youth movement, the private homeowners, non-profit organizations, local self-government bodies, political parties, trade unions, media.

² Tixomirov Yu.A. Theory of competence M: Yurinformtsentr, 2001. - P.5.

³ Mamatov X. Legal culture and formation of civil society in Uzbekistan. Monography, T. Yurist-media markazi, 2009. - P.7.

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However the the quantitative indicators doesnot show socio-political events.

The level of independence of local government institutions and bodies and official authorities, political parties and public institutions of the state and society is estimated by the discussions with the various issues and the need to assess the existence of pluralism. The concept of the civil society institution is not legal but social. "The father" of institutionalism is lawyer Morris Oriu. He tried to reveal the contents of the theoretical concept of the institute. The word "Institute" of jurisprudence in different contexts. In particular, G.D.Shustrov says "the institute is a need to understand the concept of a" two-way. In other words, "the first sense of tradition or law was created with the help of all the structures that the second means not only legal means, but also includes elements of social structure⁴.

The purpose of applying to this topic of this concept public oversight as the subject of civil society institutions. In particular, the researchers X.Muxamedxodjaeva emphasized public control is realized by civil society and its institutions, by the various political parties, public associations, the media and civil society control subjects of the economy⁵.

Evidently, there is no single approach to this concept of civil society, reveals the content of certain difficulties.

In this context, to clarify the legal status of civil society is important. Doctor of legal sciences X.Mamatov the legal status of civil society institutions fully understand

⁴ Shustrov D.G. Institutes of civil society // Collective monography. Civil society as guarantee of political dialogue and counteraction to extremism: key constitutional and legal problems. / Editor in chief - doctor of legal science Avakyan C.A. M: Yustitsinform, 2015. - P. 47.

⁵ Muxammedxodjayeva X. Public control over the executive authority // Bulletin of TSIL, 2010. №6. - P.103.

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the level of use of the opportunities given to them by law, and the law is still legal in the literature that there are sufficient scientific subject studied. Legal science requires the only approach to the each of the concepts and it eases the regulation of relations. In this context, to clarify the legal status of civil society is important. Doctor of legal sciences X.Mamatov said that the legal status of civil society institutions the level of use of the opportunities given to them by law does not fully studied.

Determination of the legal status of the institution of civil society and the strengthening of the legal system, including the National Science and Law Theory of normative legal acts of the Republic of Uzbekistan in front of the civil society on the basis of the relevant theoretical knowledge and practical applications of the principles of deep and comprehensive study of the issue.

Only on this basis, the contents of the legal system and the political and legal status of these institutions can be revealed. The most important tasks in front of the theory of the state the rights, to substantiate the legal status of of the civil society and the institute of scientific knowledge, application of knowledge of the legal system.

Here we should take into account general understanding of the legal status of the entity's legal theory to interpret certain circumstances. Moreover, civil society institutes the concept of the legal status of each institution to clarify the legal status and the legal situation is different from the concept of a one-arranged with the law and should be considered.

The status of subjects belongs to the state and law theory, however the concept of the status and its contents belong to the other spheres of law. This is the main factor for the research work.

The general legal status of civil society institute is defining the status of the political and legal institutions of

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civil society and the Constitution and the laws installed base of its legal status. This situation becomes clearer, the institution of civil society, representing the legitimate rights and interests, duties and responsibilities, as well as guarantees to reveal the concept of the basic principles of its legal status is important. All the elements of this continuous unity and the contents of the legal status of the institution of civil society. This status defines the norms of higher legal force and the importance of compromise. They define the strategies of legal regulation of the activities of civil society, civil society institutions, administrative law, civil law will serve as the legal basis for such a network snatched. The issues of different legal status is resolved in many foreign countries. In particular, the legal status of non-profit organizations in Sweden, its constitution and the presence of the management authority, the local court in Germany will be recorded in the list of legal status.

By taking into account the concept of legal status to be determined by the Constitution and laws, the context of a civil society are different solutions to such organizations to determine the specific property.

In our national legislation nature of the concept of public «and» public associations, isnot distinguished clearly⁶ and it results in a determination of legal gap.

In the system of civil society institutions non-profit organizations of civil society, which has its own legal status.

In 2015 by judicial authorities in the country the number of registered non-profit organizations has been steadily growing, according to the January 1, 2016 their number reached 8417, which is the last 5 years, the number of non-profit organizations increased by 64,5%.

