

GARRANTIES OF THE RIGHT OF CITIZENS TO APPLY

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Abstract:

In the research work, the concept of appeals of individuals and legal entities, organizational and legal issues that arise in the process of working with appeals, mechanisms of their implementation, existing legal relations related to the effective organization of appeals of individuals and legal entities are analyzed. In this research work, the opinions of foreign scientists about the concept and essence of appeals are systematically analyzed.

Keywords: application, citizen, society, state, state body, law, application, public service, law.

Introduction

One of the most important tasks of establishing a democratic legal state and forming a fair civil society in our country is to strictly observe the laws and improve them. Article 2 of the Constitution of the Republic of Uzbekistan stipulates that " the state expresses the will of the people and serves its interests, state bodies and officials are responsible to society and citizens." The content of the right to appeal is a complex character, which implies the possibility of a citizen to participate in the management of state affairs, the realization and protection of his rights, freedoms and legal interests, as well as the implementation of other constitutional rights in an interrelated manner [1]. The right of citizens to appeal is an important part of the legal system established by our Constitution, and it is manifested in various forms of expression of wishes, requests and proposals by legal entities and individuals.

The following can be the subject of appeal to state bodies:

- Citizens of the Republic of Uzbekistan;
- Citizens of foreign countries;
- Stateless persons;
- Legal entities;
- Representatives of individuals and legal entities;
- Media representatives.

Citizens' right to appeal is exercised voluntarily without any pressure. Individuals and legal entities have the right to submit an application independently, delegate authority in this regard to their representative, or send an application by mail or electronically. Appeals may be submitted by their legal representatives in the interests of minors, incapacitated persons and persons with limited legal capacity.

The free exercise of the right to petition means that it is not allowed to impose any barriers and restrictions (property, residence period, military service, etc.). Individuals and legal entities can apply to any state body, citizens' self-governance bodies and any official in any context. In particular, the Universal Declaration of Human Rights recognizes and respects the rights and freedoms of others as a criterion for the legal restriction of human rights and freedoms (Article



29), the International Covenant on Civil and Political Rights - protection of the rights and freedoms of others indicates to do (Article 21) [2].

There are many ways to ensure that human rights are respected in a state governed by the rule of law. All opportunities have been created to ensure human rights and freedoms in our country. In this, special attention is given to consideration of appeals of citizens and solving them on a legal basis. In particular, our Constitution (Article 43) guarantees every person the right to protect his rights and freedoms through the courts, to appeal to the courts against the illegal actions of state bodies, officials, and public associations. This constitutional source has created a reliable system of protection of human rights in our country, and this system serves the realization of these rights. Individuals and legal entities can apply to the following entities:

To state bodies (for example, ministries, committees, agencies, etc.);

To public institutions (for example, public schools, universities, libraries, etc.);

Organizations with a state share (a commercial organization with a state share in the charter fund or a non-profit organization established or established by a state body in whole or in part);

Assembly of citizens of the neighborhood;

To officials.

Public associations are not obliged to respond to the appeals of individuals and legal entities. Because they are not subject to the Law "On Appeals of Natural and Legal Entities". According to the Decree of the President of the Republic of Uzbekistan dated December 28, 2016 No. 4904 "On measures to fundamentally improve the system of working with appeals of natural and legal entities", the system of public receptions of the Republic of Uzbekistan, as well as Uzbekistan Virtual reception of the President of the Republic was established.

Starting from February 1, 2018, a new version of the Virtual Reception of the President of the Republic of Uzbekistan is operating. It is my.gov.uz for citizens of the Internet. made it possible to apply to the heads of state bodies through the website at This system increased the efficiency and transparency of working with citizens' appeals to state bodies, created a single database and processing system for appeals. Therefore, from February 25, 2018, the virtual receptions of all state bodies ended their activities [3].

Currently, 334 different services are provided to residents and business entities through a single portal. From January to July 18, 2022, 6.6 million applications were received from business entities through the single portal, 96.94% of which belonged to individuals and 3.06% to legal entities. 3.4 million applications were received from the State Services Center. 61.93% of service users are men and 38.07% are women. The total number of appeals received in the Republic is 10.0 million. The largest number of applications is from Tashkent, totaling 3 million. The least number of appeals came from Syrdarya region, amounting to 5,668,000. 3.41% of the total applications for the republic were submitted by 25-34 people [4].

