

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02 RAQAMLI
ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

NARIMANOV BEKZOD ABDUVALIYEVICH

**O‘ZBEKISTONDA NODAVLAT NOTIJORAT TASHKILOTLARI
FAOLIYATINING TASHKILY-HUQUQIY MEXANIZMINI
TAKOMILLASHTIRISH**

**12.00.02. – Konstitutsiyaviy huquq. Ma’muriy huquq.
Moliya va bojxona huquqi**

**yuridik fanlari doktori (DSc) dissertatsiyasi
AVTOREFERATI**

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Narimanov Bekzod Abduvaliyevich

О‘zbekistonda nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmini takomillashtirish.....3

Narimanov Bekzod Abduvaliyevich

Improving the organizational and legal mechanism of the activities of non-governmental non-profit organizations in Uzbekistan.....35

Нариманов Бекзод Абдувалиевич

Совершенствование организационно-правового механизма деятельности негосударственных некоммерческих организаций в Узбекистане.....67

E‘lon qilingan ilmiy ishlar ro‘uxati

Список опубликованных научных работ

List of published scientific works.....72

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KIRISH (Fan doktori (DSc) dissertatsiya annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda nodavlat notijorat tashkilotlari jamiyat va davlatni bir-biriga bog'lovchi ko'prik sifatida ijtimoiy-iqtisodiy muammolarni hal qilish, "ezgu boshqaruv" konsepsiyasini amalga oshirish, kambag'allikka qarshi kurash, BMTning 2030-yilgacha erishilishi lozim bo'lgan 17 ta BRM va ularga bog'liq bo'lgan 169 vazifalarni bajarishda davlatga asosiy sherik sifatida belgilangan¹. Rivojlangan davlatlarda iqtisodiyotdagi ulush o'rtacha 10-14 foizi, ish bilan band aholining o'rtacha 10 foizi "nodavlat sektor"ga to'g'ri kelmoqda². Bundan tashqari, bugungi kunda dunyoning turli nuqtalarida davom etayotgan geosiyosiy mojarolar, shuningdek, iqtisodiy va ijtimoiy zararining ko'lami II jahon urushiga qiyoslangan COVID-19 postpandemiya sharoiti nodavlat sektor" salohiyati va imkoniyatlaridan oqilona foydalanish zaruratini yana oshirmoqda. Yuqorida keltirilgan omillar nodavlat notijorat tashkilotlari faoliyatini takomillashtirishga qaratilgan yanada samarali tashkiliy-huquqiy mexanizmlarini ishlab chiqish zarurligini ko'rsatmoqda.

Jahonda nodavlat notijorat tashkilotlariga o'zini o'zi tartibga solish huquqini berish, raqamlashtirish sharoitida insonlarning uyushish huquqini amalga oshirishning yangi mexanizmlarini ishlab chiqish, raqamli jamoatchilik nazoratini amalga oshirish, ijtimoiy muammolarni hal etishda nodavlat notijorat tashkilotlarining imkoniyatlari va salohiyatidan oqilona foydalanish yuzasidan qator ilmiy tadqiqotlar amalga oshirilmoqda. Jumladan nodavlat notijorat tashkilotlarining "uchinchi sektor"dagi maqomini aniqlash, jamiyat va davlatni barqaror rivojlantirish, inson huquq va erkinliklarini ishonchli himoya qilish, norma ijodkorligi jarayonida jamoatchilikning ishtirokini yanada kengaytirish, sohaga "aqlli boshqaruv" konsepsiyalarini joriy qilish masalalariga ham ilmiy, ham amaliy xarakterga ega muhim tadqiqot yo'nalishi sifatida alohida e'tibor qaratilmoqda.

Respublikamizda "Jamiyat – islohotlar tashabbuskori" ulug'vor g'oyasining hayotda aks etishida fuqarolik jamiyati institutlari faol ishtirokini ta'minlash, fuqarolarning jamiyat va davlat boshqaruvidagi ishtirokini kengaytirish, "xalq diplomatiyasi" instituti orqali xalqaro hamkorlikni rivojlantirish, jumladan mamlakatimizning nufuzli xalqaro reytinglarda egallagan o'rnini yaxshilashda nodavlat sektorning salohiyatidan unumli foydalanish, ularga xalqaro munosabatlarda faol bo'lishini qo'llab-quvvatlash bo'yicha keng qamrovli tizimli chora-tadbirlar amalga oshirilmoqda. Shuningdek, nodavlat notijorat tashkilotlarining mustaqilligini ta'minlash maqsadida davlat organlari va mansabdor shaxslarning nodavlat notijorat tashkilotlari faoliyatiga aralashmaslik prinsipining amalda ta'minlanishi bo'yicha muayyan tashkiliy va huquqiy choralar ko'rilmogda.

"Jamoatchilik nazoratini amalga oshirishning zamonaviy shakllarini rivojlantirish, jamoaviy murojaatlar asosida hududiy, tarmoq va davlat dasturlari ijro sifatini tekshirish amaliyotini joriy etish, ayrim davlat funksiyalarini amalga oshirish jarayoniga jamoatchilik nazorati subyektlarini keng jalb qilish, davlat organlari faoliyatini o'rganishda ijtimoiy so'rovlar o'tkazish hamda aniqlangan kamchiliklarni

¹ <http://www.un.uz/uzb/pages/display/sdgs>

² <https://www.standardizations.org/bulletin/?p=841>

ochiq muhokama qilish amaliyotini yoʻlga qoʻyish ijtimoiy sheriklikning samarasini oshirish, nodavlat notijorat tashkilotlari va fuqarolik jamiyatining boshqa institutlarini davlat tomonidan subsidiyalar, grantlar va ijtimoiy buyurtmalar shakllarida qoʻllab-quvvatlash hajmini ikki barobarga oshirish”³ masalalari ustuvor vazifa etib belgilangan.

Shu bois, nodavlat notijorat tashkilotlari fenomenining konstitutsiyaviy-huquqiy tabiatini tadqiq etish, ularning faoliyatiga oid mexanizmlarni ilmiy-amaliy jihatdan tahlil qilish asnosida “uchinchi sektor” faoliyatining tashkiliy-huquqiy asoslarni takomillashtirish va bu boradagi qonunchilikni xalqaro standartlarga moslashtirish dolzarb ahamiyatga ega.

Soʻnggi yillarda yurtimizda nodavlat notijorat tashkilotlarining jismoniy va yuridik shaxslarning ijtimoiy, madaniy, maʼrifiy va ilmiy maqsadlarini amalga oshirishdagi ishtiroki tobora kengayib bormoqda. Bundan tashqari, “nodavlat sektor” fuqarolarning sogʻligʻini himoya qilish, jismoniy tarbiya va sportni rivojlantirish, fuqarolarning maʼnaviy va boshqa nomoddiy ehtiyojlarini qondirish, inson huquqlari va qonuniy manfaatlarini himoya qilishga qaratilgan loyihalar koʻpayib bormoqda.

Alohida eʼtirof etish lozimki, 2023-yil 1-mayda yangi tahrirda qabul qilingan Oʻzbekiston Respublikasi Konstitutsiyasida ham nodavlat notijorat tashkilotlari institutining huquqiy maqomi konstitutsiya darajasida belgilandi. Konstitutsiyaning XIII bobi “Fuqarolik jamiyati institutlari” deb nomlanib, nodavlat notijorat tashkilotlari faoliyatini tashkil etish va amalga oshirishga oid davlatning majburiyatlari belgilandi⁴. Yangi konstitutsiyaviy qoidalar asosida nodavlat notijorat tashkilotlari faoliyatini huquqiy tartibga solishga oid qonunchilik tizimini modernizatsiya qilish sharoitida shu kabi ilmiy tadqiqot ishlari juda muhim ahamiyatga ega.

Shuningdek, Oʻzbekiston Respublikasi Prezidentining 2021-yil 4-martdagi Farmoni bilan 2021-2025-yillarda Fuqarolik jamiyatini rivojlantirish konsepsiyasi tasdiqlandi. Oʻzbekiston Respublikasi Vazirlar Mahkamasining 2023-yil 6-maydagi qarori bilan mazkur konsepsiyani 2023 va 2024-yillarda amalga oshirish uchun chora-tadbirlari belgilandi⁵.

Nodavlat notijorat tashkilotlarini qoʻllab-quvvatlash borasida davlat byudjetidan 117 milliard soʻm miqdordagi mablagʻlar ajratilgan boʻlsa⁶, 2023-yilning oʻzida 250 milliard ajratilishi rejalashtirilgan⁷.

Yangi Oʻzbekistonning taraqqiyot strategiyasida ham fuqarolik jamiyati institutlarining korrupsiyaga qarshi kurashish faoliyatiga jalb qilishning gʻoyaviy

³ Oʻzbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi PF-60-son “2022 — 2026-yillarga moʻljallangan Yangi Oʻzbekistonning Taraqqiyot strategiyasi toʻgʻrisida” Farmoni // Qonunchilik maʼlumotlari milliy bazasi, 29.01.2022-y., 06/22/60/0082-son, 18.03.2022-y., 06/22/89/0227-son, 21.04.2022-y., 06/22/113/0330-son

⁴ “Oʻzbekiston Respublikasi Konstitutsiyasi toʻgʻrisida”gi Oʻzbekiston Respublikasi Konstitutsiyaviy Qonuni loyihasi // URL: <https://meningkonstitutsiyam.uz/uzc>

⁵ Oʻzbekiston Respublikasi Konstitutsiyasi // Qonunchilik maʼlumotlari milliy bazasi, 01.05.2023-y., 03/23/837/0241-son

⁶ 2021 — 2025-yillarda Fuqarolik jamiyatini rivojlantirish konsepsiyasini tasdiqlash toʻgʻrisida. Oʻzbekiston Respublikasi Prezidenti Farmoni. 2021-yil 4-mart, PF-6181-son. URL: <https://lex.uz/docs/5319756>

⁷ Oliy Majlis milliardlari qanday sarflanmoqda. // URL: <https://rost24.uz/uz/news/1410>

asoslari belgilangan. Strategiyaning 1, 11, 12, 20, 83, 84-maqсадlari bevosita yoki bilvosita mazkur mavzuga bag‘ishlangan.

Tegishli maqsadlar samarali jamoatchilik nazoratini amalga oshirishni tizimli takomillashtirish, fuqarolik jamiyati institutlarini faolligini oshirish, jamiyatda huquqiy ong va huquqiy madaniyat yuksaltirish orqali qonun ustuvorligini ta‘minlash, jamiyatda korrupsiyaga nisbatan fuqarolar va jamoatchilikning murosasiz munosabatini shakllantirish masalalarini qamrab olgan.

2023-yilning 1-yanvar holatiga ko‘ra, adliya organlarida ro‘yxatdan o‘tgan nodavlat notijorat tashkilotlar va ularning alohida bo‘linmalari soni 8 922 tani tani (2021-yil 1-yanvar holatiga ko‘ra 9 140 ta, 2020-yil 1-yanvar holatiga 10 502 ta, 2019-yil 1-yanvar holatiga ko‘ra 9 860 ta) tashkil qilib, shundan 600 tasi Adliya vazirligi hamda 8 560 tasi hududiy adliya organlari tomonidan ro‘yxatdan o‘tkazilgan⁸.

Ushbu dissertatsiya tadqiqoti O‘zbekiston Respublikasining Konstitutsiyasi (2023), “Jamoatchilik nazorati to‘g‘risida”gi (2018), “Nodavlat notijorat tashkilotlari to‘g‘risida”gi (1999) qonunlari, O‘zbekiston Respublikasi Prezidentining PF-4947-son “O‘zbekiston Respublikasini yanada rivojlantirish bo‘yicha Harakatlar strategiyasi to‘g‘risida”gi (2017), “O‘zbekiston Respublikasi Prezidenti huzuridagi Jamoatchilik palatasini tashkil etish to‘g‘risida”gi PF-5980-son (2020), 2021 — 2025-yillarda “Fuqarolik jamiyatini rivojlantirish konsepsiyasini tasdiqlash to‘g‘risida”gi PF-6181-son (2021) farmonlari, O‘zbekiston Respublikasi Prezidentining “Mamlakatimizda ijtimoiy-iqtisodiy sohadagi islohotlar ustidan jamoatchilik nazorati samaradorligini, shuningdek, fuqarolarning demokratik o‘zgartirishlardagi faolligini oshirishga oid qo‘shimcha chora-tadbirlar to‘g‘risida”gi (2019), “Fuqarolik jamiyati institutlarini rivojlantirishga ko‘maklashish borasidagi qo‘shimcha chora-tadbirlar to‘g‘risida”gi PQ-2085-son (2013), “Nodavlat notijorat tashkilotlarini davlat tomonidan qo‘llab-quvvatlash, ularning faoliyati erkinligi, huquqlari va qonuniy manfaatlari himoya qilinishini ta‘minlashga oid qo‘shimcha chora-tadbirlar to‘g‘risida”gi PQ-5012-son (2021) qarorlar va mavzuga oid boshqa qonun hujjatlarida belgilangan vazifalarni amalga oshirishga muayyan darajada xizmat qiladi.

