

# Public Control over the Activities of Public Authorities by Civil Society Institutions: Foreign Experience

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## ABSTRACT

This article examines foreign experience in public control over the activities of civil society by civil society institutions.

**KEYWORDS:** public, corruption, public scrutiny, civil society, society and the state

Today, raising public control to a new level, in particular, the effective use of its opportunities in the fight against corruption, has become a priority of state policy. This is because the expansion of public control in all spheres will undoubtedly have a great effect on the social, economic, political and humanitarian spheres of society's development. It is fair to say that this phenomenon is an important trend in current social development.

It is noteworthy that the President of the Republic of Uzbekistan Sh. Mirziyoyev, paying special attention to this issue, said: we can not form. Not only law enforcement agencies, but every team must seriously fight this scourge. That's why every government agency must have its own internal anti-corruption programs.

It should be noted that in our country, special attention is paid to the formation of the constitutional basis for public control over the implementation of legislation by public authorities and the development of mechanisms for public control over the activities of public authorities.

In particular, Article 32 of the Constitution of the Republic of Uzbekistan provides for the participation of citizens of the Republic of Uzbekistan in the management of public and state affairs through the development and improvement of public control over the activities of state bodies. In turn, this constitutional norm serves to form the constitutional basis of public control, which is an important form of participation of citizens in the management of public and state affairs.

Also, the second part of Article 32 of the Constitution of the Republic of Uzbekistan was supplemented with a provision stating that "the procedure for exercising public control over the activities of state bodies shall be established by law." The inclusion of this norm in our Basic Law will serve to develop the legislative framework for public control over the activities of government agencies in our country.

Today, in the context of the formation of civil society, the issue of further improving the procedure for exercising public control over the activities of public authorities is of great importance. As a result of the research conducted in this regard, we can put forward a number of suggestions and comments on further improving the procedure for exercising public control over the activities of public authorities. First of all, the Law on Public Oversight should regulate in detail the issues related to the public examination of draft laws.

If we pay attention to foreign experience in this regard, we can see that the procedure for conducting this examination is specified. In particular, the Law of the Russian Federation "On the Fundamentals of Public Oversight in the Russian Federation" sets out a number of special rules, in addition to the general rules for conducting this examination. In particular, it defines the rights and obligations of the expert, the requirements for this examination. It is also stipulated that the final document (conclusion) of the examination should consist of objective, reliable and substantiated conclusions. It is noteworthy that the norm on mandatory public examination is established if federal law provides for it.

In this regard, it is proposed to define in the literature the procedure for this examination in a separate regulatory document, in particular, to develop a Regulation "On the procedure for public examination of regulatory legal acts and their drafts", approved by the Cabinet of Ministers of the Republic of Uzbekistan.

In our opinion, this issue should be covered in detail in the Law "On Public Oversight", including the scope of the subjects of examination, the principles, procedure, timing of the examination, its registration, experts and their requirements, strengthening the procedural requirements for this examination. should.

In the legal literature, as well as in order to ensure the effective implementation of public control over public discussion of socially important issues, as well as draft regulations and other decisions of government agencies, the Model Regulation "On Public Discussion" applies to the activities of government agencies and their officials. from the observation of the activities of state bodies and their officials through the collection, summarization and analysis of information in the public interest to determine the compliance of existing draft regulations and other decisions of government agencies with the rights and legitimate interests of citizens, legal entities, the interests of society It is proposed to develop a model regulation on the procedure for conducting public monitoring and examination, consisting of their study and evaluation.

It is also necessary to completely revise the rules of the law on the procedure for public hearings, public hearings, public monitoring and examination, and to state them in the new edition as norms that are directly and indirectly applicable, fully defining the mechanism and procedure for their implementation. In addition to the above, based on best international practice and national practice, it is advisable to include in the forms of public control control by the media - "journalistic inspection" and "social audit".

It should be noted that the social audit is aimed at improving the efficiency of public administration by monitoring the

implementation of local government programs. Social audits are mainly carried out by civil society institutions with the involvement of specialists and the general public.

Today, two types of social audit are widely used in foreign countries. The first is a public audit (experience of Korea, Japan and India), which involves collecting relevant data, analyzing, interpreting and preparing a report containing conclusions and recommendations, and presenting the audit results to the general public. The second is to create a research group and create a special platform for experts in relevant fields to conduct public expertise on issues of social importance, including health, environment, economic development, innovation in public utilities and other areas (Scandinavian countries, the German experience).

At the same time, it shows that the institute of public inspectors is working effectively in foreign countries, not only in the field of ecology, but also in a number of areas, such as labor, utilities, health. In this regard, a public figure working in various areas of future social life that affect the interests of the population (education (minors, school attendance), health, tourism, utilities, pensions, employment, etc.) it is expedient to introduce the institute of inspectors.

Another form of public control that is widely used in foreign countries, but not legally regulated in the Republic of Uzbekistan, is the activity of volunteers. In the United States, the United Kingdom, Germany, Spain, France, Finland, Switzerland, Japan, and other countries, volunteer activities as subjects of public oversight are well developed.

Volunteers are widely used in environmental, archeological, restoration, repair, agricultural and social spheres. In Germany, for example, 34% of the population, or one in three, volunteers and participates in voluntary associations, projects, and groups for more than 15 hours a month. There are about 70,000 non-governmental non-profit organizations in Germany, in which about 2 million citizens are involved on a voluntary basis. In Germany, the Law "On the Social Year" was adopted, according to which a person has the right to engage in social work for 1 year after graduating from high school. This practice will be important in the future recruitment of this person. Volunteer centers have been set up in almost every city in Germany. These centers provide interaction and cooperation between volunteers. Volunteer activities have become an important form of employment for retirees and the unemployed in Germany.

