



Research Article

CODE “ON NON-GOVERNMENT NON-PROFIT ORGANIZATIONS AND OTHER INSTITUTIONS OF CIVIL SOCIETY”: NEW REFORMS AND THE NEED

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ABSTRACT

the article highlights the importance of codification i.e., systematization of legal documents, its specific features, and makes comparative analysis of the opinions of foreign and national scientists in this regard. Based on this, scientific and practical conclusions were made about the need to adopt the Code of the Republic of Uzbekistan on non-government non-profit organizations and other institutions of civil society.

KEYWORDS

Codification, legal system, systematization, social relations, new reforms, non-government non-commercial organizations, civil society institutions.

INTRODUCTION

Codification is the highest form of systematization of legal documents. In this regard, the creation of a new, comprehensive, systematized normative legal document through a deep and comprehensive processing of existing normative legal documents and the introduction of changes and additions to them is of

utmost importance in the legal systems of developed democratic countries .

A comprehensive approach to the systematization of laws that serve to regulate all legal relations in society is the basis for enhancing their vitality and excellence.



One of the crucial factors that determine the level of development of any legal system is the existence of practice of adopting systematized, unified regulatory legal documents in various fields in the legal system.

Russian legal scholar A.I. Abramova claims that “Codification of laws leads to speedy removal of legal difficulties, increase in the efficiency of the law's influence, and attaining harmony between legislation and practice”.

A. A. Skakov, a legal scholar from Kazakhstan, expresses the following opinions in this regard in his article entitled “Codification - ensuring the stability and accessibility of legal documents”: “On the basis of extensive preliminary scientific work on the generalization of the theory and practice of regulating legal interactions in this field, highly competent experts in the relevant law draft and adopt normative legal documents in the form of codes. It assures that the rights, liberties, and legal interests of both individuals and legal entities are upheld”.

Pay attention to the opinions of this scientist, we note that he assesses the development and implementation of laws in the form of codes at the level of early scientific research conducted by highly competent professionals. In agreement with his assessment, it should be underlined that the development and adoption of codification of laws require a scientific, theoretical, practical, and legal approach. Codification of laws is an effective outcome of contemporary legal progress in the sphere of law-making.

Professor H. Odilkoriev, a well-known Uzbek scientist and doctor of legal sciences, states that “Focusing on the codification of legislation will significantly contribute to preserving the balance in the legal system. Codification is the goal of the activity intended

to standardize all normative legal documents on the country's territory on the basis of particular forms”.

The opinions of Doctor of Legal Sciences N.Kh. Rakhmankulova in this regard are also noteworthy: “The principle of comprehensiveness means that the codification process should coordinate the maximum amount of issues of legal regulation of certain social relations”.

In fact, a codex (lat. “codex” - a set of laws) is a legal document that regulates a particular area of social relations, embodies and systematizes the most important legal norms - a law, which logically balances all the norms of the legal sphere (for example, the Civil Code, the Family Code, criminal code, etc.) and is a single whole document with internal consistency.

The trend of codification, or the development of the practice of systematizing laws in a particular field and accepting them as a single legal document, is one of the factors that show the distinctive features of the national legal system of the Republic of Uzbekistan. This demonstrates one of the distinctive features of our national legal system. Our point is supported by the existence of about 20 codes in the Republic of Uzbekistan, including Air Code (1993), Labor Code (1995), Criminal Code (1994), Code of Administrative Responsibility (1994), Criminal Procedure Code (1994), Civil Code (1995-1996), Customs Code (1997, 2016), Family Code (1998), Tax Code (1997), Housing Code (1998), Land Code (1998), Urban Development Code (2002), Budget Code (2013), Civil Procedure Code (1997), Economic Procedure Code (2018), Code of Administrative Proceedings (2018), Election Code (2019).

Undoubtedly, the success of large-scale and intensive democratic reforms implemented in the new



Uzbekistan depends primarily on the effectiveness of the legal system.

According to the analysis of current practice in this area, it is necessary to increase the impact of laws on the implementation of socio-political, socio-economic, and judicial reforms which are being implemented in the new stage of the development of our country. From this point of view, in the decree of the President of the Republic of Uzbekistan No. PF-5505 (dated August 8, 2018) "On approval of the concept of improvement of norm creation activity", it was mentioned that the existing shortcomings in the process of norm creation lead to the continuation of the negative practice of fragmented regulation of social relations in various fields. To eliminate this the task was set to "form a systematic legal framework, improving the legal provision of the reforms being implemented".

When expressing an opinion regarding the Code of the Republic of Uzbekistan on Non-Governmental Non-Profit Organizations and Other Institutions of Civil Society should be adopted, the subject should first be viewed in light of the mandate set forth by the decree of the Head of our State.