Dissertatsiya mavzusi bo‘yicha xorijiy ilmiy tadqiqotlar sharhi⁹.

Nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmini takomillashtirishga oid ilmiy tadqiqotlar dunyoning yetakchi ilmiy markazlari va oliy ta‘lim muassasalarida, jumladan, Michigan State University, Fordham University, Stanford University, Johns Hopkins University (AQSH), Cambridge University, International Institute for Environment and Development (Buyuk Britaniya), French Centre for Research (Fransiya), the University of Kiel (Germaniya), Australian National University (Avstraliya), University of Delhi

⁸ https://uza.uz/uz/posts/ozbekistonda-8-922-ta-nodavlat-notizhorat-tashkiloti-bor_443142

⁹Qarang: <https://msu.edu/>, <https://www.iied.org/>, <https://www.cam.ac.uk/>,
<https://www.jstor.org/stable/25659211>, <https://www.westlaw.com/>, <https://www.jhu.edu/>,
<https://www.princeton.edu/>, <https://umich.edu/>, www.cambridge.org, <https://www.ox.ac.uk/>,
<https://www.manchester.ac.uk/>, <https://www.queensu.ca/>, <https://www.uni-mannheim.de/>, <https://www.usc.gal/en>,
nyuscholars.nyu.edu, www.jstor.org, <https://heionline.org/>, www.scp.politicaldata.edu, diposit.ub.edu,
www.recercat.cat, www.urvak.ru va boshqa manbalar.

(Hindiston), University of Oxford, University of Manchester va Queen's University (Buyuk Britaniya), University of Mannheim (Germaniya), Santiago de Compostela University (Spain), Butunrossiya davlat adliya universiteti (Rossiya) hamda Buxarest universiteti (Ruminiya)da olib borilmoqda.

Nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmini takomillashtirish masalalari bo'yicha jahonda olib borilgan tadqiqotlar natijasida qator ilmiy natijalar olingan, jumladan: Inson huquqlari himoyachisi bo'lgan NNTlari faoliyatining samaradorligini baholash tadqiq etilgan (Michigan State University); rivojlanayotgan davlatlarda amalga oshirilayotgan sud-huquq islohotlarida fuqarolik jamiyati institutlarining o'rni Jahon banki tomonidan o'rganilib, uslubiy tavsiyalar asoslantirilgan (Fordham University), COVID-19 pandemiyasi sharoitida NNTning roli, sog'liqni saqlash, ta'lim, ijtimoiy himoya, inson huquqlarini himoya qilish kabi yo'nalishlarda NNT faoliyatining turli jihatlari tahlil qilingan (Stanford University); Korrupsiyaga qarshi kurashda fuqarolik jamiyati/NNT sektorining o'rni aniqlangan, xalqaro ekologiyaga oid xalqaro darajadagi qarorlarni qabul qilishda jamoatchilikning ishtiroki tahlil qilingan (Cambridge University); davlat ahamiyatiga oid dasturlar ishlab chiqishda NNT vakillari ishtirokining shakllari va uslublari asoslantirilgan (International Institute for Environment and Development); Hukumat - NNT munosabatlarining evolyutsiyasi asosida NNTlari tomonidan amalga oshiriladigan jamoatchilik nazorati asosida davlat tomonidan kuch, mablag' va resurslarning ortiqcha sarflanishining oldini olishi asoslantirilgan (Fransiya tadqiqot markazi); globalizatsiya davrida ayrim funksiyalar internatsional xususiyatga ega bo'lib borayotganligidan kelib chiqib, davlat, xususiy va uchinchi sektori o'rtasidagi o'zaro funksiyalar taqsimoti, qayerda davlat funksiyalarining chegarasi tugab, NNT sektori funksiyalari boshlanishi kerak, davlat instituti o'zining konstitutsiyaviy-huquqiy tabiatiga ko'ra, qaysi yo'nalishlarga mas'ul bo'lishi va qaysi yo'nalishlarga "uchinchi sektor" mas'ul bo'lishi maqsadga muvofiqligi asoslantirilgan (the University of Kiel); "Ezgu boshqaruv" konsepsiyasi asosida "The Comparative Nonprofit Sector Project" loyihasi doirasida aksariyat rivojlanayotgan davlatlarda nodavlat sektorni rivojlantirish bo'yicha loyihalar amalga oshirilib, fuqarolik jamiyati va nodavlat sektorining turli yo'nalishlari bo'yicha muhim tavsiyalar ishlab chiqilgan (Johns Hopkins University), NNT eng katta ish beruvchilardan biri sifatida mehnat munosabatlarida xodimlarning mehnat huquqlarini ta'minlashiga oid muhim tavsiyalar ishlab chiqilgan (University of Delhi).

Dunyoda NNT faoliyatining tashkiliy-huquqiy mexanizmiga oid turli tadqiqotlar olib borilmoqda: fuqarolarning uyushish huquqining konstitutsiyaviy-huquqiy asoslarini tahlil etish, uchta sektor (davlat, xususiy va "uchinchi sektor")ning funksional tahlilini amalga oshirish; NNTning fuqarolik jamiyatini qurish, jamiyat va davlat boshqaruvida tutgan o'rni, davlatning ayrim funksiyalarini o'zini o'zi tartibga soluvchi tashkilotlari misolida nodavlat sektorga berish; yuridik shaxslar (tadbirkorlik subyektlari) manfaatida tuzilgan NNTning huquqiy maqomini belgilash, NNTning mol-mulki va moliyaviy manbalarining huquqiy asoslarini takomillashtirish; jamoatchilik nazoratini amalga oshirishda NNT faolligini oshirish; ijtimoiy va davlat ahamiyatiga molik loyihalarni amalga oshirishda nodavlat

notijorat tashkilotlari ishtirokini kengaytirish; raqamli komyunitilar salohiyatidan ijtimoiy foydali loyihalarga yo‘naltirish; raqamli huquqlarning rivojlanish sharoitida NNT faoliyatini takomillashtirish.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot respublika fan va texnologiyalar rivojlanishining I. “Demokratik va huquqiy jamiyatni ma’naviy-axloqiy va madaniy rivojlantirish, innovatsion iqtisodiyotni shakllantirish ustuvor yo‘nalishi” doirasida tayyorlangan bo‘lib, dissertatsiya “12.00.02 – Konstitutsiyaviy huquq. Ma’muriy huquq. Moliya va bojxona huquqi” ixtisosligiga mos keladi.

Muammoning o‘rganilganlik darajasi. Mamlakatimizda fuqarolik jamiyati institutlari, nodavlat notijorat tashkilotlar faoliyatini huquqiy tartibga solishning konstitutsiyaviy huquqiy va ma’muriy huquqiy masalalari F.X.Otaxonov, R.R.Xakimov, Sh.U.Yakubov, I.R.Bekov, Sh.N.Nazarov, D.R.Xolmonova, L.B.Xvan, J.Ne‘matov, B.I.Latipov, V.H.Davlyatov, N.Sadikov, L.Kotovalar tomonidan, fuqarolik jamiyati institutlari, ularning nazariy-huquqiy asoslari X.T.Odilqoriyev, A.X.Saidov, S.M.Adilxodjayeva, H.B.Boboyev, Ya.Ollamov, O.T.Husanov, Sh.I.Jalilov, Z.M.Islomov, X.Mamatov, B.I.Ismoilov, F.X.Raximov, E.O.Qodirov, A.A.To‘laganovlar¹⁰ tomonidan tadqiq qilingan.

Xorijiy mamlakatlar olimlaridan L.Solomon, T.Morris-Suzuki, T.R.Devis, M.M.Cernea, T.Tvedt, V.Tessyur, T.D.Matveeva, D.K.Ospanova, O.Ye.Kalinina, M.T.Ford, O.R.Abramova, V.M.Kameneva, Ye.G.Tarxanova, D.Lyuis, J.Bostok, X.Teyxer, X.Liang, J.Yoaxim, D.Billis, P.Avasti, X.Anxayer, S.Topler, N.Bourjaily va boshqalarning tadqiqot ishlarida nohukumat notijorat tashkilotlari va “uchinchi sektor”ning jamiyat hayotidagi o‘rni, zamonaviy tendensiyalari, volontyorlik harakatlari, ushbu tashkilotlarni tashkiliy-huquqiy asoslariga oid rivojlangan davlatlar tajribasi tadqiq qilingan¹¹.

Garchand ushbu olimlarning ilmiy izlanishlarida nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmi bilan bog‘liq tashkiliy-huquqiy jihatlar u yoki bu darajada tadqiq qilingan bo‘lsa-da, konstitutsiyaviy va ma’muriy huquq nuqtayi nazaridan nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmlarini takomillashtirish, xorijiy davlatlarning ijobiy tajribasi va xalqaro standartlarni tahlil qilgan holda O‘zbekiston Respublikasining qonunchiligini takomillashtirish masalalari yaxlit tadqiqot obyekti sifatida o‘rganilmagan.

O‘tgan yillarda ushbu yo‘nalishda amalga oshirilgan keng ko‘lamli islohotlar, nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy asoslari bilan bog‘liq munosabatlarning serqirra ekanligi, shuningdek, ushbu sohada turli ishlanmalarning paydo bo‘lishi bilan bog‘liq kuzatuv va o‘rganishlar davomida dastlab bildirilgan fikr-mulohazalar yanada takomiliga yetdi va mazkur tadqiqot ishi tayyorlandi.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy tadqiqot ishlari rejalari bilan bog‘liqligi. Dissertatsiya

¹⁰ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro‘yxatida berilgan.

¹¹ Mazkur olimlarning ilmiy ishlari dissertatsiya ishining foydalanilgan adabiyotlar ro‘yxatida berilgan.

mavzusi Toshkent davlat yuridik universitetining ilmiy tadqiqot ishlari rejasiga kiritilib ilmiy tadqiqotlarning ustuvor yo‘nalishlari doirasida amalga oshirilgan.

Tadqiqotning maqsadi O‘zbekiston Respublikasida nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmini takomillashtirish bo‘yicha taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

Nodavlat notijorat tashkilotlari tushunchasi, mohiyati va konstitutsiyaviy-huquqiy tabiatini tahlil qilish;

O‘zbekistonda nodavlat notijorat tashkilotlari evolyutsiyasi va rivojlanishi tendensiyalarini tadqiq etish;

nodavlat notijorat tashkilotlari faoliyati: huquqiy asoslarining shakllanishi va rivojlanish bosqichlarini tahlil etish;

nodavlat notijorat tashkilotini ta’ sis etishning huquqiy jihatlarini o‘rganish;

nodavlat notijorat tashkilotlarining tashkiliy-huquqiy shakllarini aniqlash;

nodavlat notijorat tashkilotlarini ro‘yxatdan o‘tkazishni huquqiy tartibga solishni o‘rganish;

nodavlat notijorat tashkilotlari faoliyatini amalga oshirishni huquqiy tartibga solishni tadqiq etish;

nodavlat notijorat tashkiloti faoliyatini moliyaviy ta’minlashning o‘ziga xos xususiyatlarini ko‘rib chiqish;

nodavlat notijorat tashkiloti faoliyatini to‘xtatish va tugatishning huquqiy tartib-taomillarini tadqiq etish;

nodavlat notijorat tashkilotlarining BMT Barqaror rivojlanish maqsadlariga erishish jarayonidagi ishtirokini kengaytirishni tahlil qilish;

mamlakatda ijtimoiy loyihalarni amalga oshirishda nodavlat notijorat tashkilotlari faolligini yuksaltirishning innovatsion usullarini tadqiq qilish;

Nodavlat notijorat tashkilotlari orqali o‘zini o‘zi boshqarish mexanizmlarini takomillashtirish istiqbollari ilgari surish.

