

# Public Organizations: Concept, Legal Status and Types

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## Abstract:

The study of the process of formation and development of public organizations, in turn, plays an important role in the study of the legal nature of this institution, which is an important component of civil society.

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Therefore, if we analyze the genesis of the development of public organizations, we will see that communities of people on a political, religious or professional basis have existed since ancient times. Although there were no political parties in the political life of the ancient states, as today, we can see that in the 6th-7th centuries BC, special political groups arose in the Attic community, which functioned as special political institutions representing the interests of Attica. aristocracy.

In the 5th century BC, a secret society (heterosexual) of oligarchs was formed in Athens against the construction of democracy (here it is important for us that it was the aristocratic hetarii who formed the party of oligarchs in Athens in the 1940s). At the same time, the 12 canteen laws of the Romans speak of collegia of a public law nature. They existed in two forms: religious and trade union, mainly in the form of craft workshops, charities of the poor, trade unions and other organizations. In the Middle Ages, guilds (unions of traders and artisans) functioned as public organizations.

Literary social organizations first emerged in Western Europe (France) in the form of political parties in the late seventeenth and eighteenth centuries, and these institutions gradually spread to Northern Europe and Asia.

Analyzing the sources of Islamic law, it should be noted that although these sources are not mentioned in these sources, they have certain norms that contribute to the emergence of these institutions and the formation of their mechanisms. In particular, Sura 106 of the Quraysh of the Koran says that the Quraysh united in organizing caravan trade on the basis of common interests.

In Uzbekistan and some other Asian countries, public associations and other public institutions have shown themselves mainly in the form of self-government bodies - makhallas.

In 1924-1925, a number of public organizations arose in Uzbekistan, such as the Komsomol, trade unions and the Women's Committee, whose goals and objectives were rooted in Soviet ideas and ideology and served this system.

The ruling Communist Party paid special attention to the Komsomol organizations in educating young people and preparing their reserves.

The Koshchi Union, founded in 1921 in Uzbekistan, was formed mainly in the countryside and represented the interests of the rural population. In those years, there were about 160 thousand people from the village in its ranks. By the 1920s, other socio-political and public organizations appeared: Rabzemles, the International Organization for Aid to Workers (IDRO), the Eradication of Illiteracy, the Union of the Wicked and other scientific, technical and creative societies.

It should be noted that the totalitarian regime deprived public organizations of the obligation to protect the rights and interests of the people. On this basis, public organizations have become part of the state apparatus, the party nomenclature.

After gaining independence, our country set itself the goal of building a free democratic state based on the rule of law and civil society. In the process of achieving this goal, radical reforms are being carried out aimed at strengthening and enhancing the role and place of civil society institutions, in particular, public organizations, which are an important part of it.

Particular attention was paid to creating a legal framework for these institutions. In particular, Chapter XIII of the Constitution of the Republic of Uzbekistan, adopted on December 8, 1992, examines the constitutional foundations of public associations that consolidate the principles of these types of organizations, their activities, their independence from government bodies and officials. ...

In particular, Article 56 of the Constitution of the Republic of Uzbekistan states that "trade unions, political parties, societies of scientists, women's, veteran's and youth organizations, creative associations, mass movements and other associations of citizens registered in the Republic of Uzbekistan. recognized by public associations", defined as [3].

In addition, the aforementioned constitutional principles were further developed in legislation. In particular, the Law "On public associations in the Republic of Uzbekistan", the Law "On trade unions, guarantees of their rights and activities", the Law "On public organizations", the Law "On citizens' self-government". Bodies", the Law "On Political Parties", the Law on State Funds", "On the Financing of Political Parties", "On Freedom of Conscience and Religious Organizations", "On Guarantees of the Activities of Non-State Non-Commercial Organizations" and a number of other laws and legislative acts adopted by the President and the Cabinet of Ministers, including [4].

Although these normative legal documents to a certain extent legalize various aspects of the activities of public organizations, it should be noted that they do not have a single approach to the concept and types of public organizations. There is no clear definition of the terms "public association", "public organization", "public association". In addition, although the types of public organizations are to some extent listed in the aforementioned article 56 of the Constitution of the Republic of Uzbekistan, the criteria for the classification of these public organizations are not strictly reflected in the norms of the relevant laws that determine their legal status. status.

In this regard, we consider it appropriate to cite the following views of the legal scholar Kh.T. Odilkarieva: "In recent years, the definition of public associations as non-governmental organizations or non-governmental non-profit organizations has turned into a picture. There is a debate among activists and foreign experts about how the status of a nongovernmental organization depends on who finances its structure. It is widely believed that the role of the ICRC as a civil and independent organization is critical" [5].

