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The request of the chairman of the mahalla citizens' meeting is an effective form of public control

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Abstract: The article analyzes, within the framework of the Law of the Republic of Uzbekistan "On Public control", the issues of making requests to representative bodies of local government by the chairman of the mahalla citizens' meeting, analyzes the legal nature of the request, the difference between the request and the parliamentary request, as well as the request related to obtaining the necessary information related to the activities of the citizens' meeting. The request of the chairman of the citizens' Assembly will serve to implement the concept of developing a free and open civil society in the country.

Keywords: Citizens' self-government bodies, local representative authorities, chairman of the mahalla citizens' assembly, public control, openness, parliamentary control.

Introduction: In the contemporary Uzbekistan, the provision of comprehensive support for the operations of NGOs and other civil society institutions has been identified as a priority area for effective governance. The primary objective is to cultivate a free and open civil society within the nation, with the aim of safeguarding human rights, upholding legitimate interests, and promoting democratic values. Additionally, this initiative seeks to enhance the political culture and legal awareness of the population.

In the context of the evolution of civil society in Uzbekistan, the establishment of citizen self-governance bodies occupies a primary position. The impetus for this development stems from the

implementation of systemic reforms in recent years, which have led to the transformation of the mahalla into the primary conduit within the public administration and control system. This transformation has entailed the transfer of a number of state powers to citizen self-governance bodies.

In this regard, the President of the Republic of Uzbekistan, Sh. Mirziyoyev, emphasized the necessity of creating additional opportunities for the chairman of the mahalla to directly address the problems of the population. He particularly noted that "the mahalla is a mirror of light and a conscience of our society" [1].

In order to practically implement the ideas expressed by the head of state to the mahalla, local self-government bodies in the field have carried out step-by-step reforms to address the problems of concern to the population, and they have expanded the rights and powers of the mahalla. A comprehensive review of the extant literature reveals that approximately 100 normative acts have been adopted with the objective of establishing a system that addresses the challenges faced by the local population in a direct and localized manner within the confines of the mahalla. The legislative acts in question serve to transform the mahalla into the primary conduit of public management and supervision. This is achieved by establishing effective public control over the outcomes of local reforms carried out by state bodies. The main objective of the policy being pursued in Uzbekistan is to turn the country's citizens into active participants in reforms, and the appropriate organizational and legal conditions have been created to that end.

Specifically, the Law of the Republic of Uzbekistan "On Public Control," adopted in 2018 for the implementation by civil society institutions of public control over state bodies, is aimed at the realization of this policy. This legislation establishes various forms of public control, including the mandate to submit appeals and requests to state entities.

A discussion of this form of public control necessitates an initial observation that the institute of requests constitutes a prevalent modality of control exercised by participants of public relations. For instance, Article 351 of the Law of the Republic of Uzbekistan "On Mass Media," enacted in 2007, stipulates that media entities possess the prerogative to submit requests, either verbally or in written form (including in electronic format), to public authorities and management bodies, soliciting information regarding their operations. [3] It is imperative to acknowledge that the mass media, irrespective of their ownership structure, are subject to the provisions of the Law "On Public Control".

As is widely recognized, the Republic of Uzbekistan has

implemented systematic reforms to ensure the transparency of state bodies' operations. In 2014, the Law of the Republic of Uzbekistan "On Openness of State Government and Administration Bodies' Activity" was enacted, establishing a framework for the dissemination of information regarding the operations of public authorities and administrations. This legislation aims to regulate the relationship between information users and the dissemination of reliable information.

In this regard, the following measures have been identified as effective strategies for ensuring the transparency of activities by public authorities and management bodies:

- The promulgation (publication) of information regarding the activities of public authorities and management bodies.

- The placement and updating of information regarding the activities of public authorities and government on their official websites is of paramount importance.

- The placement and updating of information regarding the activities of public authorities and administration bodies in publicly accessible premises and places is of paramount importance.

- The provision of information regarding the activities of public authorities and administration bodies is facilitated through the utilization of information and library and archive collections.

