



Organizational legal basis of cooperation of civil society institutions in the Republic of Uzbekistan

Firuz RASHIDOV¹

International Islamic Academy of Uzbekistan

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ABSTRACT

In the Republic of Uzbekistan, institutions of civil society, including public associations and other non-governmental non-profit organizations, self-government bodies of citizens, and mass media form the basis of civil society.

Political parties are a separate institution of civil society and are voluntary associations of citizens of the Republic of Uzbekistan formed on the basis of common views, interests, and goals, striving to realize the political will of a certain part of society in the formation of state authorities, and participating in the management of state and public affairs through their representatives. Religious organizations are voluntary associations of citizens registered in accordance with the established procedure, organized for the purpose of religious belief, worship, and performing religious rituals and ceremonies, which do not make a profit as the main goal of their activities and do not distribute the received income among their participants. The charters of political parties state the following goals of their activities: preservation and enrichment of spiritual values, customs, and traditions, rich historical heritage, increasing the sense of national identity among citizens, creating favorable conditions for the formation and strengthening of national pride, loyalty and love for the Motherland, inter-ethnic strengthening of relations, development of friendship and solidarity, fighting against all aspects of nationalism, religious extremism, terrorism, promoting inter-religious tolerance, peace, and stability, inter-ethnic harmony. The charter of mosques under the jurisdiction of the Muslim Board of Uzbekistan stipulates that the following objectives and tasks should be fulfilled: following the principles of mutual respect and harmony between all Muslims, those who believe in other religions or those who do not believe in any religion, and all nationalities, while explaining religious rules to

¹ Senior teacher, International Islamic Academy of Uzbekistan, Independent researcher, Tashkent State University of Law. E-mail: rashidov77@mail.ru

citizens, patriotism, nationalism, faith-believing, spiritual and moral purity, education in the spirit of respect for national-spiritual values. The article discusses the possibilities of cooperation in social issues of public associations with mutually compatible goals and tasks.

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Ўзбекистон Республикасида фуқаролик жамияти институтлари ҳамкорлигининг ташкилий ҳуқуқий асослари

АННОТАЦИЯ

Калит сўзлар:

фуқаролик жамияти,
сиёсий партия,
диний ташкилот,
экстремизм,
терроризм,
барқарорлик,
ҳамкорлик,
ижтимоий масалалардаги
ҳамкорлик.

Ўзбекистон Республикасида фуқаролик жамияти институтлари, шу жумладан, жамоат бирлашмалари ва бошқа нодавлат ноижорат ташкилотлари, фуқароларнинг ўзини ўзи бошқариш органлари, оммавий ахборот воситалари фуқаролик жамиятининг асосини ташкил этади.

Сиёсий партиялар фуқаролик жамиятининг алоҳида институти бўлиб, Ўзбекистон Республикаси фуқароларининг қарашлар, манфаатлар ва мақсадлар муштараклиги асосида тузилган, давлат ҳокимияти органларини шакллантиришда жамият муайян қисмининг сиёсий иродасини рўёбга чиқаришга интилувчи ҳамда ўз вакиллари орқали давлат ва жамоат ишларини идора этишда қатнашувчи кўнгилли бирлашмаси ҳисобланади. Диний ташкилотлар эса фуқароларнинг белгиланган тартибда рўйхатдан ўтказилган, биргаликда динга эътиқод қилиш, ибодат қилиш, диний расм-русумлар ва маросимларни бажариш мақсадида ташкил этилган, даромад олишни ўз фаолиятининг асосий мақсади қилиб олмаган ҳамда олинган даромадларни ўз иштирокчилари ўртасида тақсимламайдиган кўнгилли бирлашма ҳисобланади. Сиёсий партиялар низомларида уларнинг қуйидаги фаолият мақсадлари келтириб ўтилади: маънавий кадриятлар, урф-одатлар ва анъаналар, бой тарихий меросни сақлаш ва бойитиш, фуқароларда миллий ўзликни англаш ҳиссини ошириш, миллий ғурур, Ватанга садоқат ва муҳаббат туйғусини шакллантириш ҳамда мустаҳкамлаш учун қулай шароитлар яратиш, миллатлараро муносабатларни мустаҳкамлаш, дўстлик ва ҳамжиҳатликни ривожлантириш, ҳар қандай миллатчилик, диний экстремизм, терроризм иллатларига қарши кураш олиб бориш, динлараро бағрикенгликни, тинчлик ва барқарорликни, миллатлараро тотувликни тарғиб қилиш. Ўзбекистон мусулмонлари идораси тасарруфидаги масжидлар уставида эса қуйидаги мақсад вазибаларни бажариши белгиланган: барча мусулмонлар, бошқа динларга эътиқод