Tadqiqotning obyekti O‘zbekiston Respublikasida nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy tartibga solish jarayonida yuzaga keladigan ijtimoiy-huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqotning predmetini O‘zbekiston Respublikasida nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmini takomillashtirish bilan bog‘liq dolzarb tashkiliy-huquqiy muammolar, shuningdek, ushbu faoliyatni tartibga soluvchi qonunchilik hujjatlari, ularni qo‘llash amaliyoti, xorijiy mamlakatlar qonunchiligi va tajribasi, yuridik fandagi mavjud konseptual yondashuv, ilmiy-nazariy qarashlar va va huquqiy kategoriyalar hamda mazkur munosabatlarni tartibga soluvchi qonunchilik hujjatlarini takomillashtirishga oid masalalar tashkil etadi.

Tadqiqotning usullari. Tadqiqotda ilmiy bilishning formal yuridik, tizimli va funksional tahlil, kuzatish, tarixiylik, analiz va sintez, induksiya va deduksiya, mantiqiylik, qiyosiy-huquqiy tahlil, statistik tadqiqot usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

nodavlat notijorat tashkilotlarining jamiyat va davlat hayotidagi rolini oshirish uchun ularning huquqiy maqomini Konstitutsiya darajasida mustahkamlanishi zarurligi asoslantirilgan;

nodavlat notijorat tashkilotlarining rivojlanish tendensiyalarini tahlil qilish asosida oliy yuridik ta'lim muassasalarida "Nodavlat notijorat tashkilotlari huquqi" fani o'qitilishi zarurligi asoslantirildi;

nodavlat notijorat tashkilotlariga grant loyihasining sifatli, o'z vaqtida amalga oshirilishi va natijalarning monitoring qilinishida amaliy yordam berish hamda hamkor tashkilotlarning ishini muvofiqlashtirib borish uchun mas'ullik "Milliy hamkor"ga yuklatilishi zarurligi asoslantirib berilgan;

fuqarolik jamiyatining rivojlanish holati va tendensiyalarini kuzatib borish imkoniyatini beradigan elektron portal bazasida ijtimoiy sheriklik va jamoatchilik nazoratini amalga oshirishning yangi zamonaviy mexanizmlarini joriy etish zarurligi asoslantirilgan;

elektron jamoatchilik nazoratini amalga oshirish istiqbollari tahlil qilish asosida davlat organlari va tashkilotlari tomonidan majburiy tartibda elektron portalga joylashtirib borilishi talab etiladigan masalalar aniq belgilanishi lozimligi asoslab berilgan;

nodavlat notijorat tashkilotlarini davlat tomonidan qo'llab-quvvatlash tizimini takomillashtirish maqsadida davlat grantlari va ijtimoiy buyurtmalar uchun tanlovlarning ustuvor yo'nalishlarini shakllantirishda keng jamoatchilikning taklif va mulohazalarini inobatga olish zarurligi asoslantirilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

Yangi tahrirdagi O'zbekiston Respublikasi Konstitutsiyasining "Fuqarolik jamiyati institutlari" deb nomlangan XIII bobida nodavlat notijorat tashkilotlari institutining huquqiy maqomi (72-modda) mustahkamlanishi zarurligi asoslantirilgan;

Yangi O'zbekistonni barpo etish, mamlakatimizda ijtimoiy-huquqiy davlatni shakllantirish sharoitida jamiyat hayotida nodavlat notijorat tashkilotlarining ahamiyati, rolini oshirishga qaratilgan "Fuqarolik jamiyatini rivojlantirish – 2030" konsepsiyasi ishlab chiqildi;

nodavlat notijorat tashkilotlarining tabiati, xususiyatlari, yetarlicha aks ettirilmaganligi bois "nodavlat notijorat tashkiloti" fenomenining mualliflik ta'rifi ishlab chiqilib, ilmiy va amaliy qo'llash uchun taklif etildi;

nodavlat notijorat tashkilotlari faoliyatini huquqiy tartibga solishga yo'naltirilgan qonunchilik bazasi tahlil etilib, tegishli huquqiy asoslarning shakllanish bosqichlari va rivojlanish dinamikasi ilmiy izohlab berildi;

davlat grantlari va ijtimoiy buyurtmalar uchun e'lon qilingan tanlovlarga taqdim etilgan loyihalarni baholash jarayonlarining shaffof va sog'lom raqobat muhitida o'tish mezonlari ishlab chiqildi;

nodavlat notijorat tashkilotlarining rivojlanish tendensiyalarini tahlil qilish asosida oliy ta'lim muassasalarida "Nodavlat notijorat tashkilotlari huquqi" fani dasturi (sillabusi) ishlab chiqildi;

elektron jamoatchilik nazoratini amalga oshirish istiqbollarini tahlil qilish asosida davlat organlari va tashkilotlari tomonidan majburiy tartibda elektron portalga joylashtirib borilishi talab etiladigan masalalar ishlab chiqildi;

nodavlat notijorat tashkilotlari nomidan sohaga oid normativ-huquqiy hujjatlarni takomillashtirish bo'yicha takliflar tayyorlashga qaratilgan O'zbekiston nodavlat notijorat tashkilotlari assotsiatsiyasi tarkibidagi "Ekspertlar guruhi" nizomi ishlab chiqildi;

O'zbekiston Respublikasida tadbirkorlik va professional faoliyat subyektlarining o'zini o'zi boshqarish tizimini joriy qilish va rivojlantirish zarurligi asoslantirilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalarining ishonchliligi ishda qo'llanilgan usullar, uning doirasida foydalanilgan ilmiy-nazariy yondashuvlar rasmiy manbalardan olingani, xalqaro tajriba va milliy qonunchilik normalarining o'zaro tahlil qilingan, xulosa, taklif va tavsiyalarning amaliyotda joriy etilgani, natijalarning yetakchi milliy va xorijiy nashrlarda e'lon qilingani, vakolatli tuzilmalar tomonidan tasdiqlangani bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan nodavlat notijorat tashkilotlarning tashkiliy-huquqiy asoslarini takomillashtirish masalalari yuzasidan ilmiy izlanishlar olib borish, qonun hujjatlarining tegishli normalarini sharhlash, milliy qonunchilikni takomillashtirish hamda "Konstitutsiyaviy huquq", "Nodavlat notijorat tashkilotlari huquqi", "Konstitutsiyaviy huquqning dolzarb ilmiy-amaliy muammolari" fanlarini o'qitish va ilmiy-nazariy jihatdan yanada boyitishda foydalanish mumkinligida namoyon bo'ladi.

Tadqiqot natijalarining amaliy ahamiyati nodavlat notijorat tashkilotlar faoliyatini tartibga soluvchi normativ-huquqiy hujjatlarni, huquqni qo'llash amaliyotini takomillashtirishda, shuningdek nodavlat notijorat tashkilotlarning amaliyotida foydalanish mumkinligi bilan belgilanadi.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot ishi bo'yicha olingan ilmiy natijalar quyidagilarda foydalanilgan:

nodavlat notijorat tashkilotlari institutining jamiyat va davlat hayotidagi rolini oshirish uchun ularning huquqiy maqomi Konstitutsiya darajasida mustahkamlanishi zarurligiga oid taklif Yangi tahrirdagi O'zbekiston Respublikasi Konstitutsiyasining XIII bobi, 72-moddasini ishlab chiqishda inobatga olingan (Oliy Majlis Qonunchilik palatasining 2023-yil 4-maydagi 02/6-09-19-son dalolatnomasi). Ushbu taklifning joriy qilinishi nodavlat notijorat tashkilotlarining konstitutsiyaviy-huquqiy maqomiga ega bo'lishi va ularning faoliyatini tartibga soluvchi hamda ularning huquqlari va qonuniy manfaatlariga doir qonunchilik hujjatlarini tizimlashtirishga xizmat qiladi.

Oliy yuridik ta'lim muassalari talabalari uchun "Nodavlat notijorat tashkilotlari huquqi" fani o'qitilishi zarurligiga oid taklif taklif o'quv rejasi hamda "Nodavlat notijorat tashkilotlari huquqi" moduli dasturini ishlab chiqishda inobatga olingan (Toshkent davlat yuridik universitetining 2023-yil 5-yanvardagi dalolatnomasi). Ushbu taklifning amalga oshirilishi yuridik kadrlarni tayyorlashda nodavlat notijorat tashkilotlari va fuqarolik jamiyatining boshqa institutlarining tashkiliy-huquqiy asoslariga oid bilim va ko'nikmalarga ega bo'lishiga xizmat qilgan;

nodavlat notijorat tashkilotlariga grant loyihasining sifatli, o'z vaqtida amalga oshirilishi va natijalarning monitoring qilinishida amaliy yordam berish hamda hamkor tashkilotlarning ishini muvofiqlashtirib borish uchun mas'ullik Milliy hamkorga yuklatilishi zarurligiga oid taklif O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 13-iyundagi 328-son qarori bilan tasdiqlangan Mahalliy nodavlat notijorat tashkilotlarining xalqaro grant loyihalarini amalga oshirishda davlat boshqaruvi organlari bilan o'zaro hamkorlik qilish tartibi to'g'risidagi nizomning 11 va 12-bandlarini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasi Yuridik ta'minlash boshqarmasining 2022-yil 25-avgustdagi 12/21-58-son dalolatnomasi). Ushbu taklifning amalga oshirilishi grant loyihasini amalga oshirishda NNT va davlat organlarining samarali hamkorligini ta'minlashga xizmat qilgan;

fuqarolik jamiyatining rivojlanish holati va tendensiyalarini kuzatib borish imkoniyatini beradigan elektron portal bazasida ijtimoiy sheriklik va jamoatchilik nazoratini amalga oshirishning yangi zamonaviy mexanizmlarini joriy etish zarurligiga oid taklif O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 22-apreldagi 208-son qarorining 2-bandini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasi Mahalla va nuroniylarni qo'llab-quvvatlash masalalari bo'limining 2022-yil 16-dekabrda 33/1-576-son dalolatnomasi). Ushbu taklifning amalga oshirilishi raqamli texnologiyalarni keng jalb etgan holda ijtimoiy sheriklik munosabatlarini yanada shaffoflashtirishga xizmat qilgan;

davlat organlari va tashkilotlari tomonidan majburiy tartibda elektron portalga joylashtirib borilishi talab etiladigan masalalar aniq belgilanishi lozimligiga oid taklif O'zbekiston Respublikasi Vazirlar Mahkamasining 2022-yil 22-apreldagi 208-son qarorining 3-bandini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasi Mahalla va nuroniylarni qo'llab-quvvatlash masalalari bo'limining 2022-yil 16-dekabrda 33/1-576-son dalolatnomasi). Ushbu taklifning amalga oshirilishi nodavlat notijorat tashkilotlarining jamoatchilik nazoratini amalga oshirish mexanizmini takomillashtirishga xizmat qilgan;

nodavlat notijorat tashkilotlarini davlat tomonidan qo'llab-quvvatlash tizimini takomillashtirish maqsadida davlat grantlari va ijtimoiy buyurtmalar uchun tanlovlarning ustuvor yo'nalishlarini shakllantirishda keng jamoatchilikning taklif va mulohazalarini inobatga olish zarurligiga oid taklif O'zbekiston Respublikasi Vazirlar Mahkamasining 2023-yil 6-maydagi 192-son qarori bilan tasdiqlangan "Yo'l xaritasi"ning 5-bandini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Vazirlar Mahkamasi Axborot-tahlil va yuridik ta'minlash departamentining 2023-yil 15-maydagi 12-15-12-son dalolatnomasi) Mazkur taklifning amalga oshirilishi nodavlat notijorat tashkilotlarini davlat tomonidan qo'llab-quvvatlash tizimining ochiqligi va oshkoraligini ta'minlashga xizmat qiladi.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 7 ta ilmiy anjumanda, jumladan 4 ta xalqaro, 3 ta respublika miqyosida o'tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o'tgan.

