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RESEARCH ARTICLE

ADMINISTRATIVE AND LEGAL NATURE OF THE LICENSING INSTITUTE IN THE REPUBLIC OF UZBEKISTAN

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Abstract

On the basis of the analysis of laws and normative legal acts of the Republic of Uzbekistan and scientific literature, the article analyzes the peculiarities of licensing by law enforcement agencies of the turnover of civil and military weapons, gives the author's vision of its content.

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Introduction:-

At present, Uzbekistan is undergoing large-scale reforms in the licensing sphere aimed at liberalizing and simplifying the regulatory framework for the activities of state Executive bodies engaged in the provision of licenses, re-registration of documents confirming the existence of a license, suspension and renewal of licenses, cancellation of licenses and monitoring compliance by licensees in the implementation of licensed activities of the relevant license requirements and conditions.

At present, entrepreneurs, small and medium-sized businesses are the mainstays of sustainable economic development all over the world. In developed countries, business entities account for more than 90 per cent of the total number of enterprises and employ more than 50 per cent of the working population. At the end of 2018, 76.3 percent of the employed population worked in this sphere in Uzbekistan.

At the same time, business entities make a significant contribution to the gross domestic product. The share of this sector in Uzbekistan's GDP is 59.4 percent .

Thus, in accordance with the action Strategy for the five priority areas of development of the Republic of Uzbekistan in 2017-2021, where one of the directions is to create a favorable business environment for the broad development of small business and private entrepreneurship, strict suppression of illegal interference of state, law enforcement and regulatory authorities in the activities of business structures .

In recent years, Uzbekistan has critically revised a number of procedures in order to simplify and stimulate business activities, eliminated outdated bureaucratic barriers and obstacles that do not meet modern requirements. As a result of the measures taken, the business environment has been improved, wide opportunities for business entities and private investors have been created in the Republic.

Such positive changes are now widely recognized by authoritative international organizations. In particular, in the report of the world Bank and the International financial Corporation "Doing business-2020" Uzbekistan took 69th

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place, and in terms of the scale and effectiveness of the reforms it entered the "top 20" of the best reformer countries in the world .

The change of economic formation, the development of entrepreneurship, the revival of the institution of private property required the creation of a new mechanism of state control over the economy in which the state would become an "assistant" and "regulator" of newly emerging and existing relations. These processes led to the interest of the state and the legislator to such an institution as licensing.

As the scientist V. N. Sumrakov expressed the opinion that " the economy is a mixed economy in which the public and private sectors interact. At the same time, it is actually neither public nor private, but includes both sectors .

According to a number of Western scientists, namely: K. Hamilton, T. Gulfason any kind of market economy is mixed, because in any modern society an important role is played by the state, expressing the interests of all members of society. Although in a market economy entrepreneurs have more freedom of action than in a planned system, the state is nevertheless obliged to create an appropriate institutional structure. It provides for the existence of certain legislation that guarantees, in particular, the freedom of business. The state must also ensure law and order, the necessary defense system, as well as social security and the conclusion of various treaties with other countries."

To date, the final decision on the need for a . the main thing about the limits of state regulation of entrepreneurial activity has not been formed. However, having considered different opinions, we note that most of the most qualified specialists in the field of Economics, law believe that administrative and legal regulation of business activity is necessary, in proof of this there is a whole complex of economic, social, political, historical and other grounds.

The Institute of licensing can be positioned exclusively as an administrative and legal institution. Licensing and legal relations presuppose mandatory participation of the subject representing the Executive power. Exactly the same feature has administrative and legal relations.

It should be noted that the Executive authorities take part in the formation of the institution of licensing through the implementation of normative activities.

Thus, in accordance with the Resolution of the Oliy Majlis of the Republic of Uzbekistan "on the list of activities for which licenses are required", more than fifty types of activities are licensed . Licensing legal relations are a kind of imperative relations in which the governing subject is the Executive authorities and their officials. This characteristic is also relevant for administrative and legal relations in General.

It should be noted that the administrative and legal nature of the Institute of licensing emphasizes the set of features that expose the managerial nature of relations arising during licensing. Among such features should be noted:

1. emergence of licensing relations in the sphere of public administration;
2. reliance on the unilateral will of the imperative party in making a decision;
3. implementation of administrative powers of the subjects representing Executive power;
4. existence of the organizational beginning within which there is an organizing influence of public administration on the economic sphere;
5. availability of a special (administrative and legal) regime to ensure legality in licensing relations.
6. In turn, the Institute of licensing is represented by a set of substantive and procedural legal norms. Among the norms characterizing the material and legal component of the licensing Institute are the following types of norms:
7. regulating the content of the conceptual apparatus;
8. defining the goals, objectives and functions of the licensing Institute;
9. establishing criteria, the presence of which determines the need for the introduction of licensing;
10. determining the substantive status of the subjects of licensing relations;
11. establishing the responsibility of the parties to the license relationship.

It should be noted that, in essence, licensing is one of the types of preliminary control through which the state ensures the protection of the rights and freedoms of citizens from any unlawful encroachment. According to the

specified provision, the license is not only permission from the state for implementation of this or that type of activity, but a certain guarantee for activity of the licensee. In support of this provision points to the fact that in most cases, the bodies responsible for issuing licenses, and are simultaneously Supervisory authorities exercising control over the activities of licensees.

Thus, they not only make a decision, but also control its implementation throughout the licensed activity. There are several types of liability for violation of the license legislation, however, the largest number of rules governing liability for license offenses are administrative and legal. Due to the fact that this type of responsibility is more common than others, it is advisable to talk about administrative responsibility for violation of licensing conditions, in accordance with article 165 of the Code of the Republic of Uzbekistan on administrative responsibility.

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