⁶ Nazarov Sh.N. Role of the public organizations of further deepening of democratic reforms and formation of civil society in development. Monography. T: TSIL, 2012. -P. 10.

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In Uzbekistan during implemented the social and political reforms the previous socio-economic processes are tightly centralized management system is waived and the participation of in social self-management and self-regulation the political life practices and civil society are expanded, in turn, important elements of civil society institute calls for a clear definition of the legal status of public organizations⁷.

The self-governing bodies (makhalla) - Uzbekistan has its own traditional and natural forms of civil society institutions. Represents the interests of citizens' assemblies, operates and makes decisions on behalf of their respective territories.

Today, there are 97566 citizens work. They are 157 villages, 169 of them are towns, 1295 villages and 8135 of them are local residents. Each takes an average of 3.2 thousand citizens.

The Constitution of Republic of Uzbekistan has leading role in our national legislation. XIII of the Constitution of the Republic of Uzbekistan constitutional norms of "On public associations" have higher legal force over the laws of non-governmental organizations.

Articles 56-62 of the Constitution of the Republic of Uzbekistan fixed the concept of public associations, non-profit organizations in the form of legal status, objectives and types of activities, the organization of direction.

According to the Constitution of the Republic of Uzbekistan, the state shall safeguard the rights and lawful interests of public associations, and provide them with equal legal possibilities for participating in public life. Interference by state bodies and officials in the activity of public associations, as well as interference by public

⁷ Nazarov Sh.N. Role of the public organizations of further deepening of democratic reforms and formation of civil society in development. Monography. T: TSIL, 2012. -P. 12.

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associations in the activity of state bodies and officials, shall be impermissible.

Based on current legislation non-profit organizations, local self-governing bodies enjoys the right legal status of a legal entity.

However, in this regard, with the exception of "self-government" must be understood as a kvazijudicial "as a legal entity, the legislative mechanism for the creation of a specific legal procedure".⁸ According to the legislation, the makhalla is not considered legal entity⁹. So the local governance bodies has special status in the system of civil society institutions. In the system of civil society institutions local self-governing bodies have special status (author).

Thus, non-profit organizations, local self-governance organizations as the owner obligated to these terms and conditions arising from specified in the Constitution.

According to the Constitution of the Republic of Uzbekistan, non-profit organizations established as follows obligations:

- No part of the society, political party, public association, movement or individual shall have the right to act on behalf of the people of Uzbekistan (article 10);
- The Constitution and laws of the Republic of Uzbekistan shall have absolute supremacy in the Republic of Uzbekistan. The state, its bodies, officials, public associations and citizens shall act in accordance with the Constitution and law. (article 15);
- All state bodies, public associations and officials in the Republic of Uzbekistan shall allow citizens

⁸ Turebekov T.K. Issue of formation of development of the legislation on non-profit organizations and civil status of their separate types // Economy and law. № 4. -P.85.

⁹ Malikova G.R. Issues of improvement of citizen`s self-government bodies. Monography. T: TSIL, 2009. - P.119.

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access to documents, resolutions and other materials relating to their rights and interests (article 30);

- the use of the property owners must not damage the ecological environment, (article 54);

- An owner, at his discretion, shall possess, use and dispose of his property. The use of any property must not be harmful to the ecological environment nor shall it infringe on the rights and legally protected interests of citizens, juridical entities and the state (article 54);

- Interference by state bodies and officials in the activity of public associations, as well as interference by public associations in the activity of state bodies and officials, are impermissible (article 58);

- Court verdicts shall be binding on all state bodies, public associations, enterprises, institutions, organizations, officials and citizens (article 114).

Self-governing bodies in settlements, kishlaks and auls, as well as in makhallas of cities, towns, settlements, kishlaks and auls, shall be assemblies of citizens electing Chairman (aksakal) and his advisers for the term of two and a half years. Law shall regulate the procedure for the elections, organization of the work and powers of self-governing bodies.

The legal status of civil society institutions:

First of all, the existence of principles for the act liberally; the state shall safeguard the rights and lawful interests of public associations, and provide them with equal legal possibilities for participating in public life, to carry out charitable activities and other socially useful purposes for the composition of the existence of a legal framework to show the legal status of the institutions of civil society will be different;

Second of all, the interests and the issues of liability is specified by law based on the aspects of civil society institutes;

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Third of all, to adopt a law “On public control” and the civil society moves to the legal aspects from social one.

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