

Concept, Essence, Legal Aspect and Guarantees of Public Associations

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Abstract

In this article, the concept of public associations was revealed by comparing them with the concepts of "non-governmental non-profit organizations", "public organization". The main attention was focused on revealing its important elements more broadly based on the opinions of scientists who have researched this field. The activity of public associations was analyzed on the basis of the Constitution and special laws. The activity of public associations as a "third sector" was analyzed.

Keywords: *civil society institutions, "third sector", public organizations, non-governmental non-profit organizations, public associations, social fund, institution.*

INTRODUCTION

Today, the role of public associations in the life of society is becoming more and more important. The state of developed countries today is closely related to the order in which public associations have started their activities and the guarantees provided to them. Public associations are gaining the power to directly influence the way of life of the country's population and direct it to a certain goal. From this point of view, special attention is paid to the activities of public associations in Uzbekistan. Articles 10, 39, 69, 70, 145, 146 of our General Code state that public associations do not work on behalf of the people of Uzbekistan, citizens have the right to join public associations, public associations are part of civil society institutions, types of public associations and grounds for their dissolution, it is specified what kind of public associations are forbidden to form and their operation.

As mentioned above, several articles of our Constitution include norms based on the importance of the activities of public associations. First of all, let's define the concept of public associations. In particular, in Article 1 of the Law "On Public Associations in the Republic of Uzbekistan"

adopted on February 15, 1991, the rights, freedoms and political, economic, social development, science, culture, ecology and other aspects of life. It is noted that a public association is a voluntary structure created as a result of the free expression of the will of united citizens for the joint realization of their legal interests in their fields. In addition, in Article 11 of the Law "On Non-Governmental Non-Commercial Organizations" adopted on April 14, 1999, a public association is a voluntary association of citizens united in accordance with the procedure established by law based on common interests to satisfy spiritual or other immaterial needs.

Also, based on the status of public associations in accordance with the law, we can note the following special features:

1. Determination of organizational and legal requirements for establishing a public association;
2. Organization based on the right of association of citizens;
3. Specific requirements for membership (foreign citizens and stateless persons have the right to join public associations other than political parties).

Usually, public association and non-governmental non-profit organizations are equated to each other. However, according to the Law "On Non-Governmental Non-Profit Organizations", it is noted that a public association is a form of a non-governmental non-profit organization, like a social fund, an institution.

There may be a number of reasons for this confusion.

According to Liborakina's research, the concept of non-governmental non-commercial organizations is not found in the Constitutions of most countries. However, non-governmental non-profit organizations are found in the legislation of these countries and affect the assumption that they are a component of public associations defined in the constitutions. In addition, the lack of special definitions of non-governmental non-profit organizations affects its consideration as a synonym of public association.¹

Or some scientists theoretically compared the definitions given to a non-governmental non-profit organization and a public association. who expressed the opinion that it acquires a wider meaning than the concept.²

In this situation, it is worth emphasizing that the reason for the diversity of these concepts is that the concept of public association was reflected in the legislation earlier than that of non-governmental non-commercial organizations.

In the West, we can see that the concept of public association³ is also applied to organizations with symbols such as "non-state, non-commercial, voluntary".

In scientific literature, there are cases where scientists use the concept of public association in some cases, and non-profit organizations in other cases as synonyms.

¹ Либоракина М. Некоммерческий сектор международный опыт // <https://socpolitika.ru>;

² Comments on the Law of the Republic of Uzbekistan "On Non-Governmental Non-Commercial Organizations" / Editor-in-Chief Saidov A.Kh. Tashkent: "Adolat", 2001. - B.44;

³ Chudakov M.F. Konstitutsionnoye (gosudarstvennoye) pravo zarubejnyx stran. Uchebnoye posobiye. - Minsk:Novoye znaniye, 2001. – S.112;

In order to put an end to such situations in practice, Sh. Nazarov proposes to adopt the law "On non-governmental non-profit organizations and public associations" and define a clear difference between the concepts of "Public association" and "Public organizations" in this law.