As of July 18, 2022, a total of 6,887,306 applications have been received at the virtual reception of the President, of which 6,797,803 have been considered and 89,503 are being considered [5].

As of July 18, 2022, the total number of users of electronic services on the My.gov.uz portal is 1,342,829, including individuals: 1,121,688 / 83.53%, legal entities: 221,140 / 16.47% [6].

Implementation of the constitutional right to appeal requires effective and high-quality organization of work in this area. Before analyzing the existing problems in the practice of reviewing and resolving appeals and their elimination, it is appropriate to briefly describe the



mechanism for identifying these problems and shortcomings.

There are also shortcomings and problems that arise due to the insufficient organization of work with appeals and the lack of control over it. Many rule violations and shortcomings in the field of considering and resolving appeals in state bodies are regularly identified. From this, it can be concluded that there is no effective and effective control over the activities of working with appeals in a number of offices and organizations. The lack of improvement in the organizational aspects of working with the appeals of natural and legal entities, the lack of creation of appropriate organizational mechanisms can lead to abuses in the structures of working with citizens of the state, and the rooting of corruption among officials. The following are included in the category of relatively common defects of this type:

- taking into account (registration) of appeals in violation of the rules, working with documents;
- poor quality and lack of systematization of correspondence with applicants;
- absence of registration books for the reception of representatives of natural and legal entities or improper maintenance of such books;
- non-recording of oral appeals and results of their resolution;
- lack of information about the procedures and schedules of reception of citizens in offices and organizations;
- non-compliance with the schedules of personal reception of representatives of the subject of appeal by officials.

We can conclude from all the normative and legal documents, opinions and theories of scientists, that the appeals of individuals and legal entities were considered one of their most important constitutional rights. The right to appeal is considered an important right of every person and belongs to the type of political rights of the systematic rights system. After the application is received, it must be considered by the official in the prescribed manner and within the time limits. Also, according to our Constitution, the guarantee of the right of every person to protect his rights and freedoms through the court, to appeal to the court against the illegal actions of state bodies, officials, and public associations is provided in a special law and many other normative legal documents found his reflection.

The right to appeal is one of the important rights of a citizen enshrined in the constitution. As a result, it requires effective organization of consideration of appeals by state bodies. Today, we are working hard to build a society where people live freely and comfortably in our country. No matter what difficulties and trials we face, we are consistently continuing all the reforms and programs we have adopted for this purpose [7].

Based on the rules established in the regulatory legal documents, it is noted that the application and consideration of applications consist of the following stages:

- 1) submit the text of the appeal to the authorized state body (official) for consideration;
- 2) receiving and registering an application;
- 3) consideration of the appeal;
- 4) respond to the appeal;
- 5) dismissal of the appeal[8].

Appeals for the implementation and protection of the rights of citizens, strengthening the relations of the population with the state apparatus, participation of citizens in the management of state affairs, strengthening control over the activities of state authorities and self-governing bodies,



combating bureaucracy and vagrancy, citizens' petitions, proposals and receiving complaints to the state apparatus is important in strengthening the legitimacy of the state. It is clear from the above that the right to appeal is one of the most important political rights of people. The free exercise of the right to petition means that it is not allowed to impose any barriers and restrictions (property, residence period, military service, etc.). Individuals and legal entities can apply to any state body, citizens' self-governance bodies, and any official in any context [9]. In particular, the Universal Declaration of Human Rights recognizes and respects the rights and freedoms of others as a criterion for the legal restriction of human rights and freedoms (Article 29), the International Covenant on Civil and Political Rights - protection of the rights and freedoms of others indicates to do (Article 21) [10].

In Uzbekistan, the law "On Citizen Appeals" was adopted for the first time in 1994. In 2002, a new version of this law was adopted. The deepening of democratic processes and the wide-scale reforms in the protection of the rights and freedoms of citizens in our country required further improvement of this legal document. It is a product of the new Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities" adopted in 2014 [11].

