



RESEARCH ARTICLE

THEORETICAL-SCIENTIFIC CLASSIFICATION OF AUTHORITIES OF CITIZENS' SELF-GOVERNMENT BODIES (EXPERIENCE OF UZBEKISTAN)

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Abstract

In this article theoretical and scientific bases of authorities of citizens' self-government bodies are analyzed. Concept of "citizens' self-government authority" is defined. Author analyzed norms of Constitution, Law "About citizens' self-government bodies" and other normative legal acts devoted to the authorities of self-government bodies. Author proposes classification of authorities of self-government bodies of citizens in six directions, such as authorities in the social, political, educational and cultural, ecological, financial and economic spheres, also authorities in the sphere of guaranteeing legality and maintenance of public order. Author concluded that main part of authorities of citizens' self-government bodies consists of the authorities in the social field as social defence is considered the main task of the citizens' self-government bodies. Also defined that the mahallas, as the main link of the citizens' self-government bodies have played a particular role in spiritual and cultural education of people for ages. Besides, author makes a conclusion as a unique national practice that citizens' self-government bodies pass resolutions on organising, reorganising and suspending small enterprises and other enterprises rendering consumer service to population.

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The problem of citizens' right to self-government has interested lawyers for a long time. Though there is a number of scientific works devoted to the solution and studying the problem, a great deal of questions remains not fully considered. The review of this problem began at the beginning of 90's of the XX century since Uzbekistan started to reform its state structure from the first days of its independence.

As foundation of a democratic legal state and a just civil society in the Republic of Uzbekistan is the ultimate goal of our peoples, it is obvious that the statute of the citizens' self-government bodies is of great importance.

And in this connection the institute of citizen's self-government has become the most actual task of nowadays.

It is expedient to analyse the authorities of the institute of citizen's self-government in order to determine its place and statute in the society.

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The term «authority» is interpreted differently in the juridical literature. For instance, as it is stated in the juridical encyclopedia, «authority» means a common system of legal powers, rights and duties defining the place of a certain state body or an official in the system of state bodies [1, 69-p].

In another literature we can find an interpretation of the term «authority» like this: «a right, a plenipotentiary right given to act on behalf of a person, an establishment, an organisation and so on» [2, 171-p] or «rights given to a body or an official on the basis of law, status or other acts» [3, 900-p].

One of the main problems of legal regulation of the activity of citizens' self-government bodies is to determine their authorities exactly which requires to investigate the citizens' self-government bodies authorities established in the law «About citizens' self-government bodies» [4].

The problems connected with authorities of citizens' self-government bodies are interpreted differently in various scientific and educational literature. For instance, according to E. G. Anomies and A. T. Tertoshnoy the citizens' self-government bodies authorities constitute a single system of rights and duties given to them on the basis of normative and legal documents for solving the matters within their authority [5, 146-p].

When speaking about the tasks within the authorities of citizens' self-government bodies we understand realisation of rights and duties connected with solution of tasks of local importance in a proper territory.

The scientists suggest to study the authorities of citizens' self-government bodies dividing them into various groups. In particular, L.M. Boyko puts forward the idea of analysing the authorities of bodies, realising the citizens' right to self-government according to their organisation, that is to study them dividing into representative and executive bodies [6, 19-p].

On the whole, in Constitution [7], other laws and normative legal acts the citizens' self-government bodies are given the powers to solve the problems connected with satisfying the local inhabitants' interests and the problems of local significance.

All the aspects of authorities of citizens' self-government bodies are specified in the special law «About citizens' self-government bodies» [8].

Summarising the above-mentioned we may analyse and classify in different forms the authorities of citizens' self-government bodies in the Republic of Uzbekistan according to criteria *based on their content, subjects and spheres of their realisation*.

According to the content, the authorities of citizens' self-government bodies are divided into absolute and relative authorities. By the absolute ones the right to solution of one or another task directly, without anyone's interference is meant. Relative authorities mean the right to fulfil some organisational and assistance functions or support some organ in accomplishment of a certain task.

At the same time we should classify the authorities of citizens' self-government bodies according to the subjects who are responsible for them; they are the followings: *first*, the authorities carried out through the direct participation of local population (people's meeting); *second*, the authorities executed by citizens' self-government bodies (people's meeting council and commissions); *third*, the authorities carried out by the officials of citizens' self-government bodies (the chairman of people's meeting and other officials).

The types of citizens' self-government bodies' authorities according to the subjects carrying out them are given in detail and fully in the law «About citizens' self-government bodies».

According to the spheres of realisation the citizens' self-government bodies authorities are divided into: 1) authorities in the social sphere; 2) authorities in the political sphere; 3) authorities in the spiritual educational and cultural spheres; 4) authorities in the sphere of guaranteeing legality and maintenance of public order; 5) authorities in the financial and economic sphere; 6) authorities in the sphere of protecting environment.

Authorities of citizens' self-government bodies in the social sphere. The main part of authorities of citizens' self-government bodies consists of the authorities in the social field as social defence is considered the main task of the citizens' self-government bodies.

Wide authorities are given to the citizens' self-government bodies in the social sphere in the new edition of the law «About Citizens' self-government bodies».

It is established by the law that assistance to the sections of population requesting social defence shall be carried out by mahallas which are the main link of citizens' self-government bodies. Because it is mahalla that takes care of the local population, their conditions of living in the most proper way and only in this case the funds allotted by the government for social defence find their owners.