- The provision of conditions that facilitate the attendance of information users at open collegial meetings held by public authorities and government bodies.

- The provision of information regarding the activities of public authorities and administration bodies in oral and written form (including in the form of an electronic document) to information users on the basis of their request [6] is hereby defined.

Consequently, Article 18 of this Law stipulates the concept of request, thereby defining a request for information on the activities of public authorities and management bodies as a request for information user in oral or written form (including in the form of an electronic document), directed to public authorities and management bodies and (or) their officials, with the objective of obtaining information on the activities of these bodies [7]. That is to say, the aforementioned phenomenon pertains to the fact that individuals and legal entities receive information regarding the activities of these bodies upon submission of a request.

Concurrently, Article 19 of the Law delineates the terms and procedures for the consideration of a request. The stipulations in this article indicate that the request of an

information user shall be reviewed within fifteen days from the date of its registration [8]. Article 20 of the Law stipulates that the request of a natural person must include their surname, name, patronymic, place of residence, and the essence of the request. The request of a legal entity must include the full corporate name of the entity, its postal address, and a concise statement outlining the essence of the request.

In order to ensure the integrity of the information system, all written requests must be signed by the individual user's personal signature. In the event that the request cannot be resolved through personal signature, it is to be resolved by the signature of the originator, accompanied by their surname, name, and patronymic.

Pursuant to the content and substance of the aforementioned articles, it can be ascertained that the subjects of this legislation are the users of information, that is to say, citizens and legal entities. Moreover, it is evident that the method of acquiring information entails the submission of a request by the aforementioned users to public authorities and management bodies. In addition, the legislation stipulates the term of response to the request and the requirements for the request.

The institution of request constitutes a form of public control; consequently, in certain instances, it is not submitted by all participants in public relations, but rather by state bodies that have been specifically authorized to exercise control in accordance with our legislation.

Concurrently, we would like to direct attention once again to the aforementioned Law of the Republic of Uzbekistan "On Openness of State Government and Administration Bodies' Activity" Article 3 of the Law stipulates that its provisions do not apply to specific categories of information regarding the operations of state bodies, the particulars of which are delineated by other legislative instruments.

Specifically, as outlined in the Law of the Republic of Uzbekistan "On Parliamentary Control," enacted in 2016, a parliamentary inquiry constitutes a form of parliamentary oversight.[9]

The legislative function of the Oliy Majlis, or Senate, is defined by the establishment of a parliamentary inquiry mandate. This inquiry is directed towards officials of state bodies, compelling them to provide justifications or articulate their perspective on the implementation of laws, state programs across various domains, and other significant issues within their purview.

As demonstrated, the request is initially directed by

Parliament to an official of a state body. Subsequently, the request necessitates the provision of a reasonable explanation or articulation of the official's perspective on matters pertaining to the implementation of state programs and other significant issues within the official's purview.

A notable idiosyncrasy of the parliamentary inquiry is that it encompasses two distinct entities: first, the subjects of parliamentary control are the Legislative Chamber, its deputies, committees, and the Senate, its committees and members; and second, officials of state bodies are obliged to give an oral answer to the parliamentary inquiry within the time limits established by the chambers at the meeting of the Legislative Chamber. The Senate, the Legislative Chamber, and state officials are obligated to submit written responses to parliamentary inquiries within ten days of the meeting of the aforementioned bodies, unless otherwise stipulated.

Furthermore, a deputy of the Legislative Chamber is entitled to submit requests to officials of state bodies, typically on matters pertaining to the safeguarding of the rights and legitimate interests of voters within their respective constituencies. Similarly, a member of the Senate is authorized to make requests concerning the interests of specific territories, accompanied by a request for substantiated explanations or the articulation of their perspective.

According to the established protocol, state officials are required to provide a written response to the request of a deputy of the Legislative Chamber or a member of the Senate within ten days from the date of receipt of the request. This stipulation is subject to the exception of another term that may be stipulated [10].