One of the most important documents in the field of petitions is the "Model regulation on the procedure for working with petitions of individuals and legal entities in state bodies and state institutions" attached to the decision of the Cabinet of Ministers of the Republic of Uzbekistan dated March 3, 2015 [12]. As a result of the execution of the above legal documents, the legal basis of the right of appeals was created in our country.

A citizen has the right to appeal directly to the court or to a higher-ranking body or official with a complaint against actions (decisions) that violate his rights and freedoms. The higher authority and official must review the complaint within one month. If the citizen's complaint was rejected or he did not receive an answer within one month from the date of filing the complaint, he has the right to file a complaint with the court [13].

With the applicant is very important during the review of the application. Therefore, it is necessary to create conditions for the applicant to freely express his opinion regarding his application, provide additional information, and express his wishes and goals. By this, it is necessary for the state body and its official to listen to the appeal of the applicant, to ensure that he meets with an expert, a specialist, or a directly relevant organization to solve the problem.

To fully and truthfully reflect such a direct reception, it is advisable to make a report, in which the entire process of the meeting with the applicant, the content of his suggestions, and complaints should be described. Then the report and the reply letter to it should be sent to the person who applied [14].

The day when the response is sent to the applicant is considered the day of completion of the review of the application, about which the department for working with applications will make a mark in the log of applications and on the registration card. If a duplicate of the appeal is received after the appeal has been reviewed and a response has been sent, the state body will notify the applicant in writing [15].

But these measures have not yet been implemented. However, there is still a lot of work to be done in the field. The reason is that the most important information about the socio-political life of the country is formed through the development of the appeals institute in our country. For the further development of our country, the effective functioning of the right of appeal of individuals



and legal entities is of urgent importance. Based on this, it is necessary to create a mechanism to protect the rights and freedoms of the country's population. Best practices for handling applications include:

- 1) improvement of the legal basis for working with appeals, taking into account the most positive results in the experience gained in the practice of law enforcement;
- 2) to ensure the inevitability of the responsibility of the officials who have neglected to fulfill their obligations during the consideration of the appeal;
- 3) it is necessary to improve the policy of working with personnel in all organizations dealing with appeals and their regional divisions [16].

Implementation of the constitutional right to appeal requires effective and high-quality organization of work in this area. Scientific research of the activities of state bodies related to the review of appeals allows us to identify typical problems in this field and to group them. We will consider the following groups of them. Shortcomings and problems related to the violation of the deadlines established by law for the consideration of appeals. During the consideration of appeals in state bodies, the facts of falsification are quite common [17].

If the application and complaint of a natural or legal person are satisfied by the state body that made an illegal decision on this application, the loss and expenses related to filing the application or complaint and its consideration, as well as the lost wages during this time the applicant will be reimbursed in court [18].

The right of natural and legal persons to appeal is enshrined in the constitutions of almost all foreign countries. In Germany, Great Britain, and Australia, the right of citizens to apply to state bodies is considered a monitoring and control mechanism over the parliamentary and legislative activities of the state and is considered a separate part of the activities of legislative and executive bodies [19].

While it has been shown that the application of the thematic approach to the content of petitions is officially recognized as an effective method in most countries, the classification of petitions according to the issues raised in them - the development of a "unified classifier of petitions" by introducing the system of "thematic classification" it is proposed to approve it with a normative legal document and put it into practice [20].

There are aspects of our national legislation that differ from the system of working with appeals of other advanced countries. For example, in Italy, a state fee is imposed on complaints and other actions related to their consideration. Exemption from the duty or reduction of its amount is allowed only according to the reasoned decision of the body considering the complaint [21]. In this case, it is considered appropriate to implement the population based on the level of income. The reason is that the income level of the majority of our population is drastically different from that of the population of European countries. Finnish legislation clearly defines the method of applying to state organizations and the procedure for its presentation.

It would be appropriate to create and implement a system of real-time sending of appeals of individuals and legal entities to hotlines of state bodies by "sms-message" and mail in electronic form. This system allows applicants to introduce information technologies that provide a quick application to the state body, regardless of their place of residence. The introduction of an electronic archive that stores all incoming appeals, the results of their review, and the answers sent will have a certain effect [22].



It is possible to raise the qualifications of officials dealing with appeals, the legal culture of employees, and the establishment of relevant personnel training centers.

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