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Administrative-Legal Methods of Public Governance

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ABSTRACT

V state daetsya teoreticheskiy analiz primeneniya kontseptsii gosudarstvennogo upravleniya v administrativno-pravovoy sisteme i sushchestvovaniya razlichnykh podkhodov k ney, a takzhe podkhodov razlichnykh uchenyx s segodnyashney tochki zreniya.

Keywords:

pravo, gosudarstvennyy organ, gosudarstvennoe upravlenie, gosudarstvennyy organ, zakonodatelstvo, prava i svobody, fizicheskoe i yuridicheskoe litso, administrirovanie, administrativnaya reforma, administrativnyy kontrol, upravleniya upravleniya upravleniya, ispolnitelnaya vlast.

Introduction

Management is a powerful immanent "attribute" of human life and its organization. The essence of governance is determined by the two main interrelated qualities of man and society. It also has its own set of activities and goals. The transition of management to action means any rational (conscious) action of the individual and his team. Goal setting, on the other hand, indicates that the activity is aimed at achieving a specific intended outcome. There are many definitions of the concept of management. We present two of the most appropriate personal approaches for this research work. Management is "the conscious influence of an individual, social groups, specially created bodies on various things and processes taking place in our surrounding social life, on people and relationships between people, the arrival of certain objects, the necessary processes. giving is a social activity that is carried out to achieve the desired, required, planned results. According to the

second definition, "governance is, in fact, direct (in the form of self-government) and through specially created structures (the state), influencing people's own, social, collective and group life. It is the activity of public associations, parties, firms, cooperatives, enterprises, unions, associations, etc., which is the activity of the state. is compatible. The concept of control, according to many researchers, is a separate system consisting of three elements (subsystems) that combine individual elements. These elements can be divided into the following main groups of elements: - the subject of management, - the object of management and - the control mechanism of the subject, which is necessary to manage the object of management.

It follows that governance as a social process is a purposeful, planned and systematic influence of the subject of governance on the object of governance.

It is worth noting that in the modern socio-political sciences there is no general,

systematic vision and approach to understanding public administration, its goals and functions. January 14, 2021 Part 5 Tashkent. The concept of governance has different paradigms and different concepts in different countries, taking into account the specific mentality of the people. Developed taking into account the historical features of the development of Uzbekistan, there is a concept of public administration, which has two main pillars. These are: - universal values and tendencies - historically evolving governance trends that have risen to the level of national values. This concept of governance derives its historical basis from the great scholar Abu Nasr Farobi's "City of Noble People", Amir Temur's "Temur's Statutes", Hussein Voiz Kashifi's "Futuvvati Sultaniy" and other similar works. The growing contradictory processes: multipolarity and globalization require a systematic reform of the system of governance in our country in a democratic spirit on the basis of liberal ideas. This means that one of the key factors in the sustainable development of our social life is to know the specifics of modern processes, to understand and follow the basic rules and conditions that must be understood and implemented in modern public administration in our country for successful socio-economic development.

If we look at the Constitution of the Republic of Uzbekistan, we see that the term "executive power" is used in places that directly mean the concept of public administration. This, of course, is used in the sense that the terminological change, in turn, covers the entire government. The fact that the concept of executive power is used in the Constitution does not mean that the concept of public administration in our social life has fallen out of use. moreover, 'public administration' is still one of the main categories for the science of administrative law. "Understanding the nature of the categories of 'public administration and executive power' plays a key role in understanding the subject and, consequently, the nature of administrative law as a branch of law." Therefore, most of the textbooks on administrative law begin with an analysis of

the concepts of "governance", "social governance", "public administration" and "executive power" and the specific relationship between them. If we look at many scientific studies in the field of administrative law and the ideas put forward in them, we can see that current research in the field of administrative law has developed two main approaches to defining the concept of 'public administration'. They are public administration in the broadest sense and public administration in the narrowest sense.

To better understand both of these approaches, we can look at the positions of some scholars who have conducted research in this field. For example, A.P. Alexin and A.A. Karmolitsky, after their many years of research, consider public administration in a broad sense and suggest three options for interpreting the concept of "public administration".

First, they define "public administration" as a type of social governance, and argue that it plays a significant role in social relations and in the transition of social processes from one level to another in general. The state is also portrayed as its subject.

Second, they refer to public administration as a form of influence of all its organs on the development of society, its development. And it is this term that refers to the individual as a concept that describes the targeted organizational influence of the state.

