

THE INSTITUTE OF APPEALS - AS AN EFFECTIVE TOOL FOR ORGANIZING PUBLIC ADMINISTRATION

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Annotation

The article deals with scientific research on improving the normative legal acts of the world to ensure the right of an individual to appeal to government agencies, as well as reforms in the work of government agencies of the Republic of Uzbekistan, in particular, law enforcement agencies. studied. Also, the situation with the consideration of appeals of individuals and legal entities by law enforcement agencies was analyzed on the basis of statistical data, and problematic situations encountered in practice in this regard were revealed. In addition, a proposal was developed to amend and supplement the legislation to address problematic situations in the consideration of appeals by law enforcement agencies.

Keywords: Constitution, law, appeal, application, complaint, proposal, individual, legal entity, electronic appeal.

Introduction

The ultimate goal of the reforms being carried out in our country is to create a material basis for democratic change, building a democratic state governed by the rule of law and a just civil society. At the heart of these reforms are human rights and its interests. In accordance with the norms established by our Constitution, the human being, his rights and freedoms, honor and dignity have risen to the highest level in our country. To date, this high value is widely protected not only by national law but also by the norms of international law.

Article 13 of the Constitution of the Republic of Uzbekistan states that “Democracy in the Republic of Uzbekistan is based on universal principles. According to it, a person, his life, liberty, honor, dignity and other inalienable rights are of the highest value,” as well as Article 35 states that , have the right to submit proposals and complaints. Applications, proposals and complaints must be considered in the manner and within the period prescribed by law. ”Is defined¹.

What is the appeal here? Is it a right or an obligation to appeal? Why do individuals and legal entities turn to law enforcement agencies more often? It is worth mentioning the following questions:

¹ Bulletin of the Supreme Council of the Republic of Uzbekistan, 1994, –№ 1 -, 5-m. <https://lex.uz>.

In annotated dictionaries, referring means to look at, compare, compare, ask for something, reconsider, say something to someone, make an invitation, call, etc., and refer to an action, please, call, etc. comprehension of oral or written speech².

In the legal literature, "appeal" is a general concept that refers to the direct application of citizens, as well as the exercise of the constitutional right expressed in the submission of individual and collective appeals to state bodies and local governments³.

Legal scholars have differing views on the appeal. In particular, the right of a lawyer SB Yusupov to apply in the prescribed manner and form, to demand its consideration in a timely manner, to receive information (information) about the process of consideration of the appeal, to get acquainted with the materials of the investigation is guaranteed and protected by law emphasizes that⁴.

D.A. Sergeeva described citizens' appeals to the constitutional-legal institute as a set of constitutionally enshrined material and procedural norms defining the legal relations of citizens with the state, as well as the conditions of feedback between these subjects by submitting applications, proposals and complaints to the public address⁵. S.V. Vasileva considers this institute as a means of realization and protection of individual rights by strengthening relations of the population with state authorities and local self-government bodies⁶.

OR Fayziev, who conducted research on improving the legislation on appeals of individuals and legal entities, focused on the concept of appeals: "Appeals of individuals or legal entities - direct or representative of individuals and legal entities to administrative bodies, government agencies, officials and the public In order to realize, restore, protect their rights, freedoms and legitimate interests, as well as to improve the functioning of the state and society, individually or collectively, through written, oral or electronic applications, proposals, complaints and constitutional requirements a form of expressing a guaranteed will"⁷.

Our national legislation does not define the concept of "appeal", including "appeals of individuals and legal entities". An analysis of the legislation of foreign countries also showed that the concept of appeals was interpreted differently in them. In particular, according to the

² Annotated Dictionary of the Uzbek Language: More than 80,000 words and phrases. T.2. E – M. - Tashkent: National Encyclopedia of Uzbekistan, 2006. - 645 pages.

³ Legal Encyclopedia. / resp. Ed. B.N. Topornin. - M.: Lawyer, 2001. - P. 640.

⁴ Yusupov S.B. Improving the organizational and legal framework for dealing with appeals of legal entities and individuals. Doctor of Philosophy in Law (PhD) diss ... abstract. - Toshkent, 2018. -P. 11.

⁵ Sergeeva D.A. Institut obrashcheniy grazhdan v Rossii: konstitutsionno-pravovoe issledovanie. Diss ... on sois. three. step.kand. jurid. nauk. - Belgorod, 2017. - p. 36.

⁶ Vasileva S.V. The right of citizens and organizations to address: normative model and practice of realization. // Legislation and economics. - 2005. - № 5. - p. 42.

⁷ Fayziev O.R. "Improving the legislation on appeals of individuals and legal entities" diss. Page 35.

Law of Ukraine "On Citizens' Appeals", an appeal means a proposal (objection), application (petition) and complaint submitted in writing or orally⁸.

In accordance with the Law of the Republic of Belarus "On appeals of citizens and legal entities", an appeal is an application, proposal and complaint submitted individually or collectively in writing, electronically or orally⁹.

According to the Federal Law "On the Procedure for Consideration of Appeals of Citizens of the Russian Federation"¹⁰, a citizen's appeal is a written, electronic proposal, application or complaint or oral appeal of citizens to a state body, local self-government body or official.

Accordingly, appeals of individuals or legal entities mean the exercise, restoration, protection of the rights, freedoms and legitimate interests of individuals and legal entities, directly or through representatives of administrative bodies, government agencies, officials and the public, as well as the state and In order to improve the functioning of society, social activity, individually or collectively, expressed in the form of written, oral, electronic or video (audio) appeals, proposals, complaints.

There are a number of laws and by-laws aimed at regulating the work of law enforcement agencies with appeals of individuals and legal entities, the first of which is, of course, the Law of the Republic of Uzbekistan dated September 16, 2016 No. ZRU-407 "On Internal Affairs"¹¹.