Tadqiqot natijalarining e'lon qilinganligi. Mazkur tadqiqot natijalari bo'yicha jami 26 ta ilmiy ish, jumladan, 1 ta monografiya, O'zbekiston Respublikasi Oliy attestatsiya komissiyasining doktorlik dissertatsiyalari asosiy ilmiy natijalarini

chop etish tavsiya etilgan ilmiy nashrlarda 18 ta (14 ta respublika va 4 ta xorijiy nashrlarda) maqola chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, to‘rtta bob, xulosa, foydalanilgan adabiyotlar ro‘yxatidan iborat. Dissertatsiyaning hajmi 233 betni tashkil etgan.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning kirish qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi, mavzuga oid xorijiy ilmiy tadqiqotlar sharhi, muammoning o‘rganilganlik darajasi, maqsad va vazifalari, obykti, predmeti, usullari, ilmiy yangiligi, amaliy natijasi, natijalarning joriy qilinishi, aprobatsiyasi, dissertatsiyaning hajmi va tuzilishi yoritilgan.

Dissertatsiyaning birinchi bobi “**Nodavlat notijorat tashkilotlari faoliyati talqinining nazariy-metodologik jihatlari**” deb nomlanib, unda olimlar va yetakchi huquqiy maktablar doktrinal qarashlari asosida nodavlat notijorat tashkiloti tushunchasi va uning konstitutsiyaviy-huquqiy tabiati, insoniyat tarixini davrlashtirish asosida nodavlat notijorat tashkilotlari shakllanishi va rivojlanish tendensiyalari, mazkur fenomen faoliyatiga oid huquqiy asoslarning rivojlanish bosqichlari tahlil qilingan.

Muallif tomonidan A.Forobiy, G.Gegel, T.Gobbs, X.Odilqoriyev kabi olimlarning fuqarolarning jamoat birlashmalariga uyushish huquqining nazariy-metodologik jihatlari tadqiq etilib, fuqarolarning jamoat birlashmalariga uyushish huquqi bu insonning tabiiy instinkti hisoblanadi va ushbu jarayonda insonlarning mushtarak maqsadlari va sa’y-harakatlarni birlashtirish va insoniyat sivilizatsiyasining asosiy omili hisoblangan kommunikatsiyani qaror toptirish zaruriyatidan kelib chiqadi, degan yondashuvni ilgari suradi.

Tadqiqotchi “fuqarolik jamiyati institutlari” institutining quyidagi mualliflik ta’rifini ilgari suradi: “Fuqarolik jamiyati institutlari – jismoniy va yuridik shaxslarning huquqlari va qonuniy manfaatlarini, boshqa demokratik qadriyatlarni himoya qilish, ijtimoiy, madaniy va ma’rifiy maqsadlarga erishish, ma’naviy va barcha nomoddiy ehtiyojlarni qondirish, xayriya faoliyatini amalga oshirish hamda boshqa ijtimoiy foydali natijalarga erishishni ta’minlovchi o‘zini o‘zi boshqaruvchi demokratik institutlardir”.

O‘zbekiston Respublikasining 2023-yil 30-aprelda bo‘lib o‘tgan umumxalq referendumida qabul qilingan yangi tahrirdagi Konstitutsiyasida “fuqarolik jamiyati institutlari” va “nodavlat notijorat tashkilotlari” institutlariga konstitutsiyaviy maqom berildi.

Tadqiqotchi fikricha, mazkur rahbariy va metodologik ahamiyatga molik **konstitutsiyaviy qoidalar** asosida yaqin istiqbolda mamlakatimizning butun qonunchilik tizimi modernizatsiya qilinadi. Ushbu jarayonda NNTlar faoliyatini tartibga solishga yo‘naltirilgan qonunchilik hujjatlarida ularning huquqiy maqomini mustahkamlovchi, faoliyatining tashkiliy-huquqiy mexanizmlarini yanada takomillashtirishga jiddiy hamda alohida mas’uliyat bilan yondashish lozim bo‘ladi.

Tadqiqotchi tomonidan Albert Eberxard Fridrix Sheffle tomonidan yaratilgan

“aralash iqtisodiyot” nazariyasi, shu bilan birga, Yevropa, orkeanorti, MDH davlatlari olimlarining “uchinchi sektor” fenomeniga oid ilmiy-nazariy qarashlari tahlil qilinadi.

Muallif fikricha, “aralash iqtisodiyot” nazariyasi ishlab chiqilgan davrda ijtimoiy munosabatlarning markazida davlat turgan va ushbu nazariya bugungi kun talablariga javob bermaydi. Hozirda odatiy jamiyatning o‘rniga “virtual jamiyat” yoki “axborot jamiyati” tushunchalari ishlatilayotganligi, xalqaro munosabatlarda davlatlar ustunligidan voz kechish va inson huquqlariga ustunlik berish maqsadida “global fuqarolik jamiyati” tushunchalarining qo‘llanilishi ham jamiyatni 3 ta sektorga bo‘lish nisbiy ekanligini anglatadi.

Tadqiqotchi tomonidan fuqarolik jamiyatini ilmiy-nazariy o‘rganuvchi, uning rivojlanishini doimiy tahlil qilib boruvchi tahliliy va ilmiy-o‘quv laboratoriyalarini (aql markazi) tashkil etish ishlarini jadallashtirish hamda ularning Tahliliy markazlar xalqaro reytingida ishtirokini ta‘minlash zarurligi bo‘yicha qarash ilgari suriladi.

Xorijlik L.Salomon, M. Karnea, Aleks de Tokvil, D.Devid va D. Djeri qarashlari, A. Smitning “Mehnat jamiyati” nazariyasi, shuningdek, X.Odilqoriyev, Sh.Yakubov, Ya.Ollamov, Dj.Shirinov va D.Xolmanova kabi yurtimiz olimlarining fuqarolik jamiyati institutlari, uyushish huquqi va “an’anaviy jamiyat” kabi institutlar tadqiq etilib, ularning nodavlat sektor vujudga kelishdagi o‘rni ilmiy-nazariy jihatdan tahlil qilingan.

Tadqiqotchi uyushish huquqining hosilasi sifatida muayyan mushtarak maqsad va muddaolarga ega shaxslarning birlashmasi “ma’lum yetuk bosqichi”ga yetgandan so‘nggina nodavlat notijorat tashkilotlari instituti vujudga keladi va inson taraqqiyotining eng muhim omili hisoblangan kommunikatsiyaga xizmat qilgan degan qarashni ilgari suradi.

O‘tkazilgan so‘rov natijalariga ko‘ra, jamoatchilikdan (jami 186 ta ishtirokchi) “NNTlarini bilasizmi?” deb so‘ralganida ishtirokchilarning 62 % (116) “ha” deb javob bergan bo‘lsa, 38 % (70) ular haqida ma’lumotga egamasligi, biroq eshitganligi haqida bildirganligidan kelib chiqib, tadqiqotchi so‘rovda qatnashganlarning qariyb 1/3 qismi mazkur institutning asosiy faoliyatidan bexabar” degan yondashuvni ilgari suradi.

Muallifning fikricha, bunga asosiy sabab sifatida birinchidan, aksariyat rivojlangan davlatlarda standart sifatida qabul qilingan “uchinchi sektor” atamasi, milliy qonunchilik hujjatlarida va amaliyotda “fuqarolik jamiyati institutlari”, “jamoat tashkilotlari”, “jamoat birlashmalari”, “nodavlat sektor” kabi turlicha tarzda qo‘llanilganligi va ularning o‘zaro farqi hamda o‘xshash jihatlari aniq ajratib ko‘rsatilmaganligi, ikkinchidan ijtimoiy-iqtisodiy muammolarni hal etishda davlat fuqarolik jamiyati institutlari salohiyatidan to‘liq foydalana olmayotganligini keltirib o‘tadi.

Tadqiqotchi tomonidan B.Latipov, S.I. Omonfonvan, V.Xuxlina, S.A.Bunin va A.A.Malayevlar kabi olimlar fikrlari tadqiq qilingan holda Yangi O‘zbekiston sharoitida nodavlat notijorat tashkilotlarining funksiyalarini quyidagicha umumlashtirishni taklif etadi: *integratsiya, jamoatchilik nazorati, targ‘ibot, safarbarlik funksiyalari.*

BMTning Ustavi, Yevropa Kengashi hujjatlarida aks etgan xalqaro standartlarda, milliy qonunchilik hujjatlarida, shuningdek, L.Solomon, X.Anxeyer, S. Sokolovski, M.Lyons, X. Odilqoriyev, Sh.Yakubov, Sh.Nazarov kabi olimlarning qarashlaridagi “nodavlat notijorat tashkiloti” atamasi tahlil etilib, quyidagi mualliflik ta’rifi ilgari surilgan: “Nodavlat notijorat tashkiloti bu – jismoniy va (yoki) yuridik shaxslar tomonidan ixtiyoriylik asosida tashkil etilgan, daromad (foyda) olishni o‘z faoliyatining asosiy maqsadi qilib olmagan hamda olingan daromadlarni (foydani) o‘z qatnashchilari (a’zolari) o‘rtasida taqsimlamaydigan o‘zini o‘zi boshqaruvchi tashkiloti”.

Tadqiqotchi tomonidan xalqaro huquqiy standartlar va rivojlangan davlatlar tajribasi, shuningdek bir qator olimlar (L.Salomon, Z.Anxayer, Ye.A.Zlobina, B.Latipov) qarashlari asosida nodavlat notijorat tashkilotlari faoliyatining prinsiplarini tahlil qilib, o‘z yondashuvini ilgari suradi.

So‘nggi yillarda “Uchinchi sektor”ning jamiyat hayotida tutgan rolini oshirish bo‘yicha tendensiyalarga oid yirik tadqiqotlarni (A.Bax-Mortensen, B.Lang va P. Montgomeri, J.Xan, K.Xalselar, J. Bostok, R.Briz, R.Ridley-Braff va P.Krouser, J.Teyser va X. Liyang) tahlil qilgan holda, raqamli bozor sharoitida ijtimoiy jihatdan nochor qatlamni iqtisodiy va ijtimoiy muhofaza qilish majburiyatini NNTlari o‘z zimmasiga olishi hukumat, biznes va fuqarolik jamiyati institutlari o‘rtasidagi o‘zaro hamkorlikni yangi bosqichga olib chiqadi, degan xulosaga kelingan.

Tadqiqotchi tomonidan T. Devis, T. Tved, P. Uillets, A. Kuruvila, V. Eberveyn, B. Reynaldum, V. Tessur, Ye. G.Tarxanova, X.Odilqoriyev, Sh.Yakubov kabi olimlarning nodavlat notijorat tashkilotlarining vujudga kelishiga oid qarashlari tadqiq etilib, individlarni birlashishga undovchi kuch, bu ularning umumiy manfaatlaridir degan yondashuv ilgari surilgan. Unga ko‘ra, jamiyatga birlashgan insonlarning manfaatlari ijtimoiy guruhning manfaatlariga aylanadi. Albatta, bir individ muayyan ijtimoiy guruh a‘zosi sifatida boshqa ijtimoiy guruhlarning ham a‘zosi bo‘lishiga to‘siq qo‘yilishi mumkin emas, degan qoida nodavlat notijorat tashkilotlarning eng muhim prinsipiga aylangan degan fikrni ilgari suradi.

Tahlillar shuni ko‘rsatmoqdaki, “jamoat tashkiloti” atamasi O‘zbekiston Respublikasining 22 ta normativ-huquqiy hujjatlarida, 200 dan ortiq holatda “nodavlat notijorat tashkilotlari” tarzida qo‘llanilgan. Shuningdek, 2023-yil fevral oyi holatiga ko‘ra, fuqarolik jamiyati institutlari tushunchasi, O‘zbekiston Respublikasining amaldagi 60 dan ortiq normativ-huquqiy hujjatlarida qo‘llanilgan bo‘lib, ularning 20 tasi kodeks va qonunlar, 25 tasi O‘zbekiston Respublikasi Prezidentining farmon va qarorlari, 13 tasi Vazirlar Mahkamasining qarorlari hamda 4 tasi idoraviy-me‘yoriy hujjatlardir.