The issue of systematizing the legal framework governing the activities of non-governmental non-profit organizations and other institutions of civil society is brought to the forefront by today's reality, as it is in all spheres, to ensure the stability of legal regulation of social relations in this sphere.

Here, in order to include new Uzbekistan among the most developed democratic countries, the first of the seven priority directions of the "Development Strategy of the New Uzbekistan for 2022-2026", which defined the concept of sustainable development of the new society, special importance should be paid to the

essence of the idea of "building a people-friendly state by increasing human dignity and further developing a free civil society".

The development of a free civil society directly depends on the effective activity of non-governmental non-commercial organizations and other institutions of civil society. The position and function of such organizations become more important than ever, particularly in the process of dramatic changes in human, society, and state relations as a result of fundamental democratic reforms occurring in our country today. Taking this into consideration, it is necessary to systematize the laws that govern the operations of non-profit organizations and other institutions of civil society in accordance with the demands of the modern world and new conceptual frameworks. The question arises: where this necessity is reflected?

First, the Resolution of the President of the Republic of Uzbekistan (dated October 4, 2019 No. PQ-4473) "On additional measures to increase the efficiency of public control over ongoing reforms in the socio-economic sphere, as well as the activeness of citizens in the implementation of democratic transformations in the country" notes that "The rapid pace of socio-economic and socio-political development of the country should increase the role of citizens, non-governmental non-commercial organizations and other institutions of civil society in the management of society and state affairs, taking into account the generally recognized principles and norms of international law, it is necessary to create additional conditions for the development of their activities in this direction".

Today's social life, when institutions of civil society are developing and entering into relations with state bodies as a separate full-fledged entity, the most important task before them is to form the ability of



citizens to make an accurate and impartial assessment of the changes taking place in the new society, to take an active citizen's position in the reforms. It also creates the need to systematize the legislation on non-governmental non-profit organizations and other institutions of civil society in order to improve the skills of participation, unite them around the idea of achieving sustainable development of the society.

Therefore, in this decision, the main task was to create a working group on the preparation of the draft of the Code of Non-Governmental Non-Commercial Organizations of the Republic of Uzbekistan and to codify and systematize the legislation on non-governmental non-commercial organizations based on the study of advanced foreign experience and the practice of applying the established national law.

Second, more than 70 normative legal texts pertaining to the operations of non-governmental, non-profit organizations and other institutions of civil society have been adopted since the early years of Uzbekistan's independence. Additionally, the practice of implementing law in the field is complicated by their dispersion. The dispersal of legal documents governing significant social relationships has various unfavorable effects. Legal inconsistencies (collisions) develop in particular, leading to various interpretations in the implementation of legal rules.

Legal scientist D. Orazbaev's scientific opinions are as follows: "A large number of general laws in one area and the adoption of specific decisions without a clear plan for their implementation have a negative effect on the progress of the state and society as a whole and lead to the primary use of statutory documents to govern social interactions. Systematization is therefore not entirely achieved, which results in an artificial growth in the volume of documents".

Thirdly, while the Constitution of the Republic of Uzbekistan treats non-governmental non-profit organizations and other institutions of civil society with the concept of "public associations" in general, in practice, there are two separate laws that regulate the activities of political parties, which are one of the most important and largest non-governmental non-profit organizations – "On Political Parties" and "On Financing of Political Parties".

In addition, the Law of the Republic of Uzbekistan "On Freedom of Conscience and Religious Organizations" has been adopted and it is one of the current normative legal documents related to a large number of religious organizations that operate as non-governmental, non-profit organizations after being duly registered with the state.

The Law "On Trade Unions, Rights and Guarantees of their Activities" (1992), which considers a trade union as a voluntary public organization, is also one of the most important laws in this area. It is clear that trade unions are non-profit, non-governmental organizations.

Political parties, religious institutions, and trade unions are each considered to be elements of non-governmental, non-commercial organizations and other institutions of civil society from a legal, theoretical, and practical standpoint. In reality, distinct laws have been passed in relation to each of them. The explanation is that during the early years of the nation's independence, all of these laws were passed. However, at that time our national legal system had not yet developed.

Therefore, it is important to coordinate the aforementioned laws and all other regulatory legal documents in this area and to create a single code



based on current requirements from the mutually compatible standards adopted over thirty years ago.

CONCLUSION

In conclusion, the need to adopt the Code of the Republic of Uzbekistan on non-governmental non-commercial organizations and other institutions of civil society is that it provides the most important factors that ensure the vitality and patriotism of the legislation in this regard. First, it ensures that there are no differences between the norms; secondly, it facilitates the practice of law enforcement related to this area; thirdly, it creates systematicity, accuracy, integrity, specificity.

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