

PROCEDURE, CHARACTERISTICS AND PRINCIPLES OF THE PUBLIC ADMINISTRATIVE BODIES

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Abstract

The article talks about the procedure, features and principles of state administration bodies.

Keywords: state administration bodies, activity, characteristics, principles.

Introduction

After gaining independence, the Republic of Uzbekistan focused on strengthening the foundations of statehood. In this, the role of state administration bodies is very important. In the early years of independence, the formation of a strong state, which should implement the fundamentals of market relations in a systematic sequence and in a politically continuous manner, was a vital necessity.

The main goal of the current reforms in our country is to establish a socially oriented market economy and build a legal state. The realization of this goal requires the improvement of public administration, renewal and further democratization of society, complete modernization and reform of the country. Effective state management is important in the implementation of the mentioned measures.

Any modern socio-political process, in particular, the desire to understand system phenomena such as state administration, prompts us to address the nature and essence of this issue. Many socio-political processes occurring in the society are inextricably linked with the issue of management. The word "administratio" means "service" and the term "administration" means to lead (someone, something).

In this regard, as the doctor of legal sciences A.A. Azizkhojayev noted, "the state is an abstract, generalized concept, which is significantly manifested only through the complex and at the same time internally coordinated, wide-spread and smooth mechanism created by itself. State bodies play a crucial role in this. These state bodies, as specially designed and specially established institutions, are the main and direct power, and the state implements its goals and tasks with their help. If we conclude from this, we can come to the opinion that the state regulates social relations through the means of management implemented on the basis of state bodies.

Russian scientist Yu.M. Kozlov equates the concept of "state administration" with the implementation of executive power and considers "state administration to be a regulatory activity according to the legal content.

Husain Vaiz Koshifi, one of the greatest scientists of the ancient East, stated the following in the field of public administration: "the state and society cannot be imagined without politics and administration, because without them it is impossible to carry out the task of regulating the important affairs of the world, and all the laws on education and punishment lack of it will lead



to disruption of state activity." With these thoughts, the great scientist distinguishes between two forms of management, i.e. management of one's own heart and management of subordinates. According to Husayn Vaiz Koshifi, "if there is no management in society, there will be no mutual support, because everyone harms others for their own personal benefit, mutual struggle, destruction and vices such as violence will rise."

From these opinions of the scientist, it can be concluded that the concept of "management" is not only relying on force and using power, on the contrary, this concept is also a factor of influencing the mind, behavior, behavior and activities of people through stimulation. The nature of "governance" in this sense acquires creativity, creativity, practical cooperation and is directed to the development of society and the implementation of the tasks facing the country. Therefore, it is necessary to take into account the characteristics of the interaction of the parties that are related to each other in order to properly understand the state administration.

M. Boydayev, Doctor of Legal Sciences, defines that "the system of state management bodies is a system of all-round interaction of management bodies, functional and network bodies within the framework of common powers." And we will try to find an answer to the concept of "system of state management bodies" by defining the goals, tasks and functions of state management bodies in order to further fill these questions.

It should be noted that the state has an organizational and material force, i.e., a mechanism, which enables the implementation of its will and power. The mechanism is a structural and objective expression of what the state is made of. We can come to the opinion that the state mechanism is an integrated hierarchical, i.e. subordination-based, system of implementation of state power, tasks and functions of state bodies and other organizations.

The state consists of various state organizations. These organizations include:

- 1) state bodies;
- 2) state institutions;
- 3) state enterprises can be included.

Therefore, state enterprises and state institutions act as independent structures of the state, and the administration of enterprises and institutions belongs to the general system of state bodies. By its essence, a state body means a certain group of citizens, a certain organization. This community of citizens is organized by the state to implement one or another type of state activity. The state organizes its administrative bodies or determines the order of organization, gives them certain powers to operate on behalf of the state and in its interest. State bodies perform state functions.

The system of state power is divided into legislative, executive and judicial power. They operate independently of each other. The principle of separation of powers is confirmed in Article 11 of the Constitution of the Republic of Uzbekistan.

It is known that executive power is an important link in the process of organization and implementation of state power in the Republic of Uzbekistan. Executive power is a certain political and legal category, which represents the state power, implements the adopted laws and their norms in life, protects the rights and freedoms of citizens, and ensures public order and security. In the implementation of the aforementioned functions, the executive authority performs management actions and makes management decisions in this regard. State



administration is a form of implementation of executive power. That is, it is a type of activity that ensures the efficient and targeted operation of the state mechanism.