қилувчилар ёки ҳеч қандай динга эътиқод қилмайдиганлар ҳамда барча миллатлар ўртасида ўзаро ҳурмат ва тотувлик тамойилларига амал қилган ҳолда, фуқаролар, хусусан, ёшларга диний аҳкомларни тушунтириш билан бирга аҳолини ватанпарварлик, миллатпарварлик, имон-эътиқодли, маънавий ва ахлоқий пок қилиб, миллий-маънавий қадриятларга ҳурмат руҳида тарбиялаш. Мақолада ушбу ўзаро уйғун мақсад-вазифаларга эга жамоат бирлашмаларининг ижтимоий масалалардаги ҳамкорлик алоқаларини амалга ошириш имкониятлари муҳокама қилинган.

Организационно-правовая основа сотрудничества институтов гражданского общества в Республике Узбекистан

Ключевые слова:

гражданское общество, политическая партия, религиозная организация, экстремизм, терроризм, стабильность, сотрудничество, взаимодействие в социальных вопросах.

АННОТАЦИЯ

В Республике Узбекистан институты гражданского общества, в том числе общественные объединения и другие негосударственные некоммерческие организации, органы самоуправления граждан, средства массовой информации составляют основу гражданского общества.

Политические партии являются самостоятельным институтом гражданского общества и представляют собой добровольные объединения граждан Республики Узбекистан, образованные на основе общности взглядов, интересов и целей, стремящиеся реализовать политическую волю определенной части общества при формировании органов государственной власти и участвовать в управлении государственными и общественными делами через своих представителей. Религиозные организации – добровольные объединения граждан, зарегистрированные в установленном порядке, организованные в целях отправления религиозных верований, отправления культов, совершения религиозных обрядов, не преследующие основной целью своей деятельности получение прибыли и не распределяющие полученные доходы среди их участников. В уставах политических партий сформулированы следующие цели их деятельности: сохранение и приумножение духовных ценностей, обычаев и традиций, богатого исторического наследия, повышение чувства национальной идентичности у граждан, создание благоприятных условий для формирования и укрепления национальной гордости, лояльности и любовь к Родине, укрепление межнациональных отношений, развитие дружбы и солидарности, борьба со всеми проявлениями национализма, религиозного экстремизма, терроризма, содействие межрелигиозной толерантности, миру и стабильности, межнациональному согласию. Уставом мечетей, находящихся в ведении Управления мусульман Узбекистана, предусмотрено выполнение следующих целей и задач:

соблюдение принципов взаимного уважения и согласия между всеми мусульманами, исповедующими другие религии или не исповедующими какую-либо религии и всех национальностей, при разъяснении гражданам религиозных правил, патриотизма, национализма, вероисповедания, духовно-нравственной чистоты, воспитания в духе уважения к национально-духовным ценностям. В статье рассматриваются возможности сотрудничества в социальных вопросах общественных объединений с взаимосовместимыми целями и задачами.

In a modern democratic state, the political life of society is formed on the basis of the principle of multipartyism. The principle of multipartyism creates healthy political pluralism, the rule of law, equal opportunities, and a competitive environment in society through political parties. Today, the processes of integration and differentiation taking place in the operation of political parties and the practice of the multiparty system require the strengthening of inter-party competition in the political area, making it an objective necessity to improve the operation of political parties. In the environment of competition formed on the basis of multipartyism, the social, political, and legal consciousness of the population, especially the youth, grows, and the activity and initiative of citizens increase. This increases the possibility of monitoring the results of the activities of political parties in the interests of the people and the development of the country.

In order to liberalize all spheres of the political life of the country, to build the state and society, to strengthen the political and economic activity of citizens and to create appropriate conditions for the full realization of human potential, to develop the right of people to freely express their will, realize and protect their interests and manifesting in practice, the multiparty system plays an important role in forming an effective mechanism that provides a balance between various interests, opposing forces and actions that exist in our society [1].

The continuity of the process of democratization and modernization of the political system of Uzbekistan requires continuous improvement of the ideas and ideologies of political parties, resolution of inter-party conflicts and differences based on consensus, in-depth analysis of the interests and needs of the electorate, and finding scientific solutions to existing problems. Today, the task of “strengthening the multi-party system, increasing the influence of political parties in the life of the state and society, and creating an environment of healthy competition between them” [2] arises due to an objective social necessity.

National and foreign experience shows that the developed multi-party system, the maturity and activity of political parties and civil institutions, and the high level of political and legal culture of citizens are important factors and conditions for the success of democratic reforms implemented in society.