Volunteering in Poland is regulated by the 2003 Law on Public Benefit and Volunteering. The law provides for the implementation of volunteer activities, the areas in which volunteers are involved, the regulation of volunteer work, legal registration. In the CIS countries, in the Russian Federation, on February 2, 2018, a number of changes and additions were made to the current legislation on volunteerism.

It should be noted that 2018 has been declared the Year of Volunteers in the Russian Federation, and December 5 of each year is celebrated as Volunteer Day. In Ukraine, in April 2015, the Law on Volunteering was adopted. It regulates a number of issues, such as the basis and procedure for volunteering, involvement in this activity, the calculation of volunteer practice. The Law on Volunteering in Turkmenistan 2016

Adopted January 12. The law defines many concepts such as volunteer, volunteer activity, volunteer program, volunteer event, foreign volunteer.

By law, volunteering is not regulated by labor law and does not require quotas or permits. The law regulates issues such as volunteers, their motivation, training, retraining, and state support. Moldova adopted the Law on Volunteering on June 18, 2010, which sets out the basic concepts, basic principles, the relationship between volunteers and their host organizations, the registration, benefits, training or employment of volunteers who volunteer for more than 20 hours a month. issues such as granting privileges are regulated.

In addition, it is expedient to define in the Law "On Public Oversight" the basic concepts used in this Law (state activity, civil society, public councils, public commissions). In the example of the experience of the Russian Federation, Kazakhstan and other countries, the establishment of the Public Chamber, the main task of which is the relationship between citizens, public associations, trade unions, creative unions or other NGOs, public authorities, local authorities in the interests of citizens and society. It is expedient to impose the tasks of ensuring public control over the activities of public authorities and administration.

In the United States, the practice of chairing public councils by government officials is widespread. For example, the Arcticton County (Virginia) Northern Tract Public Council surveyed public opinion on areas polluted by industrial waste, and its chairman and vice president are government officials. It should be noted that in international practice, public councils are formed in five different ways: election, appointment, mixed, competitive, and random formation. For example, the Dayton City Public Council in the United States is formed by election. Each candidate must collect at least 25 votes.

The second method of appointment is widely used in foreign countries as a method of forming a public council. There are two ways to do this - a government agency can appoint members of the public council on its own initiative or on the recommendation or recommendation of various non-governmental organizations. By appointment, public councils are often formed, which perform expert, advisory, and consultative functions.

In particular, the Danish Public Council for the Disabled consists of a chairman and 14 members appointed by the Minister of Social Affairs. The city of Fredericksberg is appointed on the recommendation of one member - the Minister of Health, one member - the Minister of Education, one member - the Minister of Labor and one member - the Minister of Social Affairs. Alternatively, members of the National Council on the Elderly in Canada are appointed on the recommendation of the Governor-General on the recommendation of the Minister of Health.

Boards appointed and elected in a mixed manner are based on mutual coordination. For example, the majority of the public council of the city of Porto Alegre, Brazil, which includes a total of 16 districts of the city (48 of them) is elected by public structures. Although 2 members of the council are appointed by the local authority and have the right to speak on the council, they do not have the right to vote. The Council is composed of a coordination group, an executive secretariat, advisers, a liaison commission and a

forum of delegates. The formation of a public council on a competitive basis is observed in the experience of the Russian Federation.

According to him, the Public Chamber, together with the Council of Experts of the Russian Federation, will organize a competition to form the composition of members of public councils under the federal executive authorities. Public associations and non-governmental non-profit organizations have the right to participate in the competition. It is typical for public councils, which act as arbitrators in the random formation of the composition of the Public Council.

This method is used to ensure the representation of different strata in countries such as the United States, the United Kingdom, Germany, and Australia. As we have seen, the number of members of the public council in foreign countries is clearly defined. In the Republic of Uzbekistan, the number of members of the Public Council is not limited. The Public Council consists of its chairman, deputy chairman, secretary and members.

As a rule, members of the Public Council are veterans of exemplary service in government, reputable citizens with extensive practical experience in public life, as well as representatives of non-governmental organizations, the media and other civil society institutions. The Public Council has the power to make decisions of a recommendatory nature. The decision made at the meeting of the Public Council shall be formalized in the minutes.

The minutes of the meeting of the Public Council shall be signed by the Secretary, approved by the chairman of the meeting and sent to the state body, members of the Public Council and interested persons within three days. It is also possible to make a decision of the Public Council by request at the initiative of its chairman, in consultation with the members of the Public Council, when it is necessary to make a decision quickly. In case of disagreement with the decision of the public council, the state body shall send a written objection to the decision of the public council no later than ten days from the date of receipt of the decision.

Also, based on best practices in this area, it is advisable to take the following organizational and legal measures to further increase the effectiveness of public councils: (Kazkenes.kz) and direct communication with the population on social networks; secondly, the introduction of a single standard for all documents used in the activities of public councils (reception schedule, protocol, report, protocol on the results of public control, etc.), conducting seminars and trainings on the activities of public councils, public examination of council members, monitoring it is expedient to conduct training sessions on training in the

implementation of forms of public control and to develop guidelines for the implementation of their powers; thirdly, democratization of the procedure for forming the composition of the Public Council, including 1/3 of the representatives of non-governmental non-profit organizations in the relevant field, 1/3 of government employees and 1/3 of citizens, including those who resigned (retired) from public service formation from citizens is expedient. This will ensure a balance between the representation of the public and the state body in the councils.

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