

IMPROVEMENT THE ORGANIZATIONAL AND LEGAL FRAMEWORK OF THE IMPLEMENTATION OF LEGAL POLICY BY LOCAL STATE AUTHORITIES

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***Abstract-* This article highlights the legal framework of the implementation of legal policy by local state authorities, as well as analyzes the legal nature and special features of the legal acts of local representative and local executive bodies. In addition, author developed recommendations and proposals to improve the principle of separation of powers in the system of local state authority.**

***Keywords:* separation of power, local council, governor, deputy control, decision making process, decentralization**

1. Introduction.

One of the key areas of administrative reform in Uzbekistan today is to increase the efficiency of the executive branch, strengthen their role and responsibility in this area. The executive bodies of local state power are the part of the state that organizes the activities of each region. This authority has a wide range of powers, including the majority of civil servants of public bodies. According to the concept of the rule of law, the main task of local executive authorities is to ensure the implementation of the law on the regions, which objectively requires the implementation of activities that affect the rights and interests of citizens. This, in its turn, requires a serious approach to the formation, organization and accountability of local executive bodies in each democracy.

2. Decision-making process of the local state authority.

in the field of public administration is a very complex and multifaceted process. Every decision of the state authority and officials required to be on the basis of the principles transparent and justifiable and must be discussed in detail regarding to its actuality and the regulation of the legal relations.

At the same time, the effectiveness of this decision depends on the extent to which it is implemented. In this regard, Nizamulmulk says in his work "Policy": "The respect and power of the decree should be such that no one should leave it until it is executed. If any person is known to have a negative attitude to the decree or there are reports that its execution has been delayed, such a person will be punished, even if he is a relative. The king's order, of course, differs from the others in that it is carried out and taken seriously".

According to Article 103 of the Constitution of the Republic of Uzbekistan, "Khokim of region, district and city and town shall exercise his powers in accordance with the principle of one-man management and shall bear personal responsibility for the decisions and actions of the bodies directed by him" The role of local executive power is especially important in the process of reform and transition to democracy.

The main responsibility for ensuring the rights and freedoms of citizens, the implementation of important economic reforms and the organization of a market economy rests with the executive branch. These bodies of public administration play an important role in the enforcement of new democratic laws designed to protect the interests of citizens.

The implementation of legal policy in the activities of local bodies of authorities is closely linked with the effective functioning of the executive and representative bodies, the decisions taken by them and their implementation.

Regarding to this issue On January 20, 2020, President of the Republic of Uzbekistan Shavkat Mirziyoyev addressed the first session of the newly elected Senate of the Oliy Majlis, noted that: Now it's not the time to complain that the executive power is not working well. Who should control over the activities of the executive body? First of all, senators? The more active the lower councils are, the more effective the work of the Senate will be. The active use of the executive branch on the territories is very depend on our senators. The senators should hear the reports of the local leaders and bring the issues at the republican level to be discussed to the Senate. ”

The technologies and mechanisms used in decision-making in the field of public administration depend on the following factors:

- processes that have a qualitatively specific appearance and shape;
- the peculiarities of these processes;
- the area in which these processes take place;
- to the subjects involved in these processes;
- stable conditions and other factors.

Decisions made by the authorities reflect the balance of political forces, the interests of nations and different social strata. Therefore, the field of state governance has its own characteristics. This is also not accidental, as the state carries out a very wide range of work, from determining the political direction of the country to responding to the appeal of an ordinary citizen. The decision-making process largely depends on the legitimacy of public administration. This can be determined by whether there is a legal basis for the work carried out by the state. At the same time, it is very important that the state, first of all, serves the society.

Regarding to this issue Our President in his speech “Critical analysis, strict discipline and self-control and personal responsibility – should be the daily rule of every leader” pointed out that: some leaders of the region, city and district instead of making timely, well-developed and well-grounded decisions, it is limited to putting general resolutions on these documents and making assignments. Also, many leaders are accustomed to solving complex problems without leaving the cabinet, "... without a thorough study the conditions of the state affairs on the ground”

World practice shows that the approach to promoting the concept of decentralization of public administration, which involves entrusting local government with certain tasks, such as

decision-making on regional development issues and their individual implementation, is gaining popularity. In this case, from the point of view of achieving development goals, effective public administration on the ground will not only improve the interaction between public administration institutions, but also lead to sustainable and effective regional development.

As a result, it is the ability of regional and district governments to meet the global requirements for the necessary socio-economic changes in the development and implementation of modern approaches to development policy, which will determine the future level of economic and social development of the regions.

3. The separation of power in the system of local governance.

Chapter XXI of the Constitution of the Republic of Uzbekistan strengthens the constitutional basis for the activities of local authorities of the Republic of Uzbekistan. This provision specified the system of local authorities and executive authorities, the order of organization of their work, their functions, powers and forms of organizational activity. Local state authorities implement the laws of the Republic of Uzbekistan, presidential decrees, and decisions of the highest state authorities and participate in the discussion of issues at the level of national and local significance. Article 99 of the Constitution strengthens that the Kengashes of people's deputies, directed by governors (khokims), are the representative bodies of authority in regions, districts, cities and towns (except towns subordinate to district centres). They shall act upon matters within their competence in accordance with the interests of state and citizens.