Thirdly, the content is a concept that defines the organization of state activity, which directly includes the constitutional functions of lawmaking, administration of justice, oversight of the prosecutor's office. In this case, the concept of public administration means:

a) the President of the Republic of Uzbekistan; representation (legislature), judiciary, prosecutor's office. They deal with many organizational and managerial issues in the political process, such as the formation of government bodies and the appointment of officials. Within these bodies, a state apparatus is also formed, which performs ancillary functions in relation to their main activities. The management of such a state apparatus and its activities also have a managerial character;

b) executive and other state bodies. According to Article 98 of the Constitution of the Republic of Uzbekistan, "The Cabinet of Ministers of the Republic of Uzbekistan exercises executive power. The Cabinet of Ministers of the Republic of Uzbekistan consists of the Prime Minister of the Republic of Uzbekistan, his deputies, ministers, chairmen of state committees. The Prime Minister of the Republic of Karakalpakstan is an ex officio member of the Cabinet of Ministers.

Public service - O ' activities to ensure the implementation of the rights and legitimate interests provided by the legislation of the Republic of Uzbekistan; applicant - an individual or legal entity who has applied to a public authority with a request for public services; Single Register of public services, forms and forms (hereinafter referred to as the Single Register) - a complete list of public services, forms and forms, as well as other information in accordance with this Regulation, available on the Internet and an information resource that is freely available to all; the result of the provision of public services - the implementation of the rights, freedoms and legitimate interests of applicants, including the provision of relevant information and documents to applicants, expressed in the implementation of appropriate actions by public authorities in accordance with the regulations of public services; Regulation on rendering of the state service - the regulatory legal document determining the procedure for rendering of the state service by state bodies and (or) the organizations subordinated to them.

The Unified Register is formed and maintained for the following purposes: to provide individuals and legal entities with detailed information on public services, forms and forms; increase the openness, transparency and efficiency of government agencies; to collect, summarize and analyze information on public services, as well as to develop proposals for improving the procedure for their optimization and implementation.

Implementation of administrative-legal norms is the implementation of the requirements and

rules of conduct reflected in these norms by the subjects of administrative law. Consequently, the implementation of administrative-legal norms is a legal behavior (activity) of the subjects of administrative law that meets the requirements established by the norms of administrative law. It is expressed in the possession and exercise of the rights set forth in the rules, as well as in the performance of the obligations provided for in these rules. In the theory of administrative law there are four forms of implementation of legal norms:

- to follow;
- apply
- performance;
- use

Observance of administrative-legal norms is characterized by voluntary submission of the subject of law to the requirements of administrative-legal norms. This form of implementation of legal norms in practice implies that the subject refrains from performing prohibited actions. The application of administrative and legal norms is carried out by the relevant subjects of the executive branch. In practice, it is reflected in the adoption of individual legal documents by the competent authority (official) based on the requirements of substantive or procedural norms.

These documents are applied to certain administrative cases (for example, an appointment order, a decision on a citizen's complaint, registration of a public association, etc.). It should be noted that the application of the law in administrative law is directly related to the functioning of the executive branch.

Citizens do not have the power to enforce administrative laws. Enforcement of administrative and legal norms is the strict observance by the participants of the regulated management relationship of the legal rules, prohibitions or permissions expressed in these norms. This view of the implementation of legal norms is universal, as its participants are all participants in management relations.

The effectiveness of administrative and legal norms and the legal order they establish in the field of public administration is determined by the quality, scope and level of their

implementation. Therefore, compliance with administrative and legal norms is an important tool for ensuring adequate law and order and public discipline in the exercise of executive power.

The use of administrative-legal norms implies that legal entities voluntarily perform legal actions related to the exercise of subjective rights in the field of governance. It should be noted that, in contrast to the implementation of administrative and legal norms, subjective rights are exercised in the process of their use. For example, a citizen may exercise the right to drive a vehicle obtained through the completion of appropriate procedures (examinations, obtaining documents, etc.).

In a democratic state governed by the rule of law, the constitution is the primary instrument for establishing the legal basis for the relationship between government and the individual.

The Constitution recognizes the highest value of man, his life, liberty, honor, dignity and other inalienable rights.