When it comes to multipartyism, M. Dyuverjen, a well-known expert in Western political science, and French scientist, said, “Only if multipartyism is established in the political system, the state can fully express the interests of the people, national interests, classes, can ensure the superiority of the interests of social groups and can form a solid basis of stability in society” [3].

Political parties are a political force that unites certain strata of the population based on a common ideology and goal and seeks to acquire, preserve and implement state power by legal means. Sweden, Norway, Finland, Austria, Spain, Poland, the Czech Republic, and other developed democracies using a two- and multi-party system make a significant contribution to the formation and development of the political consciousness of the population.

Although political parties differ from other institutions of civil society in that they seek to seize power, they are similar to other public associations in terms of the existence of a power and management apparatus, as well as having ideological principles that attract new supporters while uniting members. Ideological principles are expressed in the party's program and platform, and in fact, play an important role in determining its future activity and position. In fact, they will take their rightful place in power only if they can come up with ideological principles and programs aimed at practical solutions to existing problems in society, and in fact, it should be so.

If political parties have common aspects with other organizations in society with the existence of ideological principles that unite members and attract supporters, they strive to acquire the right to seize state power, formulate state policy, and exercise state power. It differs from other institutions of civil society by its struggle.

Political parties strive to ensure the unity of their supporters in their activities and to organize their support from their allies. However, this does not always give positive results.

Political parties develop strategic and tactical concepts for seizing political power, gaining a certain place and position in it, solving existing problems, developing society, and promoting new ideas.

These concepts are in harmony with the program and main ideas of the political party, and each party represents the interests of a certain segment of the population.

It should also be noted that for the political parties operating in our country, it is necessary to implement the equal rights movement, unite into mutual blocs, move to the position of a constructive opposition, create an environment of healthy inter-party competition, sort out, systematize and protect the interests of social groups. although their practical results are yet to be seen.

Currently, there are five political parties in Uzbekistan, each of which operates on the basis of approved charters and programs.

Although the goals and tasks in the statutes and programs of the current parties differ from each other, the following parties have mutual harmony in these aspects. In particular, the goals of the democratic party "National Revival" of Uzbekistan include ensuring stable national development, protecting and promoting national interests, spiritual values, customs, and traditions, preserving and enriching the rich historical heritage, and increasing the sense of national identity among citizens, creating favorable conditions for the formation and strengthening of national pride, loyalty and love for the Motherland, uniting the country's patriots in its ranks, mobilizing their intellectual and creative potential in the interests of the state and increasing its international reputation, to educate young people in the spirit of national independence, preservation of national traditions and customs, to contribute to the protection of the negative influence of "mass culture" harmful to the minds of young people, to support their practical actions for the development of the Motherland are included [4].

The main goals and tasks of the Social-Democratic Party of Uzbekistan “Justice” are: ... strengthening inter-ethnic relations, developing friendship and solidarity, fighting against any evils of nationalism, religious extremism, terrorism, inter-religious tolerance, peace, and promoting stability and inter-ethnic harmony [5].

In the constitution of the Movement of Entrepreneurs and Businessmen – the Liberal Democratic Party of Uzbekistan, which has the largest electorate in the Parliament: To make a worthy contribution to education in the spirit of living proudly as “my Uzbekistan”, to appreciate the path of independence, values, national and religious traditions, and customs under any circumstances, and not to disparage the values of all nations and peoples goals and tasks such as not to attack and to fight against such attacks [6] have been set.

The above-mentioned aims and tasks of political parties are compatible with the aims and tasks of religious organizations, which are recognized as public associations.

For instance, in the charter of mosques under the jurisdiction of the Muslim Board of Uzbekistan, following the principles of mutual respect and harmony between all Muslims, those who believe in other religions or those who do not believe in any religion, and all nationalities, along with explaining religious rules to citizens, especially young people it is determined to fulfill the goals and tasks of educating the population in the spirit of patriotism, nationalism, faith, spiritual and moral purity, and respect for national and spiritual values.

Usually, when constructive cooperation is established between different public associations with similar goals and tasks, the results are more effective than expected. However, according to the available statistics, cooperation relations between political parties and religious organizations have not been established in Uzbekistan.

The reasons for this are:

firstly, in the Republic of Uzbekistan, religion is separated from the state, and the state operates on the basis of the principle that religious organizations and religious organizations do not interfere in state affairs;

secondly, the establishment of national and religious parties in Uzbekistan is prohibited by the law.