Tadqiqotchi tomonidan O‘zbekistonda nodavlat notijorat tashkilotlarining evolyutsiyasi va rivojlanish tendensiyalari quyidagi davrlar asosida tadqiq etilgan: Ibtidoiy urug‘chilik jamoasi va mulk egaligining shakllanish davri (milodiy IV asrlargacha), Ilk O‘rta asrlar davri (V asrdan – VIII asr oxirigacha), Mustamlakachilik va milliy uyg‘onish davri (XIX asr o‘rtalari, podsho Rossiyasi bosqini davridan to 1917-yil Oktyabr davlat to‘ntarishigacha), Sovetlar davri

(1917-1991-yillar).

Tadqiqotchi “Avesto”da keltirilgan fuqarolik jamiyat institutlari shakllanishi va rivojlanishiga oid fikrlarni umumlashtirgan holda quyidagi yondashuvni ilgari suradi: birinchidan, aholi davlat boshqaruvida faol qatnashgan; ikkinchidan, fuqarolik jamiyati belgisi sifatida aytish mumkinki, insonlar umumiy ijtimoiy foydali mehnat bilan shug‘ullangan; uchinchidan, xotin-qizlar va erkaklar teng xuquqqa ega bo‘lgan; ommaviy manfaatga oid masalalar Oqsoqollar Kengashida ko‘rilgan.

Ilk O‘rta asrlar davrining o‘ziga xos xususiyati sifatida shaxslarning muayyan mol-mulkidan ijtimoiy himoyaga muhtoj aholi va ilmiy muassasalarga xayriya ishlari uchun ajratish tizimi (“Vaqf”) joriy etilishi keltirib o‘tilgan.

Mustamlakachilik va milliy uyg‘onish davrida taraqqiyparvarlarning sa‘y-harakatlari bilan ta‘lim, ma‘rifat, madaniyat, san‘at, xayriya sohalarida ziyolilar harakati (1917-yilda “Klub islomiya”, Qo‘qonda “Mirvajul islom”, Andijonda “Ozod xalq”, Kattaqo‘rg‘onda “Ravnaqul islom”, Xo‘jandda “Muayyan at-tolibiy” kabi tashkilotlar tashkil etildi. Shulardan “Sho‘roi islomiya”) sifatida siyosiy maydonga chiqqan boshlaganligini anglatadi.

Tadqiqotchining fikricha, Sobiq Ittifoq davrida KPSS sovet siyosiy tizimining yadrosi va yo‘naltiruvchi kuchi sifatida e‘tirof etilib, amalda davlat mexanizmini harakatga keltiruvchi kuchga aylangan.

Muallif, L.Salomon va S. Sokolovski, J.Xan, T.D.Matveeva Yu.V.Botnev, Sh.Nazarov kabi olimlarning nodavlat notijorat tashkilotlarining asosiy missiyasini aniqlashga oid qarashlarini tahlil qilib, yondashuvni davlat instituti funksiyalaridan kelib chiqib emas, balki inson huquqlari, manfaatlari, ehtiyojlari rakursidan kelib chiqib tahlil qilish maqsadga muvofiq deb hisoblaydi va mazkur fenomenning asosiy missiyasi shaxsning huquqlari hamda qonuniy manfaatlarini himoya qilish va unga ko‘maklashish deb hisoblaydi.

Ko‘plab olimlar tomonidan bildirilgan fikrga ko‘ra, nodavlat notijorat tashkilotning asosiy faoliyati bu uni tashkil etishdan ko‘zlangan maqsadlarga mos keladigan va ta‘sis hujjatlarida ko‘rsatilgan faoliyat degan yondashuv haqiqatdan yiroq. Mazkur chegaralash bugungi kunda turli geosiyosiy mojarolar yoki pandemiya kabi kulfatlar sharoitida nodavlat notijorat tashkilotlari salohiyatidan maqsadli foydalanishga salbiy ta‘sir ko‘rsatadi hamda nodavlat notijorat tashkilotining faoliyatini ta‘sis hujjatlari bilan chegaralashga olib keladi.

Dissertant fikricha, jamiyat va davlat ehtiyojidan kelib chiqib, nodavlat notijorat tashkilotlarining faoliyatini ta‘sis hujjatlari bilan chegaralash emas, balki ijtimoiy foydalilik mezonidan kelib chiqib erkinlik berish maqsadga muvofiq.

Shundan kelib chiqib, tadqiqotchi qonunchilikka nodavlat notijorat tashkiloti qonun bilan taqiqlanmagan hamda o‘zining ta‘sis hujjatlarida nazarda tutilgan maqsadlarga muvofiq bo‘lgan bir yoki bir nechta faoliyat turlari bilan shug‘ullanishi mumkinligi haqidagi normani kiritish lozim deb hisoblaydi.

Tahlillar ko‘rsatmoqdaki, 1991-yilda mamlakatda hammasi bo‘lib 100 ta NNT faoliyat ko‘rsatgan bo‘lsa, O‘zbekistonda jami ro‘yxatdan o‘tgan nodavlat notijorat tashkilotlar va ularning hisobga olingan bo‘linmalarining soni 2020-yil 1-yanvar holatiga 10 462 ta, 2023-yil 27-yanvar holatiga ko‘ra 8 922 ta bo‘lib

qolmoqda. Shundan 671 tasi respublika darajasidagi, 187 ta yirik respublika nodavlat notijorat tashkilotlari hisoblanadi. 2022-yilda 301 ta nodavlat notijorat tashkilotlarining faoliyati tugatilgan bo'lsa, 382 tasi davlat ro'yxatidan o'tkazilgan. Tadqiqotchi fikricha, so'nggi 3 yil davomida nodavlat notijorat tashkilotlarining soni kamayish tendensiyasi kuzatilmoqda.

Statistik ma'lumotlarga ko'ra, 337 mln aholi yashaydigan AQSH da bugungi kunda 1,4 mln NNT faoliyat yuritib, har 240 nafar aholiga 1 ta NNT to'g'ri keladi. Bugungi kunda 67 mln aholi bor Fransiyada 1,2 mln NNT faoliyat yuritadi. Ya'ni, bir NNTga 55 nafar aholi to'g'ri keladi. 2022-yil ma'lumotlariga ko'ra, 51 mlndan aholi yashaydigan Janubiy Koreyada 60 mingdan ortiq NNT faoliyat ko'rsatadi. Bitta NNT ga 772 nafar aholi to'g'ri kelishini va aholining 4,2 foizi ijtimoiy tashabbuslarni amalga oshirishda bevosita ishtirok etayotganligini ko'rsatadi.

Muallif, nodavlat notijorat tashkilotlar sohasida mamlakatimizda amalga oshirilgan qonunchilik islohotlarini rivojlanish davri va xususiyatlarini tahlil qilgan holda ushbu jarayonni shartli ravishda uch bosqichga ajratishni taklif etadi: Birinchi bosqich 1991-yildan 2010-yilgacha, ikkinchi bosqich 2010-yildan 2017-yilgacha, uchinchi bosqich 2017-yildan hozirga qadar.

O'zbekiston Respublikasi Konstitutsiyasida jamoat birlashmalariga a'zolik masalalarida ixtiyoriylik prinsipiga asoslanish konstitutsiyaviy darajada belgilanmaganligi ko'rsatilgan holda, ixtiyoriylik prinsipi faqat kasaba uyushmasiga a'zolik masalasida bayon qilingan (73-modda). Tadqiqotchining fikricha, amaliyotda ushbu sohada yuz bergan holatlar va NNTlariga berilayotgan e'tiborni hisobga olgan holda bunday muhim prinsipni konstitutsiyaviy norma darajasida nodavlat notijorat tashkilotlariga ixtiyoriy a'zolikni belgilash talab qilinadi.

Dissertatsiyaning ikkinchi bobi «**Nodavlat notijorat tashkilotlari faoliyatini tashkil etishni huquqiy tartibga solish masalalari**» deb nomlanib, unda nodavlat notijorat tashkilotini ta'ris etish, uning tashkiliy-huquqiy shakllari, uni davlat ro'yxatidan o'tkazishning tashkiliy-huquqiy masalalari tahlil qilingan.

Tadqiqotchi, NNT tashkiliy-huquqiy asoslari bo'yicha huquqshunos olimlar D. Xolmanova va J Shirinovlarning fikrlarini tadqiq etib, garchi nodavlat notijorat tashkiloti davlat ro'yxatidan o'tkazilgan paytdan e'tiboran tuzilgan deb hisoblansada, lekin uni ta'ris etish jarayoni ham mazkur nodavlat notijorat tashkilotlari huquqiy asoslarining tarkibiy qismi hisoblanadi, degan yondashuvni ilgari suradi.

Dissertant tomonidan so'nggi yillarda nodavlat notijorat tashkilotlarining tashkil etilishi va faoliyatini yuritishda davlat ta'sirini minimal darajaga tushirish tendensiyasi kuzatilayotganligi asoslab berilgan. Mazkur nuqtayi nazarni so'nggi besh yillikda rivojlangan davlatlarda o'tkazilgan tadqiqotlar natijalari (M.Lyons, L.Salomon, X.Anxayer, Sh.Yakubov) ham ko'rsatib berishini tahlil qilib, jahon tajribasida NNTlarining tashkiliy-huquqiy asosini shakllantirish va uni rivojlantirish siyosiy jihatdan emas, balki iqtisodiy jihatdan asoslanish tendensiyasi kuzatilayotganligini qayd etadi.

Tahlillarga ko'ra, O'zbekistonda faoliyat yuritayotgan 8 922 ta (2023-yil 1-yanvar holatiga) nodavlat notijorat tashkilotlarining tashkiliy-huquqiy shakllari quyidagicha:

- jamoat birlashmalari 7173 ta;
- muassasalar 713 ta;
- jamoat fondlari 555 ta;
- boshqa tashkiliy-huquqiy shakldagi NNTlar (uyushma, ittifoq) 481 ta.

NNTni tashkil etishda tashabbuskor guruh a'zolari quyidagi masalalarga e'tibor qaratishlari zarur:

birinchidan, notijorat tashkilotlarining tashkiliy-huquqiy shakllari faoliyat maqsadlari, ishtirokchilar tarkibi, a'zolik prinsiplari, mol-mulkni shakllantirish va uni tasarruf etish, boshqaruv va nazorat tizimi, boshqa holatlar bo'yicha bir-biridan farq qiladi;

ikkinchidan, NNT, tashkiliy-huquqiy shaklidan qat'i nazar, adliya organlarida hududiy bo'ysunishi prinsipi asosida davlat ro'yxatidan o'tadi;

uchinchidan, NNT nomidagi "markaz", "jamiyat", "qo'mita" va shu kabi so'zlar NNT tashkiliy-huquqiy shakllari hisoblanmaydi, bu ularning faoliyatiga taalluqli bo'lgan "ekologik", "bolalar", "yoshlar" va hokazo tushunchalarga ham tegishlidir;

to'rtinchidan, NNT nomidagi "homiylilik" so'zi uning tashkiliy-huquqiy shaklini bildirmaydi, chunki u faqat homiylilik tashkilotiga taalluqli bo'lgan alohida maqomdir.

Nodavlat notijorat tashkilotlari vakillari bilan o'tkazilgan intervyularda ma'lum bo'ldiki, aksariyat nodavlat notijorat tashkilotlari ta'xis etilayotganda ta'xis hujjatlarini rasmiylashtirish, NNTning asosiy faoliyat yo'nalishlarini tanlash, ta'xischilarga oid talablarni bilishda qiynalishadi.

O'zbekistonda nodavlat notijorat tashkilotlarining davlat va jamiyat hayotidagi o'rnini yanada takomillashtirish stretegiyasini belgilash, ijtimoiy sheriklikni rivojlantirishda O'zbekiston nodavlat notijorat tashkilotlari milliy assotsiatsiyasi (O'zNNTMA)ning o'rnini juda muhimligidan kelib chiqib, O'zNNTMA tomonidan NNT ni ta'xis etish bosqichida ta'xischilarga uslubiy va huquqiy ko'mak ko'rsatish amaliyotini joriy etish maqsadga muvofiq deb hisoblaydi.