The constitution provides for the division of local governance into two independent bodies – representative and executive. Article 1 of the Law on Local state authority clearly states that “Councils of people’s deputies in regions, districts and cities are representative bodies of state power. Article 100 of the Constitution of the Republic of Uzbekistan defines the powers of local government.

These powers include ensurance of legality, legal order and security of citizens; economic, social and cultural development within their territories; formation and implementation of the local budget, establishment of local taxes, fees, formation of non-budget funds; direction of municipal economy; protection of the environment; ensurance of the registration of civil status acts; adoption of normative acts and exercising other powers which are not contrary to the Constitution and legislation of the Republic of Uzbekistan.

The khokim of regions, districts and cities shall exercise his powers in accordance with the principle one-man management. The local Councils of people's deputies shall exercise their powers collegially. The khokim within his vested powers shall adopt decisions which are binding on all enterprises, institutions, organizations, associations, as well as officials and citizens in the relevant territory. Local state authorities of Uzbekistan operate on the basis of the following normative legal acts: the Constitution of the Republic of Uzbekistan; Law of the Republic of Uzbekistan “On reorganization of local state authorities of the Republic of Uzbekistan” of January 4, 1992; Law of the Republic of Uzbekistan “On local state authority”; Regional, district and city Councils of people's deputies “Regulations”; Regulations on standing commissions; other normative legislation. One of the features of these normative legal acts is that they regulate the activities of local state authorities at all levels on the basis of a single piece of legislation.

The regional, district and city executive authorities operate under the direction of the khokim (governor). It consists of the governor's secretariat and subdivisions, which act as subdivisions in the designated area.

In accordance with the current legislation, the following administrative documents are prepared in the khokimiyat (governance office):

- decisions and orders of the khokim;
- decisions of regional, district and city Kengashes of people's deputies;
- assignments of the governor and his deputies;

Decisions and orders, resolutions of the Council of people's deputies, protocols of emergency meetings, service letters sent to higher organizations are signed by the regional, district and city khokimiyats. Hence, decisions and orders prepared by local executive bodies are considered mainly management decisions.

Regarding to the issue of improving the decision-making process in the representative and executive bodies, the head of our state said that: "However, no matter what obstacles and difficulties, how acute or urgent problems we face on our way, we do not have the right to make hasty decisions, to make ill-considered actions"². Therefore, it is necessary to eliminate the existing shortcomings and further improve the adoption and implementation of decisions in public authorities and governance bodies. This means that the analysis of the decision-making process in the representative and executive bodies and improving its efficiency remains one of the most actual issues in our country today."

4. Constitutional model of deputy control in local governance .

It should be noted that local councils, in addition to adopting normative legal acts on the socio-economic, socio-cultural development of the regions, ensuring the implementation of legislation on the ground and addressing other issues within their competence, also carry out oversight activities. The oversight activities of local councils are also commonly referred to as deputy oversight.

In our opinion, deputy control is an organizational and legal activity aimed at observation and study of the implementation, determination existing obstacles of shortcomings of legislation in relevant territories and eliminating them by local councils and their bodies, permanent and temporary commissions, deputy groups of political parties, as well as local executive bodies of deputies and other officials. It should be noted that according to the analysis of the current legislation, the following forms of deputy control are currently used in local councils of people's deputies:

- study of the implementation of the current legislation by the executive authorities and its departments and divisions in the form of control;
- control over the budget, including the adoption of local budgets and consideration of reports about execution of them, as well as the establishment of rates of local taxes and other mandatory payments within the amounts established by law;
- hearing reports of the governor on the most important and topical issues of socio-economic development of the regions, as well as reports and information of other officials;
- sending parliamentary requests, as well as requests of deputy groups of political parties;
- approval of decisions of the governor, as well as annulment of decisions of the governor and the lower Council that do not comply with the laws of the Republic of Uzbekistan;

– in most legal literature, the appointment of officials or their approval to the positions is also mentioned as one of the forms of deputy control. In our opinion, the main tasks of the Council and its standing commissions in monitoring the implementation of current legislation by local executive authorities and its departments are:

firstly, to identify the causes and conditions that hinder the execution of the legislation;
secondly, the development of proposals to eliminate errors and omissions in the implementation of legislation;

third, to identify the most topical regional problems and develop recommendations for their solution;

fourth, the practical application of information obtained on the results of conferences, roundtables and seminars held by the standing committees of the Council, as well as the consideration of citizens' appeals;

fifth, raising the level of legal knowledge and practical skills of deputies;

sixth, to increase the legal culture in the society.