Democratic rights and freedoms are protected by the constitution and laws. Constitutional rules help to understand how the relationship between the individual and the state should be formed and how important it is in human life. While the sovereignty of the people means that the supreme power belongs to the people, the sovereignty of the state means that it is an independent government, that is, the state carries out the domestic and foreign policy of the country on behalf of the people

Results

It is a set of legal norms governing the social relations that arise in the process of governing the state, that is, in the implementation of executive and command activities. The diversity of types of administrative activity is a key factor in the need for a wide range and diversification of administrative law. The norms of administrative law define the powers of all executive bodies and determine the order of formation, reorganization and liquidation of public administration bodies. They strengthen the rights and obligations of citizens in the field

of public administration, establish uniform rules for the activities of the executive branch and the conduct of officials, consider the responsibility for administrative violations and the procedure for their application.

The norms of administrative law are implemented within the framework of administrative-legal relations arising between the participants of various administrative-legal relations. Participants in administrative legal relations in the Republic of Uzbekistan include the President of the Republic, public administration bodies at all levels, civil servants, non-governmental non-profit organizations, individuals (citizens of the Republic of Uzbekistan, foreign citizens and stateless persons).

The system of administrative law of the Republic of Uzbekistan consists of general and special parts. The norms of the General Part strengthen the basic principles of public administration, the legal status of the subjects of administrative law, the legal forms and methods of governing the foundations of the civil service, the methods and procedures for ensuring the legitimacy and institutionalization of public administration. Special clothing is devoted to norms that reflect the specifics of social relations in various branches and areas of public administration. It sets out the principles of economic, socio-cultural and administrative governance. These include norms governing cross-sectoral governance.

Discussion

Normative legal acts issued by various state bodies are a form of expression of administrative law and its sources. Most of the existing provisions of the Constitution of the Republic of Uzbekistan are among the most important provisions that have a direct administrative-legal orientation. These are, for example, constitutional norms that determine the basis for the formation and functioning of the executive branch and strengthen the rights and freedoms of citizens in public administration. The main principles of administrative law are reflected in the laws of the Cabinet of Ministers of the Republic of

Uzbekistan on education, defense, local government, sanitary control and others.

The President of the Republic of Uzbekistan issued a decree on the establishment, reorganization and liquidation of public administration bodies, as well as economic, socio-cultural, administrative and other structures of governance. k. Many decisions on the improvement of various sectors of the economy serve as sources of administrative law.

Public administration regulation is carried out by regulations of the Government of the Republic of Uzbekistan, sectoral and intersectoral public administration bodies, as well as local competent and executive bodies. The Cabinet of Ministers adopts acts determining the legal status of public administration bodies, approves various krnunkrids that are sources of administrative law. Sources of administrative law include various decisions, orders, sectoral and cross-sectoral governing bodies (ministries, courts, state committees, republican agencies), as well as decisions of local authorities.

Conclusion

In my opinion, the main resource for the development of the Republic of Uzbekistan today is not policy, but economic improvement. This will not happen without destructive political upheavals, but it will show the fruits of its development in the future. The state can improve its independence, not on its own, regardless of specific goals and objectives, but only in the process of establishing stable rules of a modern market economy.

Improving the efficiency of government is a key factor in determining the future of Uzbekistan. Therefore, this is the most important strategic task. The current financial and economic crisis, in particular, could change the country's development strategy. At the same time, it is necessary to create an internal mechanism for continuous improvement of the public administration system.

It is important to replace direct administrative management with indirect, market management. The formation of stable rules for

a market economy should be the main goal of the state.

In general, all the necessary measures can be divided into three main groups:

achieve fast results,

achieve results in six months or a year,

to deliver results over a longer period of time.

This division is determined by practical considerations, as the forces that need to implement these measures stem from the political objectives of the respective periods: The program should be concise, understandable, and engaging, and should identify areas and mechanisms to increase its effectiveness. Its purpose is to create long-term guidelines for the development of public administration and to raise public awareness that it is not only independent, but also the most useful and important area of public activity for society. It is also about instilling in people optimism about the vitality of the state and its future. The goal of the current phase of state-building is to address the shortcomings of the state that can really be addressed today. In my opinion, to achieve this goal should use all the positive ideas that can be derived from domestic and foreign practice (in particular, the U.S.

experience, the most ambitious and often implemented administrative reform, as well as the UK, Australia and New Zealand, and the localization of modern economic development paths using the experience of other developed countries.

The state-building program also includes promising (functional, strengthening market regulation, weakening competition restrictions, ensuring the realization of strategic interests of Uzbekistan) and reduced (network, direct) transformed into large corporations (holdings). bodies should be divided into governing economic entities).

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