As the citizens self-government organs assist in ensuring the population's timely payments for housing and communal services, they shall spend the money resources transferred to their account for supporting families of moderate scanty means to pay for housing and communal services, for giving incentives to the workers of citizens' self-governing organs and for the works on planting of greenery and equipping with services and utilities.

Citizens' self-government bodies shall make suggestions to proper organs on improving pecuniary and living conditions of families of moderate scanty means and victims of natural calamities. Besides they shall also organise public works on protection of minors' rights, assist in placing the children left out of their parents' care in proper state establishments, i.e. carry out the guardianship.

Authorities of citizens' self-government bodies in the political sphere. The main authorities of citizens' self-government bodies in the social sphere are established in the Constitution of the Republic of Uzbekistan and the Law «About citizens' self-government bodies». Here the citizens' self-government bodies are given several powers to ensure the participation of inhabitants in governing the state and social affairs.

Authorities of citizens' self-government bodies in the spiritual educational and cultural spheres. The mahallas, as the main link of the citizens' self-government bodies have played a particular role in spiritual and cultural education of people for ages. As a place of spiritual education, mahalla brings up a person to love and respect its country because the father land begins from the threshold. Mahalla tries to bring up a person comprehensively including spiritual, legal and ideological educational aspects and as a result makes a large contribution in achieving perfection by people.

As the mahalla has a spiritual and educational significance the citizens' self-government bodies are given some authorities connected this sphere. For instance mahalla, in order to raise people's political, legal conscious and culture holds mass and political, spiritual and enlightenment, cultural, sports and other arrangements or assists the local hokimiyat to organise them. Together with this, mahalla arranges parties, meetings and other measures aimed at raising women's role in protection of women's rights, creation of spiritual and moral environment in their social life and families, education of younger generation.

Citizens' self-government bodies cooperate with educational establishments on matters dealt with education on the basis of the regulations «Family, School and Mahalla» and organises in proper areas mass measures connected with holidays and important dates, and gives recommendations on performance of weddings, rites and other ceremonies.

Authorities of citizens' self-government bodies in the sphere of guaranteeing legality and maintenance of public order. It's necessary for citizens to take conscious active part in one of the most important conditions for development of the country and rising in people's living standards, i.e. safeguarding peace and strengthening legal order and in this term each citizen must establish order himself in the mahalla he lives, take measures to ensure peace and stabilise political and social situation in populated areas and mahallas.

Citizens' self-government bodies, having too many authorities in ensuring legality and protection of public order, carries out public control over the observance of laws and implementation of various legislative acts and their own decisions including the decisions of town, village and aul citizens meetings. They also take measures on prevention of unregistered religious organisations' activity, ensuring the observance of citizens' rights to religious freedom,

non-admission of forced suggestion of religious convictions, considers matters connected with observance of freedom of conscience and legislative acts about religious organisations.

In addition to this they assist the law-enforcement organs in maintenance of public order in proper areas, organising the registration of citizens' arrival and departure, prevention of offences among adolescents and youth, protection of minors' rights, i.e. carry out an activity in cooperation with law-enforcement bodies.

Citizens' self-government bodies together with the centers of social adaptation realise measures related to crime prevention and employment of discharged persons by socially useful work. In order to exert educational influence upon persons recorded of conviction and inclined to commit offences, they form commissions composed of honorary people, women and youth, representatives of culture and religion and use mahallas' direct influence on spiritual and moral education of a person released from the punishment execution institutions and adoption of him to live in the society.

Together with the other powers citizens' self-government bodies exercise *authorities in the the financial and economic spheres*, for instance form the funds of the organ, possess their property use it, gives orders and control the funds.

Citizens' self-government bodies pass resolutions on organising, reorganising and suspending small enterprises, shoes repairing and making workshops, people's craftsmen's shops and other enterprises rendering consumer service to population. These decisions are later approved at the citizens' meetings. Besides, citizens' self-government bodies take measures on protection of property in abeyance and property inherited to citizens' self-government bodies and conclude contracts, including labour contracts on behalf of citizens' self-government bodies.

In exercising *authorities in the sphere of protecting environment and improvement of areas* citizens' self-government bodies hear reports of managers of enterprises, establishments and organisations located in proper area, pass resolutions on takings of money from population on a voluntary basis for carrying out the works on improvement of areas and repairing places of common use and not sufficiently provided families' houses and flats.

Citizens self-government organs pass resolutions on use of money resources of enterprises located in proper area on the contractual basis for carrying out the works of equipping with services and utilities, planting of greenery and realisation of the sanitation and cleaning measures. They also pass resolutions on matters of uniting the juridical and physical persons' money resources on a voluntary basis for developing the social infrastructure in their own areas.

It's necessary to underline that citizens' self-government bodies draw the population in improvement of houses, buildings and areas around them, equipment of sports grounds, in building, reconstruction, repairing and preserving roads, bridges, streets, pavements and communal branches, repairing burial grounds, historical and cultural monuments, use the financial and other resources apportioned to these aims by district and city hokimiyats, conduct hashars (unpaid large-scale works done by population) contests and competitions and exercise other powers established by the law.

As it turned out while analysing the authorities of citizens' self-government bodies, their authorities become apparent in organisational, public control and self-imposed forms.

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