Muallif nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazish bo'yicha sud amaliyoti tahlil qilinib, ma'muriy sudlar tomonidan ustav va boshqa ta'xis hujjatlaridagi kamchiliklar asosida uni davlat ro'yxatidan o'tkazish rad qilinishi qonunga muvofiq degan xulosaga kelganligi qayd etilgan.

Tadqiqotchi tomonidan ma'muriy sud ishlarini yuritishda nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazishga oid nizolarni ko'rishda O'zbekiston Respublikasining "Ma'muriy tartib-taomillar to'g'risida"gi Qonuniga ustuvorlik berish o'rinli degan yondashuv ilgari surilgan.

Tadqiqotchi fikricha, nodavlat notijorat tashkilotlarini yagona tashabbuskor yoki asoschisi sifatida davlat tomonidan tashkil etilishi boshqa manfaatdor shaxslarning huquqlari cheklanishiga sabab bo'ladi.

Dissertant o'rganishlari asosida muayyan nodavlat notijorat tashkilotini tashkil etishga oid 60 dan ortiq normativ-huquqiy hujjatlar mavjudligi aniqlangan. Masalan, Savdo-sanoat palatasi nodavlat notijorat tashkiloti "O'zbekiston Respublikasi Savdo-sanoat palatasi to'g'risida"gi qonun asosida tashkil etilgan.

Shuningdek, nodavlat notijorat tashkilotlarini O‘zbekiston Respublikasi Prezidenti huzuridagi selektor yig‘ilishlari bayoni bilan tashkil etish amaliyoti ham mavjud.

Muallif bildirishicha, davlat tashabbusi bilan tashkil etilgan nodavlat notijorat tashkilotlari “gibrid”, “kvazidavlat”, “GoNGO”, “sun’iy” sifati bilan qo‘llanib kelinadi. Tadqiqotchi fikricha, amaliyotda mazkur turdagi NNTlarning ta‘sis hujjatlarini tuzishda adliya organlari huquqiy ko‘mak berib kelayotganligi va shu kabi holatlar nodavlat notijorat tashkilotlari tashkil etishda tenglik prinsipiga salbiy ta‘sir ko‘rsatmoqda.

Tadqiqotchi tomonidan O‘zbekistonda bugungi kunda faoliyat yuritayotgan GoNGO institutining quyidagi asosiy xususiyatlarini ajratib ko‘rsatish mumkin:

birinchidan, mazkur institut davlat tashabbusi (huquqiy yoki nohuquqiy shakl) bilan ta‘sis etiladi; **ikkinchidan**, shaklan davlatdan mustaqil bo‘lsa-da, ushbu institutlarning oliy rahbar organi (kollegial organi) a‘zolari ko‘p hollarda davlat organlari mansabdor shaxslaridan iborat bo‘ladi; **uchinchidan**, ushbu institutlar va davlat organlari o‘rtasida takrorlanuvchi funksiyalar paydo bo‘ladi; **to‘rtinchidan**, davlat tomonidan moliyalashtirilishi natijasid davlat organlari hisobdorlik vujudga keladi; **beshinchidan**, shu yo‘nalishda boshqa mustaqil nodavlat notijorat tashkiloti tuzish imkoniyati chegaralanishi natijasida mazkur institutning monopol pozitsiyasiga ega bo‘lishiga olib keladi.

Muallifning fikricha, O‘zbekiston Respublikasining “Savdo-sanoat palatasi to‘g‘risida”gi Qonun faqat bitta tashkilotning huquqiy maqomini belgilab berishi O‘zbekiston Respublikasi Konstitutsiyasining 72-moddasiga muvofiq “Davlat nodavlat notijorat tashkilotlarining huquqlari va qonuniy manfaatlariga rioya etilishini ta‘minlaydi, ularga jamiyat hayotida ishtirok etish uchun teng huquqiy imkoniyatlar yaratadi”, “Normativ-huquqiy hujjatlari to‘g‘risida”gi qonunning 9-moddasida belgilangan “O‘zbekiston Respublikasining qonunlari eng muhim va barqaror ijtimoiy munosabatlarni tartibga solishi”, “Nodavlat notijorat tashkilotlari to‘g‘risida”gi Qonunning 2-moddasida “NNT jismoniy va (yoki) yuridik shaxslar tomonidan ixtiyoriylik asosida tashkil etilishi”ga oid qoidalarga, shuningdek, NNTning konstitutsiyaviy-huquqiy tabiatiga zid hisoblanadi.

Muallifning fikricha, kasaba uyushmalari, siyosiy partiyalar yoki diniy tashkilotlar to‘g‘risidagi qonunchilik shu turdagi barcha subyektlarga teng imkoniyatlar yaratib berishidan kelib chiqib, “Savdo-sanoat palatalari to‘g‘risida”gi Qonun tarzida qabul qilish va tadbirkorlik faoliyati subyektlarini birlashtiruvchi nodavlat notijorat tashkilotlariga teng imkoniyat yaratish maqsadga muvofiq.

Dissertant, jamoat birlashmalarining huquqiy maqomidan kelib chiqqan holda ularning quyidagi xususiyatlarini ajratib ko‘rsatadi:

birinchidan, jamoat birlashmasini tuzish va davlat ro‘yxatidan o‘tkazish uchun O‘zbekiston Respublikasining 18 yoshga to‘lgan kamida 10 fuqarosining tashabbusi talab qilinadi, bunda chet el fuqarolari va fuqaroligi yo‘q shaxslar siyosiy partiyalardan tashqari har qanday jamoat birlashmalariga a‘zo bo‘lishlari mumkin; ikkinchidan, fuqarolar ixtiyoriy ravishda jamoat birlashmalarini tashkil etishlari va ularga a‘zo bo‘lishlari mumkin, lekin ustavlarda ko‘zda tutilgan holatlarda jamoaviy a‘zolar (mehnat jamoalari, jamoat kengashlari va boshqalar)

jamoat birlashmalarining yuridik shaxs hisoblanmaydigan jamoaviy a'zolari bo'lishlari mumkin; uchinchi, jamoat birlashmasining barcha a'zolari, jamoat birlashmasidagi maqomi va holatidan qat'i nazar, bir xil huquqqa ega hamda qarorlar qabul qilishda va mol-mulkni boshqarishda bir xil majburiyatlarga egadirlar; to'rtinchi, jamoat birlashmalari ishtirokchilarining kirish va a'zolik badallarini to'lashlari majburiy talab hisoblanmaydi, fuqaroning jamoat birlashmasi faoliyatidagi ishtiroki va a'zolik badalining to'lanishi uning huquqlarini cheklash yoki ustunlik o'rnatish uchun asos bo'la olmaydi.

Muallif fikricha, "jamoat fondi" ta'rifidan kelib chiqqan holda ularning quyidagi o'ziga xos xususiyatlarini ajratib ko'rsatish mumkin: **birinchi**, ular notijorat tashkilotlariga mansub, ammo a'zolik tashkilotlari hisoblanmaydi; **ikkinchi**, ham jismoniy va (yoki) ham yuridik shaxslar tomonidan ta'sis etilishi mumkin; **uchinchi**, ustav maqsadlarini amalga oshirish uchun mol-mulkklarini shakllantirishlari shart; **to'rtinchi**, muassislar tomonidan jamoat fondiga berilgan mol-mulk fondning mol-mulki hisoblanadi va uning ustavida belgilangan maqsadlarni amalga oshirish uchun foydalaniladi, u ta'sischi o'rtasida taqsimlanishi mumkin emas va garov yoki majburiyatlar bajarilishini ta'minlashning boshqa usuli sifatida foydalanilishi, shuningdek kreditlar berish uchun foydalanilishi mumkin emas; **beshinchi**, jamoat fondi pul mablag'lari va boshqa mol-mulkklaridan foydalanilishi to'g'risida har yillik hisobotini e'lon qilishi shart va har yili o'z faoliyatini auditorlik tekshiruvidan o'tkazadi; **oltinchi**, ta'sischi fondning majburiyatlari bo'yicha javob bermaydi, fond esa ta'sischi larning majburiyatlari bo'yicha javob bermaydi; **yettinchi**, fondni ta'sischi larning qarori bo'yicha tugatib bo'lmaydi, bunday huquqqa manfaatdor shaxslarning arizasiga muvofiq faqat sud egadir; **sakkizinchi**, qonunchilik fondga aloqador shaxslar bilan bitimlar fondga aloqador bo'lmagan shaxslar bilan bo'lganidagiga nisbatan bir muncha qulay shartlarda amalga oshirilayotgan bo'lsa, ularni tuzishni man qiladi

Dissertant tomonidan A.Najam, A.Zimmer, T. Brandsen, V Pestoff, S. Filips, S. Smit, Sh.Yakubov, D.Xolmanova, Dj.Shirinov NNTlari tashkiliy-huquqiy shakllari masalalariga bag'ishlangan tadqiqotlar tahlil qilinib, fuqarolarning sog'lig'ini saqlash, jismoniy madaniyat va sportni rivojlantirish, fuqarolarning ma'naviy va boshqa nomoddiy ehtiyojlarini qondirish, fuqarolarning huquqlari, qonuniy manfaatlarini himoya qilish, nizolarni hal qilish, yuridik yordam ko'rsatish, shuningdek xayriya yordamlarini ko'rsatish va boshqa maqsadlarga erishishda davlat NNTlari bilan ijtimoiy sherik sifatida teng munosabatlarga kirishayotganligi ko'rsatib o'tiladi.

Dissertant, nodavlat notijorat tashkilotining tashkiliy-huquqiy shakllari deganda, umumiy huquqiy nazariyadan kelib chiqqan holda normativ-huquqiy hujjatlar bilan NNTning faoliyatini tartibga solish maqsadida ular rioya qilishlari zarur bo'lgan tashkiliy va huquqiy shartlar tizimi degan ta'rifni mustahkamlashni taklif etadi.

Muallif qayd etishicha, qonunchilik darajasida NNTlarining tashkiliy-huquqiy shakllari asosan MDH davlatlarida uchrashi va tashkiliy-huquqiy shakl asosida nodavlat notijorat tashkilotlari faoliyatiga "chegara" belgilash mazkur

institut faoliyati erkinligini cheklaydi. Ushbu nuqtayi nazarni L.Salomon, X.Anxayer, N.Kollek tadqiqot natijalari ham tasdiqlaydi.

Tadqiqotchi fikricha, davlat xizmatlari markazlari tomonidan davlat ro'yxatidan o'tkazilib kelinayotgan tijorat tashkilotlarining birlashmalari nodavlat notijorat tashkilotining huquqiy tabiatiga mos tushadi.

Shuningdek, qonun hujjatlarida bir vaqtning o'zida ham yuridik shaxslar ham jismoniy shaxslar umumiy manfaatlarini ifodalash hamda himoya qilish, shuningdek o'zlarining faoliyatini muvofiqlashtirib borish maqsadida tuzilgan a'zolikka asoslangan yuridik shaxsning tashkiliy-huquqiy shakli nazarda tutilmagan. Bu esa, yuridik va jismoniy shaxslar tomonidan umumiy manfaatlarini ifodalash hamda himoya qilish maqsadida a'zo bo'lish orqali birlashishlarida qiyinchiliklar yuzaga keltirmoqda. Amaliyotda esa, ham yuridik shaxslar ham jismoniy shaxslar umumiy manfaatlarini ifodalash hamda himoya qilish, shuningdek o'zlarining faoliyatini muvofiqlashtirib borish maqsadida tuzilgan a'zolikka asoslangan yuridik shaxs tuzilmoqda.

Muallif, qonun hujjatlariga tijorat tashkilotlarining birlashmalarini nodavlat notijorat tashkiloti shakliga kiritish hamda uyushmalar (ittifoqlar) tushunchasini kengaytirish bo'yicha O'zbekiston Respublikasining "Nodavlat notijorat tashkilotlari to'g'risida"gi Qonunga o'zgartirish va qo'shimchalar kiritishni taklif qiladi.

Tahlillar shuni ko'rsatmoqdaki, Davlat ro'yxatdan o'tkazishda nodavlat notijorat tashkilotining tashkiliy-huquqiy shakllari o'rtasidagi farqlar, ularni davlat ro'yxatidan o'tkazish bo'yicha taqdim qilingan arizalarni ko'rib chiqish muddatlari, ta'sisчилarga qo'yilgan talablar, davlat boji miqdori va boshqalardan iborat.