According to the expert I. Indin, the Law of the Republic of Uzbekistan "On Public Associations", as well as the Tax Code of the Republic of Uzbekistan, the Civil Code and the Law "On Public Organizations" (1999)), in comparison with public associations, the concept is used in a much broader sense (as a synonym for non-governmental organizations) [6].

According to Ts.A. Yampolskaya, who conducted an extensive study of public organizations during the period of the former Soviet Union, the issues of legal science and legal creativity, as well as the correct use of the terms public association and public organizations are already relevant in practice. In his opinion, all structures organized by citizens should be interpreted as "public organizations" [7].

As noted above, our national legislation on public organizations also does not clearly distinguish between the legal nature of the concepts of "public associations" and "public organizations". In particular, according to article 1 of the Law of the Republic of Uzbekistan

"On public associations in the Republic of Uzbekistan", a voluntary structure formed as a result of free expression of will is a public association.

Political parties, mass movements, trade unions, women's, youth and children's organizations, organizations of veterans and disabled people, scientific and technical, cultural, educational, sports and other voluntary societies, creative associations, public associations, associations and other associations. citizens are recognized by public associations.

A number of factors emerging in society today determine the urgency of the need to address issues related to the determination of the legal status of public organizations. In particular, in the course of the ongoing socio-political reforms in Uzbekistan, it is important to abandon the strictly centralized system of leadership in comparison with previous socio-economic processes, the widespread practice of public self-government and self-regulation, as well as the expansion of citizens' participation in political life. A clear definition of the legal status of public organizations, which are structural institutions, is required.

It should be noted that a public organization in the broadest sense can be understood as any form of groups of citizens united on a voluntary basis to achieve a certain socially useful goal.

Today the circle of social interests is much wider, and the public organizations representing them are constantly expanding in number and content.

In turn, any public organization manifests itself as an organizational unit based on social and, above all, legal norms. Unlike large naturally-historically formed associations (people, nation) and socio-natural communities (family, tribe, community), public organizations are a set of consciously structured internal organizational relations and all organizational methods necessary for a purposeful impact on social reality. as an institution with a complex.

In this sense, different types of public organizations: political parties, mass movements, trade unions, women's, youth, veteran organizations, scientific and technical, cultural and educational, sports and other voluntary societies have their own complex or relatively simple nature. have an internal structure, elected bodies.

They independently regulate internal relations within their communities and independently perform various social functions. In a democracy, the organizational independence and self-regulation of public organizations are guaranteed by the relevant laws.

Most importantly, public organizations as active participants in social and political life have an appropriate legal status, that is, certain rights and obligations, legal capacity and other legal characteristics that allow them to act not only as an independent subject of public, but also private life. law.

As noted above, democratic changes in the socio-political and economic system of the country also determine the rapid development of legislation that determines the legal status of social structures. Today, the number of normative legal documents on the legal status of public organizations to one degree or another exceeds a hundred. In this regard, a comprehensive analysis of the legal aspects of the state of public organizations is carried out, the development of new scientific rules on the legal status of this institution in accordance with the goals and objectives of public organizations in modern social realities.

It is important to take into account national and international experience and generally accepted international norms in the formation of relevant legislation that determines the legal status of public organizations.

In our opinion, through a deep analysis of the existing theoretical and practical reality on this issue, it is necessary to consider issues related to the legal status of public organizations, the definition of their legal nature in the relevant legislation in accordance with modern requirements:

It is necessary to define the concept of public organizations, taking into account the genesis of the legal status of public organizations and the historical experience of the formation of civil society in our country. The idea of human rights, in particular the internationally recognized right of everyone to associate, should serve as a fundamental principle. Consequently, everyone has a number of rights, such as access and participation in the activities of a particular social organization, as well as forming organizations with other people.

It is necessary to clearly define the legal status of public organizations and develop a concept for its reflection in the relevant legislation.

It is advisable to disclose the legal content of certain principles relating to the creation and implementation of public organizations. At the same time, the principle of voluntary membership of a person in a particular organization, the freedom of public organizations to engage in any activity not prohibited by law, the non-state (non-state) status of public organizations and other principles should be taken into account. within this concept.

Adequate legal norms should be developed to determine the public legal responsibility of public organizations. At the same time, it is necessary to consider the public legal responsibility of public organizations as a special type of legal responsibility and clearly define the scope of responsibility of the governing and primary bodies of public organizations, the leader and each member for violation of the constitution and legislation.

Various issues related to the status of public organizations as legal entities should be analyzed in detail in the respective areas of law. It should be noted that although the issues related to the legal status of public organizations as legal entities have been studied to a certain extent by the lawyer T.M. Turebekov [8], the organization of public organizations in the process of establishing a market economy in our country. Country: The nature of the relationship is constantly evolving.

### Conclusion:

In this regard, it is important to conduct research on various aspects of the activities of public organizations in the field of administrative, tax, economic, labor law and, on this basis, improve the relevant legislation.

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