If we analyze the norms of the law in detail, Chapter XIII of the Constitution of the Republic of Uzbekistan is devoted to institutions of civil society, and it contains articles 69-75. Article 70 of the same chapter recognizes political parties as public associations. In Article 75, religious organizations are separated from the state and are equal before the law. It is said that the state does not interfere in the activities of religious organizations.

Article 74 of the current Civil Code of the Republic of Uzbekistan defines voluntary associations of citizens united in the manner established by law on the basis of common interests to satisfy spiritual or other intangible needs as public associations [7]. According to the law on non-governmental non-profit organizations, a non-governmental non-profit organization is a self-organized organization that is voluntarily established by individuals and (or) legal entities, does not make income (profit) the main purpose of its activity, and does not distribute the income (profit) received among its participants (members) [8]. The law on public associations states that the norms of this law do not apply to religious organizations, while the law on non-governmental organizations recognizes political parties and religious organizations as non-governmental organizations and states that their activities are regulated by a separate law.

In fact, a non-governmental non-profit organization is created to protect the rights and legal interests of individuals and legal entities, other democratic values, to achieve social, cultural, and educational goals, to satisfy spiritual and other intangible needs, to carry out charitable activities, and for other socially beneficial purposes [8].

Public associations are voluntary structures formed as a result of the free expression of the will of united citizens for the joint realization of their rights, freedoms, and legitimate interests in politics, economy, social development, science, culture, ecology, and other spheres of life.

If political parties are voluntary associations of citizens of the Republic of Uzbekistan formed on the basis of common views, interests, and goals, striving to realize the political will of a certain part of society in the formation of state authorities, and participating in the management of state and public affairs through their representatives, registered according to the established procedure, organized for the purpose of practicing religion, praying, performing religious rituals and ceremonies, did not make income (profit) the main purpose of its activity, and received income (profit). It is a voluntary association that does not distribute among its participants (members).

If we pay attention to the essence of the Constitution of the Republic of Uzbekistan, the Civil Code, the Law on Political Parties, the Law on Freedom of Conscience and Religious Organizations, and the organizational legal forms of political parties and religious organizations, both of them meet the requirements of the public association.

Political parties can establish contractual relations with other public associations as well as form alliances among themselves (block).

If the legal acquisition of state power is the result of the activity of political parties, such a goal is not among the goals and tasks of the activities of religious organizations.

Religious organizations unite different strata of the population, while satisfying their religious needs, in the spirit of patriotism, nationalism, and respect for national-spiritual values, to educate them to be religious, morally, and morally pure, and to provide spiritual and material assistance to those in need is a public organization aimed at implementing its activities.

The efforts of political parties to seize state power are expressed in their pre-election programs and are related to the ideas of making people's lives prosperous and guaranteeing their rights and freedoms.

Therefore, programs of political parties represent the interests of different segments of the population; religious organizations have great experience in educating citizens in the spirit of patriotism, nationalism, and respect for national and spiritual values; the goals and tasks of political parties are compatible with the goals and tasks of religious organizations; taking into account the similarity of the organizational legal form, it is appropriate to use the results of cooperation in social issues between them in the process of implementing state power.

REFERENCES:

1. Фуқаролик жамияти асослари: Ўқув қўлланма / А. Жалилов, У. Муҳаммадиев, Қ. Жўраев ва бошқ.: – Т, Вактриа-press. 2015, Б 201.
2. Ўзбекистон Республикаси Президентлигига номзод Шавкат Миромонович Мирзиёевнинг дастури // URL –<http://uzlidep.uz/uzc/news/uzbekiston-respublikasi-prezidentligiga-nomzod-shavkat-miromonovich-mirziyoevning-dasturi>.

3. Дюверже М. Политические партии/пер. с.франц. Академический проспект. – 2002. С 312

4. See: Ўзбекистон “Миллий тикланиш” демократик партиясининг 2019 йил 1 ноябрдаги VI съездида тасдиқланган устави ва дастури // <https://www.mt.uz/uz/partiya-ustavi>

5. See: Ўзбекистон “Адолат” социал-демократик партиясининг 2019 йил 2 ноябрдаги IX Қурултойида қабул қилинган устави. <https://www.adolat.uz/partiya-ustavi>

6. Тадбиркорлар ва ишбилармонлар ҳаракати –Ўзбекистон Либерал-демократик партиясининг (5.11.2019 йил IX съездида тасдиқланган) Устави. <https://www.uzlidep.uz/charter-of-the-party>

7. See: Ўзбекистон Республикаси Фуқаролик кодекси/74-модда/ <https://lex.uz/docs/111189>

8. Ўзбекистон Республикасининг Нодавлат ноижорат ташкилотлари тўғрисидаги қонуни/2-модда/ <https://lex.uz/docs/11360>