Tadqiqotchi tomonidan huquqshunos olimlar L.Xvan va J.N.Nematovlarning ma'muriy tartib-taomillar bo'yicha tadqiqotlari tahlil etilib, nodavlat notijorat tashkilotini davlat ro'yxatidan o'tkazishni rad etish to'g'risidagi qaror bo'yicha "tekshirish prinsipi", arizadagi kamchiliklarni to'g'rilash uchun arizachiga imkoniyat va muddat berish, NNTga tegishli bo'lgan barcha holatlar bo'yicha o'z fikrini bildirish imkoniyatini taqdim etish, NNTga qonun hujjatlariga muvofiq zarur yordam ko'rsatilishi bo'yicha taklif va tavsiyalar ilgari suriladi.

Muallif NNTni ro'yxatdan o'tkazish rad etilganligi ustidan sudlarga shikoyat qilinishi bo'yicha quyidagi tartibni taklif etadi:

xalqaro, respublika, hududlararo nodavlat notijorat tashkilotlarini hamda xalqaro va xorijiy nodavlat notijorat tashkilotlarining vakolatxonasi va filialini ro'yxatdan o'tkazish rad etilganda – O'zbekiston Respublikasi Oliy sudiga;

boshqa nodavlat notijorat tashkilotlarini ro'yxatdan o'tkazish rad etilganda – tegishli ravishda Qoraqalpog'iston Respublikasi ma'muriy ishlar bo'yicha sudi, ma'muriy ishlar bo'yicha viloyatlar va Toshkent shahar sudlariga.

Muallif ta'kidlashicha, NNT ta'sisчилari yoki tashabbuskorlari "E-ngo" platformasi orqali Nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazish bo'yicha jarayon qaysi bosqichida ekanligi to'g'risidagi ma'lumotni real vaqt rejimida olib turish tizimini joriy etishni taklif qiladi. Bu ma'muriy tartib-taomillarning muddatlari buzilishining oldini olish bilan bir qatorda manfaatdor

shaxs ma'muriy hujjat qabul qilish bo'yicha jarayonning shaffoflashishiga olib keladi.

NNTni ro'yxatdan o'tkazish to'g'risidagi ariza rad etilgan holda nodavlat notijorat tashkilotlarni davlat ro'yxatdan o'tkazganlik uchun to'langan davlat bojini uch oy o'tgach inobatga olmaslik va qaytarib bermaslik to'g'risida Qonun osti hujjat bo'lgan Vazirlar Mahkamasining 2014-yil 10-martdagi 57-son qarori bilan tasdiqlangan Nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazish tartibi to'g'risidagi nizomning 27-bandidagi qoida "Davlat boji to'g'risida"gi qonun va qonunchilikdagi shaxslarning huquqlariga ziddir.

Tadqiqotchi fikricha, adliya organlari tomonidan davlat boji nodavlat notijorat tashkilotlarni davlat ro'yxatdan o'tkazish to'g'risidagi arizani ko'rib chiqish uchun emas, balki nodavlat notijorat tashkilotlarni davlat ro'yxatdan o'tkazish uchun undirilmoqda.

Yuridik shaxsning nomiga qo'yilgan talablar "Firma nomlari to'g'risida"gi Qonunda to'liq va har tomonlama inobatga olingan holda aks etgan. Shunga ko'ra, ushbu qonunda qo'yilgan talablarni NNTga nisbatan ham tatbiq qilish maqsadga muvofiq hisoblanadi.

Tadqiqotchi, adliya organlari tomonidan qoidalarsiz sport turlari federatsiyalarini davlat ro'yxatidan o'tkazishda "fuqarolarning sog'lig'i va ma'naviyatiga tajovuz qilishni maqsad qilib qo'ygan bo'lsa" jumlasini yuzaga keltirayotgan noaniqliklardan kelib chiqib, turlicha talqin qilish holatlarini yuzaga keltirmaslik bo'yicha aniq mezonlar belgilanishi zarur degan yondashuvni ilgari suradi.

Dissertatsiyaning uchinchi bobi "**Nodavlat notijorat tashkilotlari faoliyatining tartib-taomillari**" deb nomlanib, unda nodavlat notijorat tashkilotlari faoliyatini (maqsadini) amalga oshirishni huquqiy tartibga solish, uning faoliyatini moliyaviy ta'minlash masalalari, uning faoliyatini tugatishning huquqiy asoslari tahlil qilingan.

Dissertant tomonidan ushbu bob doirasida so'nggi yillarda nodavlat notijorat tashkilotlarining tashkiliy-huquqiy asoslarini liberallashtirishda asosiy e'tibor ularning tashkil etilishi va faoliyatini yuritishda davlat ta'sirini minimal darajaga tushirish tendensiyasi kuzatilayotganligi asoslab berilgan.

Muallif tomonidan NNTlar va davlat organlari o'rtasidagi o'zaro munosabatlarni tartibga solishga oid tadqiqotlar (D.Mullins va V.Miligan, K.A. Cherepov, Sh.Yakubov, K. Anxayer, S. Sokolovski, S. Topler) tahlil qilish asnosida davlat va NNT hamkorligini 4 ta modelga ("Bog'bon modeli", "Sheriklik modeli", "Ota-ona modeli", "Egiluvchan model") ajratish taklif etiladi.

Dissertant fikricha, nodavlat notijorat tashkilotlari va ularning ramzlarini davlat ro'yxatidan o'tkazish, rejalashtirilayotgan tadbirlar haqida xabardor qilish, chetdan pul mablag'larini olishni huquqiy tartibga solish bo'yicha ishlarni liberallashtirish maqsadida "Yangi O'zbekistonda Fuqarolik jamiyati – 2030" konsepsiyasini ishlab chiqish va qabul qilish zarur.

Nodavlat notijorat tashkilotlarining o'tkazilishi rejalashtirilayotgan tadbirlari haqida xabardor qilish tartibi Adliya vazirligi tomonidan tasdiqlanishi belgilangan bo'lsa-da, nodavlat notijorat tashkiloti sohasida ikkita ma'muriy reglamentning biri

Vazirlik tomonidan, biri Vazirlar Mahkamasi tomonidan tasdiqlanishi tizimlilik jihatdan ham, ma'muriy-tartib taomillarda ishtirok etuvchi shaxslarning huquqlarini teng ta'minlash jihatdan ham, raqamli tadbirlarni tashkil etish nuqtayi nazaridan ham qayta ko'rib chiqishni taqozo qiladi.

2021-yilda fuqarolik jamiyati institutlarini qo'llab-quvvatlash hajmi davlat tomonidan 2020-yilga nisbatan 2 baravarga oshirilib, 75,8 mlrd. so'mga yetkazildi.

Muallif, D. Lyuis, N. Kanji va N. Temudo kabi olimlarning tadbirkorlik subyektlari uyushmalarining – BONGO (Business-organized NGOs) huquqiy tabiatini tadqiq etilib, ushbu birlashmalar nodavlat notijorat tashkilotlar hisoblanishi zarur deb hisoblaydi.

Muallif fikricha, Nodavlat notijorat tashkilotlarining o'tkazilishi rejalashtirilayotgan tadbirlari haqida xabardor qilish tartibi to'g'risidagi nizomda mazkur tartib-taomillarning predmeti bo'lmagan hamda "Normativ-huquqiy hujjatlar to'g'risida"gi Qonunning 14-moddasiga (Vazirliklar, davlat qo'mitalari va idoralar, agar ularga qonun hujjatlari, O'zbekiston Respublikasi Prezidentining farmonlari va qarorlari, O'zbekiston Respublikasi Vazirlar Mahkamasining qarorlari bilan tegishli normativ-huquqiy hujjatlarni qabul qilish yoki ijtimoiy munosabatlarni huquqiy jihatdan tartibga solish bo'yicha vakolatlar berilgan bo'lsa, normativ-huquqiy hujjatlar qabul qilishi mumkin) zid bo'lgan "Xabarnomani ko'rib chiqish tartibi" (3-bob) belgilangan. Shunga ko'ra, mazkur bobni bekor qilish taklif etiladi.

O'tkazilgan so'rovda "*Nodavlat notijorat tashkilotingizni moliyalashtirish manbasi haqida ma'lumot bering*" deb so'ralganida, respondentlarning **31** foizi – "*Respublika byudjeti - grantlar va subsidiyalardan mablag' olamiz*" deb; **20** foizi "*viloyat byudjeti - mulkni imtiyozli (yoki beg'araz) ijaraga berish, subsidiyalar va grantlardan*" deb; **22** foizi – "*parlament komissiyasi yoki boshqa respublika (tashkilotlari) grantlari va xorijiy fondlar (tashkilotlar) grantlaridan*" deb; **15** foizi "*a'zolik badallari*" deb; **12** foizi – "*yuridik va jismoniy shaxslarning xayriya mablag'laridan*" deb javob berishgan.

Tahlillar shuni ko'rsatmoqdaki, bugungi kunda nodavlat notijorat tashkilotlarining aksariyat tadbirlari elektron tizimlarda va onlayn o'tkazilmoqda. Lekin nodavlat notijorat tashkilotlarining o'tkazilishi rejalashtirilayotgan tadbirlari haqida xabardor qilishning amaldagi tartibi mazkur obyektiv zaruriyatni inobatga olmagan. Shunga ko'ra tadqiqotchi, tadbir o'tkaziladigan ko'cha va uy, tadbir o'tkaziladigan kun va soatni oson o'zgartirish kiritish va onlayn tadbirlarni o'tkazishga imkon beradigan huquqiy mexanizm joriy etishni taklif etgan.

Tadqiqotlar shuni ko'rsatmoqdaki, qonunchilikda yuridik shaxs hisoblanadigan alohida bo'linma to'g'risidagi nizomida qanday qoidalar bo'lishi kerakligi to'g'risida aniq normalar mavjud emas. Shunga ko'ra, bo'linmalari nizomida uning nomi, u o'z faoliyatini amalga oshiradigan hudud; tuzilmasi va rahbar organlari, rahbar organlarning vakolat doirasi va ularni shakllantirish tartibi, ularning vakolat muddatlari, doimiy asosda ishlaydigan rahbar organ joylashgan yer; mol-mulkni boshqarish borasidagi huquqlari; nodavlat notijorat tashkilotning ustavida qayd qilinmagan bo'linma faoliyatini tartibga soluvchi qonunchilikda belgilangan boshqa qoidalarni kiritish taklif etilgan.

Nodavlat notijorat tashkilotlar bilan uyushtirilgan intervyulardan kelib chiqib, nazorat qiluvchi organlar (adliya, soliq, hisob palatasi va boshq.) tomonidan tekshiruvlar muddatlari buzilishi, tekshiruv va o'rganishlar ketma-ket va tizimsiz amalga oshirishi natijasida NNT o'z faoliyatini yuritishda qiyinchiliklar va to'siqlarga duch kelishayotganligi ta'kidlangan.

Muallif fikricha, tekshiruvlarning takrorlanishining oldini olish va ortiqcha tekshirish yukini kamaytirish maqsadida barcha nazorat qiluvchi organlar NNT dagi rejali nazorat tadbirlarini (o'rganish, monitoring va tekshirish) ro'yxatga oluvchi organ bilan "E-NGO" elektron platformasida muvofiqlashtirgan holda bir vaqtda amalga oshirishni joriy etish maqsadga muvofiq.

Tadqiqotchi fikricha, amaldagi qonunchilikka binoan nodavlat notijorat tashkilotlarining kollegial rahbar organlari va Taftish komissiyasi faoliyati to'liq tartibga solinmaganligi NNT mol-mulkini boshqarishda turli nizoli masalalarni keltirib chiqarmoqda. Shu sababli, O'zbekiston Respublikasining "Nodavlat notijorat tashkilotlari to'g'risida"gi Qonunida kollegial rahbar organlari va Taftish komissiyasining huquqiy maqomi tartibga solinishi zarurligi ta'kidlangan.