In the second part of Article 146 of the Constitution of the Republic of Uzbekistan, it is noted that "Public organizations and citizens can provide assistance to law enforcement agencies in protecting legality and legal order, rights and freedoms of citizens." The concept of "Community organization" specified in this article does not have its own special definition. Legislation usually includes non-governmental non-commercial organizations, public associations, and religious organizations under "Public organizations". (For example, the first paragraph of the Regulation attached to the decision of the Cabinet of Ministers dated January 8, 2018 No. 15).

In this respect, every scientist tried to reveal their difference during their research. In our opinion, it is appropriate to indicate a public association as one of the forms of non-governmental non-profit organizations.

The existence of similar aspects of both organizations is emphasized by scientists. In particular, V. Stix⁴ points out that the main goal of both of them is that profit is not their main goal.

We can agree with this opinion. The reason is that both of them mainly act to realize certain intangible interests of individuals. In this situation, it is noted that they have similar aspects. In addition, we can note the state of membership in them as a similarity. Citizens' membership in these organizations is carried out based on their wishes. Non-membership does not necessarily require the use of force like membership or prosecution.

Although Article 39 of the Constitution of the Republic of Uzbekistan does not directly enumerate the right to join non-governmental non-profit organizations, this rule can be applied to NGOs by students.

The reason is that the right to association "is important in the realization of the goals of a person's life activity."⁵ Members of NGOs also join its membership to achieve their legitimate interests.

In order to solve the existing problems in the life of society, it is necessary for non-governmental non-profit organizations to improve their activities and perform some tasks in this regard. Scientists S. Joraeva,⁶ A. Gonorskaya,⁷ Sh. Nazarov,⁸ who studied the tasks of non-governmental non-profit organizations in society, mainly give general and justified opinions in this regard.

S. Joraeva focuses more on the political and legal aspects of civil society institutions. In particular, it is noted that "supporting the active participation of the population in political life, informing the

⁴ Aliyev A.A. Konstitutsionnoye pravo na obyedineniye v sisteme prav i svobod cheloveka i grahdanina. Uchebnoye posobiye dlya vuzov – M: Yuniti-Dana, 2000. – S.9;

⁵ Nazarov Sh.N. The role of public organizations in the formation of civil society in Uzbekistan (theoretical and legal issues): Autoref.dis. ... jurid.fan nom.. - Tashkent, 2009.-B.17;

⁶ Jorayeva S. The role of civil society institutions in raising the political culture of citizens // Democratization and human rights. – 2009. – No. 4. – B.24;

⁷ Gonorskaya A.V. Obespecheniye zanyatosti trudovix resursov Respubliki Uzbekistan s ispolzovaniyem potentsiala negosudarstvennix nekommercheskix organizatsiy (na primere jenskoy zanyatosti).: Dis.kan.ekon.nauk. – Tashkent, 2002. – S.118;

⁸ Hakimov, S. (2023). THE IMPORTANCE OF ENSURING THE FULFILLMENT OF OBLIGATIONS IN SPORTS CONTRACTS. Interpretation and Research, 1(14);

citizens within the sphere of influence about the decisions made or being prepared by the government, and explaining the ways to influence the decision-making process."⁹

A. V. Gonorskaya paid attention to more financial tasks of non-governmental non-profit organizations and said that they should be "independent of foreign donors",¹⁰ as well as the limits of their activities "in terms of the tasks of large non-governmental non-profit organizations Sh. Nazarov's thoughts are also noteworthy. While discussing the aspects that determine the role of public organizations in the formation of civil society, he tried to justify them more from a legal point of view.

In addition, non-governmental non-profit organizations have already received the status of "third sector" at the international level, separate from public authorities and profit-seeking organizations. J., Han, V. Milligan and K. Hulselar conducted research on the structure, purpose and functions of civil society institutes in their research.

It is worth noting that we touched on such terms as "public association", "public organizations", "non-governmental non-profit organizations", "third sector". We tried to reveal the legal nature of these concepts. We analyzed the opinions and views of research scientists as much as possible through our own point of view.

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⁹ Hakimov, S. (2023). USE OF NEUSTOYKA IN SPORTS CONTRACTS. Interpretation and Research, 1(26);

¹⁰ Muhammadjon Otabek Ogli Tursunov (2023). DIGITALIZATION OF HIGHER EDUCATION IN UZBEKISTAN: ACHIEVEMENTS AND PROBLEMS. Scientific progress, 4 (2), 213-217;

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