The concept of a request, the methods of its sending and execution, are indicated above. As a mechanism for the realization of their rights, they can be sent to the relevant state bodies by representatives of civil society. The regulatory framework for this process is delineated by the Public Oversight Act of 2009. According to Article 6 of the Act, the submission of communications and inquiries to state bodies constitutes a form of public scrutiny. This form is implemented through the Communications from Individuals and Legal Entities Act and the Openness in the Activities of State Authorities and Government Bodies Act.

Concurrent with the present analysis is the finding that, in order to transform the mahalla into a link in the chain of public administration and control, Cabinet of Ministers Decision No. 380 of June 18, 2021, on additional measures to further improve the activities of citizens' self-governance bodies approved a model regulation on citizens' gatherings. The model

regulation's paragraph 14 establishes that citizens have the right to apply to local authorities as subjects of public control. Thus, citizens are granted the right to participate in public hearings.

Concurrently, the Decree endorsed the Model Regulation "On public structures at the citizens' meeting," as well as instituted a specialized procedure for the Chairman of the citizens' meeting mahalla to petition the state authorities, which is delineated in this document.[12].

Specifically, the regulations stipulate that the chairman of a gathering of citizens of the mahalla possesses the prerogative to submit a request to officials of state bodies and organizations situated within the pertinent territory. This request is accompanied by the stipulation that the relevant officials provide a reasonable explanation or present their point of view on issues within their respective domains of competence. However, a notable aspect of the chairman's authority to make requests to state bodies pertains to the specificity of these requests. The Model Provision stipulates that such requests must pertain exclusively to matters concerning the activities of the citizens' meeting, rather than any arbitrary issues.

The unique nature of the chairman's role in the context of a mahalla gathering necessitates a specific protocol for the submission of requests.

For instance, a prepared request may be initially discussed at a meeting of the mahalla supervisory group and, if deemed necessary, may be recommended for inclusion in the discussion of the Council of the citizens' gathering. Following a thorough review of the request, a decision will be rendered regarding its approval or rejection. It has been definitively determined that the response letter issued by the public body in response to the request is to be reviewed by the Mahalla Chairman during a meeting of the Mahalla Oversight Group. Additionally, when deemed relevant, this letter is to be discussed at a meeting of the Citizens' Gathering Council.

Concurrently, a notable aspect of the Chairman of the mahalla's request is its capacity to be addressed to multiple officials.

In the event that the Chairman of the Citizens' Assembly of the Mahalla submits a request, the response letter must be signed by the official to whom the request is addressed or their acting duties. The response letter must be transmitted to the Chairman of the Citizens' Assembly no later than fifteen days after the date of receipt of the request, accompanied by all requested documents.

However, an analysis of pertinent data indicates that,

in certain instances, citizens' self-governments may also submit requests for information pertaining to public bodies.

In particular, Chapter 7 of the Model Regulation "On the Citizens' Meeting" — approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan No. 380 of June 18, 2021 "On additional measures for further improvement of the activities of citizens' self-governing bodies" — states that the chairman of the citizens' meeting may request reports and other information on natural areas protected by the relevant state bodies [13].

The distinction between a request and a request for information is as follows: firstly, a request is directed towards officials of state bodies and organizations situated within the specified territorial boundaries, accompanied by a stipulation that they furnish a reasonable explanation or articulate their perspective on the matter outlined in the request; secondly, requests are to be confined exclusively to the purview of citizens' meetings; thirdly, the request is deliberated during a meeting of the mahalla supervisory group; and fourthly, the request is addressed to multiple officials.

In the system of citizens' self-governance bodies, the request of the chairman of a mahalla gathering of citizens constitutes a novel institution, although theoretically its content and essence have been disclosed. However, in our legislation it has not yet been reflected and is practically not used by mahalla chairmen.

In this regard, given the ongoing development of a new draft law entitled " On Self-Governing Bodies of Citizens" it is recommended that the institution of the chairman of the mahalla citizens' meeting be incorporated into this draft law, with its legal mechanisms being directly stipulated within the law itself.

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