Article 27 of the Budget Code of the Republic of Uzbekistan defines the powers of local councils in the field of budget, according to which local Councils of people's deputies: reviews and adopts the budget of the Republic of Karakalpakstan, local budgets of regions and Tashkent city, district and city budgets, on the recommendation of the Council of Ministers of the Republic of Karakalpakstan, and the governors of the regions and Tashkent city, district and city. It also reviews and approves quarterly reports on the implementation of local budgets in relevant period in accordance with the recommendations of governors. It should be noted that this provision of the Budget Code serves as a legal basis for Article 17 of the Law "On Local state authority" to determine the convening of Council sessions at least four times a year.

At the same time, the establishment of rates of local taxes and other mandatory payments within the limits established by the legislation can also be considered in the budgetary control of the Councils. According to Article 24 of the Law on Local State authority, local Kengashes of People's Deputies annul decisions of the governor and the lower Council that do not comply with the laws of the Republic of Uzbekistan.

However, we would like to note that the procedure of revocation of these documents, its mechanisms are not reflected in the legislation. That is, it is important to legally regulate issues such as who will announce the initiative to repeal the decisions of the governor, in what order, who will chair the session on its annulment. Candidate of legal sciences A.Dadasheva, in the process of legal research on this issue, also said that the unified organizational structure of the regional and district authorities does not seem reasonable in terms of the division of powers at the local level. The Law of the Republic of Uzbekistan "On Local State authority" does not reflect the division of responsibilities between different levels of government, which leads to the ambiguity of the concept of "who is responsible for what at different levels of executive power.

Because there are no clear norms or standards for decision-making and decision-making by executive bodies at all levels. She noted that this situation leads to bureaucracy in decision-making, which in turn leads to an ambiguous distribution of management responsibilities, the imposition of non-specific tasks on government officials and the loss of the ability to perform tasks properly.

5. Critical analysis of legislation.

It is known, that the improvement of local state authority is directly related to the improvement of the activities of local councils. Currently, this issue only regulated by the “Standard procedure for monitoring the implementation of decisions of regional, district and city Councils of people’s deputies and their standing committees by local state authorities and governance bodies” adopted by the Supporting Commission of the Senate on strengthening the activities of local representative bodies on May 30, 2014.

The analysis of the current legislation showed that there are a number of gaps in the legislation regulating the oversight activities of local councils:

Firstly, the Law on Local state authority and other legislation do not contain the mechanisms of exercising deputy control in local councils and norms providing for the legal consequences of deputy control;

Second, the legislation does not fully define the forms of deputy control, in particular, the mechanisms of sending and receiving responses to requests, and the timely response of officials to requests. Some heads of local executive authorities are negligent and inaction in considering the issues determined in the requests. As a result, the issues raised in the parliamentary requests at protecting the rights and interests of citizens are remaining unresolved;

Third, there are no organizational and legal procedures for hearing the reports of officials and the legal consequences of decisions made on them.

Nowadays, we can also observe a number of common shortcomings in the texts of the decisions of local councils of people’s deputies. In particular, in many cases the name of the decision of the Council of people’s deputies does not correspond to its content. When referring to normative legal acts in the texts of resolutions of the Council of people’s deputies, their details – the date and number of adoption of the normative legal act are not specified in full.

The instructions in the decisions of the Council of people’s deputies are given only for formality, so the instructions are not clear and understandable. Sometimes, the decisions of the Council of people’s deputies do not specify the specific executors responsible for the implementation of this decision.

Another serious shortcoming is that the deadlines for the implementation of the tasks set out in the decisions of the Council of people’s deputies, the persons responsible for ensuring the implementation of the tasks in these decisions are not defined.

In some cases, we observe the control over the execution of decisions of the Council of people’s deputies is entrusted not to the standing committees or deputies of the Council of people's deputies, but to officials of the governor’s administration or deputy governors – heads of relevant complexes.

Such shortcomings in the activities of the Councils of People's Deputies do not have a positive impact on the effectiveness of the work related to the implementation of the decisions of the Council of People’s Deputies, nor on the activities of deputies.

It is known that the Law “On local state authority” determines that the Councils are regularly informed about the implementation of decisions at the session, taking into account the critical views and opinions of deputies at the sessions. Therefore, in the current situation, forms of establishing deputy control over the implementation of decisions are being

developed. Proper control over the execution of decisions will help to ensure clear account of the implementation of decisions in the governor's administration, its departments and divisions by standing commissions.

For this purpose, a special journal is released in the governor's administration. It contains the decision of the Council, the decision and order of the governor, the serial number of the document, the time of its adoption, the name and the sent file, which also notes the implementation of decisions. After the decision is executed, the identity of its executor is taken under control under the direction of the heads of the authorities responsible for the area, and this is recorded on the card. This allows to formally monitor easily the implementation of decisions .

6. Conclusion.

We consider it is expedient to introduce a principle aimed at preventing, limiting and controlling the centralization of political power in the lower part of state governance. After all, the separation of powers at all levels is one of the main features of a constitutional, legal state.

In this case, we would propose the introduction of a veto system, which is the independence of each power, one of the mechanisms of interaction. That is, it is necessary to introduce a procedure for vetoing political decisions made by local councils by the heads (governors) of territorial administrations. This also serves as a resource in maintaining the role and importance as well as its power of influence of the executive in territorial governance.

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