Along with regulating the activities of law enforcement agencies of the Republic of Uzbekistan, this law is the main task of law enforcement agencies to protect the rights, freedoms and legitimate interests of citizens, property of individuals and legal entities, the constitutional order, the rule of law, security of individuals, society and the state. , as well as the prevention and prophylaxis of offenses.

The reforms that have been carried out in the past and present are reflected in the growing legal awareness, political and legal culture of our citizens. In turn, the changes taking place in the minds of our citizens and the innovations taking place in our daily lives today require us to improve our national legislation in line with modern requirements.

In connection with the announcement of 2017 as the "Year of dialogue with the people and the interests of man" and taking into account the many positive feedback from the public on the work of the virtual reception of the Prime Minister of the Republic of Uzbekistan. The People's Reception and Virtual Reception of the President of the Republic of Uzbekistan, as

⁸ Закон України «Об обрешченіях граждан» .// <https://www.consultant.parus.ua/?Doc=002SO491BE>.

⁹ Law of the Republic of Belarus dated July 18, 2011 № 300-Z «On obreshcheniyax grazhdan i yuridicheskix lits». // https://www.kodeksy-by.com/zakon_rb_ob_obraweniyah_grazhdan.htm.

¹⁰ Federal law Rossiyskoy Federatsii «On poryadke rassmotreniya obrashcheniy grazhdan Rossiyskoy Federatsii» ot 2 May 2006 goda № 59-FZ. // <https://www.letters.kremlin.ru/info-service/acts/2>.

¹¹ Collection of Legislation of the Republic of Uzbekistan, 2016 - № 38. - 438. <https://lex.uz>.

well as regional and public receptions in the regions and districts have been established to form a new system of dealing with appeals.

Law No. ZRU-445 "On appeals of individuals and legal entities", adopted in a new edition on September 11, 2017, is also a product of modern requirements¹². Chapter 6 of the law consists of 38 articles, the purpose of which is to further improve the procedure for citizens to apply to government agencies, as well as to fill the legal gap in the regulation of social relations related to the consideration of appeals of legal entities. legal relations were regulated.

There are a number of innovations in this law compared to the previous law, which are reflected in the following and are giving their positive result.

Including:

The law will also apply to state-owned enterprises. The point is that while the previous law provided guarantees of appeal to public authorities, it has now been expanded.

The basic principles of consideration of appeals have been established. In other words, in addition to the traditional principles, the law establishes special principles such as timely and complete consideration of appeals, uniformity of requirements for appeals, non-bureaucracy in the consideration of appeals. In other words, the law introduces a special guideline for "full consideration" of appeals.

The content of the concepts common in the practice of law appeal was also highlighted. In other words, the concepts of "electronic application", "repeated application", "anonymous application", "duplicate application", "public reception", "videoconferencing" were fully defined.

According to the requirements of the new law, a system of public receptions or video conferencing of appeals of individuals and legal entities has been introduced, which in turn prevents the harassment of citizens and gives its effect.

In addition, the tasks and functions of public receptions, virtual receptions, Presidential receptions have been established and strengthened by this law. This is especially important in the protection of the rights and freedoms of citizens.

As the President noted, today the practice of old-fashioned thinking, the organization of work on the basis of old "patterns", the fulfillment of its duties not on the basis of the principle of service to the people, but on the basis of personal interests, continues. The law enforcement agencies must work in such a way that the people agree with the state. But in some places, their activities are causing people to protest.

Therefore, the head of our state stressed that one of the most urgent tasks of law enforcement agencies is to radically improve the system of dealing with appeals. stressed the need for.

¹² Collection of Legislation of the Republic of Uzbekistan, 2017 - № 37. - 977. <https://lex.uz>.

Officials were instructed to create a system in which every citizen's appeal is ignored, to radically change attitudes to the service, to form a mechanism for discussing criminal details, to strengthen public control over the activities of law enforcement agencies.

In this process, law enforcement agencies should be more actively involved as a force that serves the goals and interests of citizens. It is expedient for the law enforcement agencies to systematically study and monitor the issues of concern to the people on the ground, discuss them in the standing commissions and sessions of local councils, take appropriate decisions, and carry out large-scale work to find solutions.

The fact that the law addresses the issue of liability for violations in dealing with appeals of individuals and legal entities also indicates the formation of a special system for dealing with appeals of individuals and legal entities.

This law serves to increase the effectiveness of work with appeals of individuals and legal entities, to ensure their rights and freedoms, legitimate interests, to strengthen the responsibility of government agencies and organizations for the timely consideration of appeals.

In order to address the above problems and shortcomings, it is proposed to further improve the processing of appeals of individuals and legal entities:

first, the introduction of a system of categorization of appeals of individuals and legal entities and the direction of referral of appeals to the territorial bodies of internal affairs;

secondly, to study and introduce the best practices of foreign law enforcement agencies in order to further improve the mechanisms for consideration of appeals of individuals and legal entities;

Thirdly, the head of the Interior Ministry stressed the need to strictly adhere to the deadlines established by law in dealing with appeals of individuals and legal entities to the law enforcement agencies. strengthening the control of the deputy for maintaining order;

fourthly, to organize training in the territorial bodies of internal affairs, first of all, for the staff responsible for dealing with appeals of individuals and legal entities, ie prevention inspectors in accordance with changes in the legislation in this area and the relevant orders and instructions of the Ministry;

Fifth, the Law on Recovery of Appeals from Individuals and Legal Entities and the Law on Appeals of Individuals and Legal Entities will be widely disseminated. to do;

sixthly, in view of the development of modern information technologies, prevention inspectors should receive appeals in the administrative territory to which they belong, provide social advice, open channels on social networks for advocacy, and conduct regular monitoring.

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