Based on the mentioned points, we should distinguish the concepts of "state administration bodies" and "executive power bodies" from each other and compare them.

According to G.V. Atamanchuk, state management has objective and subjective factors. State administration is subjective, because it is a product of the consciousness and actions of people (public servants, officials). Management subjects are responsible for the content of the management. From an objective point of view, public administration has the following appearance: nature - purpose - function - structure - process - principles.

State administration bodies are independent bodies in the power system, perform execution and order-giving activities according to their legal content. Adopts regulatory and legal documents related to the implementation of the powers assigned to him and ensures their execution. It should be noted separately that the independence and powers of state management bodies are within the scope established by law. That is, the rule that "it is possible to carry out any activity that is not prohibited" is not applied to state management bodies.

One of the important features of state administration bodies is their legality. In their activities, they must strictly observe the Constitution and laws of the Republic of Uzbekistan, fulfill them, and assist in the implementation of these normative documents by others within the framework of their powers. We should emphasize that the economic management bodies that exist in the executive power system are not part of the state management bodies. As an example, we can cite joint-stock companies and associations.

Based on the mentioned points, we will mention the unique features of the system of state management bodies:

- 1) the system of state administration bodies is a separate activity system aimed at the implementation of executive power and separated from law-making and judicial activities in terms of form, style and content. Its basis is executive and order-giving activity carried out on the application of laws and statutory documents;
- 2) the system of state administration bodies consists of bodies that implement the activity of administrative law creation (law establishment) simultaneously with the application of law. His legal creativity is manifested in the development and approval of mandatory rules of conduct for other rights and subjects (administrative objects), control over their implementation, administrative jurisdictional (rights protection) activities within the scope of his authority. will be
- 3) the system of state administration bodies - is applicable everywhere where there is a need to enforce the law and protect the rights and freedoms of citizens. This system is implemented in important spheres of state and community life - socio-economic, socio-cultural and administrative-political spheres, and covers not only state-owned objects, but also non-state organizations (in which state administration is a regulatory and control activity appears);
- 4) the system of state administration bodies is a set of bodies that are based on the objective laws of the functioning of the executive power and provide permanent and planned activities aimed at ensuring the interests of the state, the rights and freedoms of citizens, public order and security. This system implements state tasks and functions;



5) the system of state management bodies is a subsystem of the executive power established by the state. This system, which acts according to the name and instructions of the state, has the authority corresponding to the nature of the state power and operates within the scope of competence.

6) the system of state administration bodies follows the principle of legality, that is, its activity is based on the law and other normative documents and operates only within the scope of the given authority;

7) the system of state administration bodies is organized on the basis of vertical and horizontal connections and relationships. In the process of its activity, the most widespread relations are vertical and arise on the basis of administrative and disciplinary subordination of the subject of management. Recently, in the management process, it is possible to observe the emergence of a new form of horizontal relations based on the equality of management subjects (for example, redistribution of powers between executive authorities, conclusion of public or administrative-legal contracts, etc.);

8) the system of state management bodies is based on the principle of organization, that is, it is characterized by various forms that ensure the appropriate and continuous functioning of the entire management mechanism. Its organizational activities include the execution of both external and internal administrative functions;

9) the system of state administration bodies - includes powers of a jurisdictional nature, i.e. provides an administrative procedure (out of court) for the implementation of "coercive" management by its bodies (for example, administrative punishment or "administrative warning or application of administrative restriction measures).

To sum up the above, the system of state management bodies is an interrelationship in which, based on the principle of separation of powers, a certain state-authority is entrusted with the authority of the state mechanism to execute and issue orders in various spheres of society. is a set of independent and interacting state bodies.

State administration bodies perform their activities on the basis of certain principles. Therefore, Y.M. Kozlov and L.L. Popov showed the following as the main principles of state administration:

1) The principle of the supremacy of the individual and his interests in the life of society. Management, as the main means of implementing state policy, should first of all take into account the supremacy of the individual and his interests. It is through the implementation of state administration that the rights and freedoms of individuals are realized and their protection is ensured.

2) The principle of implementation of state administration based on the division of the power system. The division of state power into three branches is widely accepted. For the effective implementation of other state administration, the authority of state bodies must be clearly specified in the legal order. This principle determines what kind of activity each state body is engaged in, what kind of authority it has, that is, the scope of the state body's activity;

3) The principle of legality. Any activity, including public administration, must first be organized and implemented on the basis of laws. The state body and its official should carry out their activities based on the law.



4) The principle of openness. Any legal document related to the rights and freedoms and legal interests of people in the field of public administration cannot be implemented without public announcement. In the effective implementation of state administration, it is also important to take into account the opinions of citizens (public associations) regarding the activities of state bodies and the laws being adopted;

5) The principle of responsibility. In the legislation, coercive measures are also established in order to ensure compliance of state bodies and officials and citizens with the law. It protects the rights and legal interests of not only the state, but also society and an individual.

6) The principle of determining the system of state administration bodies by democratic processes. The system of state administration bodies is inextricably linked with democracy. The people exercise state power through the President of the Republic of Uzbekistan and the Oliy Majlis, as well as the authorities. The principles of state management bodies are described in different ways in legal literature. However, all of them are directed to a single goal, they regulate the organization and implementation of public administration.

State administration consists of the following elements: the purpose and tasks of state administration; interaction of management functions with functions of other state activities; interaction of state administration bodies with other state bodies; the place and role of a person in state administration.

According to Yu.M. Kozlov, state bodies differ from each other according to the content of their activity and their specific direction. They are divided into the following types. Grouping is possible:

- 1) according to the territorial scope of activity: it is divided into state and local bodies;
- 2) according to the characteristics of competence: it is divided into general, sectoral, inter-sectoral or special competent bodies;
- 3) according to the order and methods of organization: it is divided into state bodies established by the head of state, legislative body, and higher bodies.

In some cases, it is possible to see the existence of the election method. However, state administration bodies are not established through elections, but their officials can be elected.

According to the legislation of the Russian Federation, it is possible to elect officials of some executive power bodies.

4) according to the procedure for solving internal sectoral issues: they are divided into state management bodies based on collegial and sole leadership;

5) according to the organizational and legal form: government, ministries, state committees, commissions, services, control bodies, agencies, mayor's offices, departments, inspections and others. is divided.

When revealing the system of state administration bodies, dividing it into types is also of some importance. Several types of state administration are distinguished in special legal literature. Scientist Yu.N. Starilov divides public administration into three types:

a) internal state management - ensuring the legal order of the organization and operation of the system of these bodies by the bodies of executive power, that is, performing management duties. is carried out in order to;

b) external state administration - the implementation of "external" powers by the bodies of the executive power, i.e. the power that is not included in the structure of the state administration



and is aimed at legal entities is carried out for the purpose of promotion (for example, registration, licensing);

v) internal organizational state management - in this case, the law-maker, the court, the prosecutor's office and other state bodies do not apply to executive authorities and issue orders. functions are implemented.

Most of the time, relations with state administration are regulated by administrative law, and some by civil law. For this reason, state administration is divided into independent state administration and civil-legal. It is possible to be divided into the form of state administration. These forms of administration are implemented with different legal forms.

Kh.R. Alimov, one of the legal scholars, focuses on the classification of state administration bodies and shows the following types of them:

- 1) according to the basis of organization: bodies established on the basis of the Constitution and current laws;
- 2) according to the nature of competence: general, special, sectoral and mixed competence bodies;
- 3) according to the procedure for solving issues within the field: collegial and single-headed bodies;
- 4) according to the area of activity: central and local bodies;
- 5) according to the source of funding: budget bodies and economic accounting bodies.

In addition, it also shows the division of state administration bodies according to their legal status:

- a) State bodies that have the authority to execute and issue orders;
- b) State bodies with the authority to issue central sectoral execution and orders;
- c) State bodies that have the authority of local execution and issuing orders;
- g) It is divided into administrations (executive bodies) of enterprises, institutions and organizations.

In short, it is no exaggeration to say that the state administration bodies are the main mechanism of the state, that is, a unique machine that carries out its work. In this case, we can understand the differences between the state authorities and management bodies on the basis of the powers given to them. State administration bodies perform tasks that must be performed in the country. Ensures the implementation of regulatory and legal documents issued by state authorities and supervises their implementation.

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