Soliq Kodeksining 58-moddasida notijorat tashkilotlariga daromad olish maqsadiga ega bo'lmaslik hamda daromadlarni yoki mol-mulkni ishtirokchilari (a'zolari) o'rtasida taqsimlamaslik shartlarini qo'yilishi "Nodavlat notijorat tashkilotlari to'g'risida"gi Qonuning 2-moddasida belgilangan mazkur tashkilotlarning huquqiy tabiatiga mos kelmaydi. Notijorat tashkilotlarda **umuman daromad olish maqsadiga ega bo'lmaslik degan ta'rifni qo'llash mumkin emas.** Shu sababli tadqiqotchi, mazkur tushunchani aniqlashda NNT huquqiy tabiatidan kelib chiqqan holda "daromad (foyda) olishni o'z faoliyatining **asosiy maqsadi qilib olmaslik**" yondashuvini ilgari suradi.

Tadqiqotchi tahlillar asosida xalqaro ekspertlar, xalqaro tashkilotlar hamda fuqarolik jamiyatining institutlari tomonidan keyingi vaqtlarda chet ellik shaxslardan pul mablag'lari va mol-mulk olinishini kelishish tartibi ko'plab tanqidlarga uchraganligini bayon qilgan. Shunga ko'ra, chet ellik shaxslardan pul mablag'lari va mol-mulk olinishini kelishishni pul mablag'lari va mol-mulk olish haqida xabardor qilishga o'zgartirish va mazkur jarayonni to'liq elektron shaklga o'tkazish taklif etilgan.

Tadqiqotchi NNT ni tugatish masalasini ilmiy-amaliy jihatdan tahlil qilib, bir qator muammolarni keltirib o'tadi. Xususan, NNTni tugatish to'g'risida qaror qabul qilgan sud ko'pincha amaliyotda tugatuvchi etib davlat organlari xodimlarini tayinlashi, tugatish jarayoni NNT ta'sischi va rahbarlariga bog'liqligi (ularda mavjud bo'lgan muhr va shtamplar yo'qligi, mol-mulki to'g'risidagi, debitor va kreditor qarzdorlar to'g'risidagi ma'lumotlar yo'qligi, mavjud qarzdorliklarni to'lash manbalari yo'qligi va boshqalar) va aksariyat hollarda NNT tugatilayotgan paytda uning rahbari va kollegial organi mavjud bo'lmasligi kabi muammolarning yechimi bo'yicha takliflarni ilgari suradi.

Dissertatsiyaning to'rtinchi bobida "Nodavlat notijorat tashkilotlarining ijtimoiy-iqtisodiy masalalarni hal qilishdagi ishtirokini kengaytirish" deb nomlanib, unda nodavlat notijorat tashkilotlarining BMT Barqaror rivojlanish maqsadlariga erishishdagi o'rni, O'zbekistonda ijtimoiy loyihalarni amalga oshirishda

nodavlat notijorat tashkilotlari ishtirokini kengaytirishning zamonaviy tendensiyalari, nodavlat notijorat tashkilotlari orqali o'zini o'zi tartibga solish mexanizmini amalga oshirishning istiqbollari tahlil qilingan.

BRMga erishish davlatlar, xususi sektor, fuqarolik jamiyati institutlaridan kuch va sarmoya talab qiladi. Barqaror rivojlanishning ijtimoiy maqsadlariga erishishda, ayniqsa fuqarolik jamiyatining roli o'ta muhim sanalib, u bugungi kunda "uchinchi sektor" – ta'lim, fan, sog'liqni saqlash, ekologiya, ijtimoiy himoya, ya'ni ijtimoiy sohada mahalliy jamoalarning fuqarolik tashabbuslariga asoslanadi.

Dissertant fikricha, amaliyot, davlat sharhlari har doim ham mamlakatlardagi ishlarning haqiqiy holatini aks ettirmasligidan kelib chiqib, Inson huquqlari sohasida muqobil hisobot berish jarayonining asosiy maqsadi hisoboti ko'rib chiqilayotgan mamlakatda inson huquqlariga rioya etilishini ta'minlashdan iborat degan yondashuv ilgari surilgan.

Inson huquqlari bo'yicha xalqaro konvensiyalarning O'zbekiston Respublikasida bajarilishi bo'yicha bugungi kunga qadar jami **119 ta** xalqaro va milliy nodavlat notijorat tashkilotlari tomonidan muqobil ma'ruzalar BMTning tegishli qo'mitalariga topshirilgan. Shundan **19 tasi** O'zbekiston Respublikasi hududida faoliyat olib boruvchi NNT hisoblanadi. Tadqiqotchi fikricha, O'zbekiston nodavlat notijorat tashkilotlari assotsiatsiyasi tarkibida tuzilgan "Ekspertlar guruhi"ga muqobil ma'ruzalarni tayyorlash metodikasini ishlab chiqish va NNTlarga doimiy ravishda ko'mak berish vazifasini yuklatish lozim.

Tadqiqotchi fikricha, qonun bilan jamoatchilik nazoratini amalga oshirishning 8 ta shakllari belgilangan bo'lsada, shundan 7 ta shaklining amalga oshirishning aniq mexanizmlari yoritilmagan. Shunga ko'ra, "Jamoatchilik nazorati to'g'risida"gi Qonun 2¹-moddasiga "**jamoatchilik kuzatuv komissiyasi**", "**jamoatchilik inspeksiyasi**" va "**jamoat inspektori**" institutlari kiritish taklif etiladi. Uning fikricha, "**Jamoat inspeksiyasi**" va "**jamoat inspektori**" institutlari kiritilishi natijasida davlat organlari va tashkilotlarida jamoatchilik nazorati doirasida tekshiruvlar o'tkazish imkonini beradi.

D.Mur, E. Guseynov, S.Nemgirova, Sh. Yakubov, Ya. Allamov kabi olimlarning ijtimoiy loyihalarni amalga oshirishda nodavlat notijorat tashkilotlari ishtirokini kengaytirishga oid qarashlari tahlil qilinib, O'zbekiston Respublikasida nodavlat notijorat tashkilotlarini nodavlat notijorat tashkilotlarini ijtimoiy-iqtisodiy masalalarni hal qilish hamda jamiyat rivojlanishiga qo'shgan hissasini inobatga olgan holda ularning faoliyatini baholash mezonlari va metodologiyalarini ishlab chiqish taklif etiladi.

Tahlillar ko'rsatmoqdaki, grant tushunchasi normativ-huquqiy hujjatlarga qaraganda ko'proq ilmiy sohada uchraydi. O'zbekistonda grantga oid munosabatlar qisman tartibga solingan. O'zbekiston qonunchiligida grantlarning umumiy tushunchasi ham, muhim xususiyatlari ham belgilanmagan. Bugungi kunda grantlar xayriyalarning alohida bir turi sifatida shaxsiy mablag'lar hisobidan ham, davlat byudjeti hisobidan ham taqdim etilmoqda.

Tadqiqotchi fikricha, Oliy Majlisi huzurida Nodavlat notijorat tashkilotlarini va fuqarolik jamiyatining boshqa institutlarini qo'llab-quvvatlash jamoat fondi huquqiy maqomi qonunchilik hujjatlarida aniq belgilanmagan. Dissertant, mazkur

fondning huquqiy tabiatiga ko'ra, Oliy Majlis huzuridagi jamoat fondini davlat tashkiloti sifatida tashkil qilish lozim deb xulosaga kelgan.

Tadqiqotchi tomonidan Parlament komissiyasi tomonidan pul mablag'lari ajratish bo'yicha faoliyati tahlil qilinib, mamlakatimizda yuksak texnologiyani rivojlantirish va yoshlarni tabiiy bilimlarga qiziqishini uyg'otish va bu yo'nalishda tizimli ishlar qilishni asosiy mezon sifatida belgilash taklif etilgan.

Maqsadsiz va noto'g'ri sarflangan **1 mlrd 118,5** mln so'mlik davlat subsidiyasi, **172,9** mln so'mlik ijtimoiy buyurtma, **238,9** mln so'mlik davlat granti mablag'lari monitoring natijalaridan kelib chiqib qaytarilgan.

Jamoat fondi faoliyatiga zamonaviy axborot-kommunikatsiya texnologiyalarini, shu jumladan loyihalarni hamda hisobotlarni elektron raqamli imzolardan foydalangan holda elektron shaklda qabul qilish, hujjatlar aylanmasini elektron tarzda yuritish bo'yicha maxsus dasturiy mahsulotlarni yaratish va joriy etish masalalariga yetarli darajada e'tibor qaratilmagan. Tahlillar shuni ko'rsatmoqdaki, bugungi kunda parlament komissiyasi grant mablag'larining sarflanishi yuzasidan hisobotlarni qabul qilib oladi va o'zi monitoring qiladi.

Bugungi kunda AQSHda 50 foizdan ortiq aholi qatlami ko'ngillilik asosidagi ishlarda qatnashib keladi. Ko'ngillilar mehnatining moliyaviy ekvivalenti 5 300 mlrd dollardan oshadi. Yaponiyada "Minsey inn" xayriya yordami tizimi yaratilgan bo'lib, 3 300 dan ortiq volontyorlik markazlari faoliyat ko'rsatadi. Buyuk Britaniyada volontyorlar markazi tashkil etilgan bo'lib, o'rta va yuqori sinf vakillari kambag'allikka qarshi kurashish yo'lida keng ravishda ijtimoiy ishlarga jalb qilingan. Germaniyada fuqarolar bir oy davomida o'zining 15 soatdan ortiq vaqtini ko'ngilli uyushma, loyiha va o'zaro yordam guruhlariga bag'ishlaydi. Mamlakatda 70 mingga yaqin notijorat tashkilotlari faoliyat yuritib, ularda volontyorlik huquqi asosida 2 milliondan ortiq fuqarolar ishlaydi.

Nodavlat notijorat tashkilotlariga davlat ko'magi sifatida ajratilgan grantlar, subsidiya va ijtimoiy buyurtma mablag'lari ishlatilishi hamda o'z mol-mulki va pul mablag'laridan foydalanishi jarayonining shaffofligini ta'minlash bo'yicha "Openness of non-governmental non-profit organizations" – "Ochiqlik standarti"ni yanada takomillashtirish maqsadga muvofiq hisoblanadi.

Tadqiqotchi tomonidan R.Yakshilova, V. Davlyatov, D.Ashurov, S.Vasilyeva, I.Yershova, Ye.Parubin kabi olimlarning o'zini o'zi tartibga soluvchi tashkilotlarning tashkiliy huquqiy asoslariga oid tadqiqot ishlari tahlil qilinib, o'zini o'zi boshqaruvchi tashkilotlarga quyidagi mualliflik ta'rifini ilgari surishni taklif etgan:

"O'zini o'zi tartibga soluvchi tashkilot tovarlarni (ishlarni, xizmatlarni) ishlab chiqish sohasi yoki ishlab chiqarilgan tovarlar (ishlar, xizmatlar) bozori yagonaligidan kelib chiqib yoxud professional faoliyat subyektlarining muayyan turini birlashtirgan, ixtiyoriy yoki majburiy a'zolikka asoslangan, uyushma (ittifoq) shaklidagi yoki qonun hujjatlarida belgilangan boshqa tashkiliy-huquqiy shakldagi nodavlat notijorat tashkilotdir".

Muallif fikricha, o'zini o'zi tartibga solish vakolati berilgan NNTning huquqiy maqomi qonun bilan belgilanishi masalaning yechimi hisoblanadi. Shu bois, O'zbekiston Respublikasining "O'zini o'zi tartibga soluvchi tashkilotlari to'g'risida"gi qonuni loyihasini ishlab chiqish maqsadga muvofiq.

XULOSA

“O‘zbekistonda nodavlat notijorat tashkilotlari faoliyatining tashkiliy-huquqiy mexanizmini takomillashtirish” mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-amaliy taklif va tavsiyalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar

1.1. Konstitutsiyaviy huquq fanining ilmiy apparatiga oid nazariy qarashlarni yanada rivojlantirish maqsadida xalqaro tajriba va xalqaro huquqiy hujjatlarda belgilab berilgan yondashuvlardan kelib chiqqan holda, “Aralash iqtisodiyot” nazariyasiga muvofiq uchta sektor o‘rtasidagi nisbat tahlil etildi. Birinchi sektor – umumdavlat va munitsipal tashkilotlarini birlashtiradi. Ikkinchi sektor - faoliyatining asosiy maqsadi sifatida foyda olishni ko‘zlagan biznes subyektlarini birlashtiradi. “Uchinchi sektor” nodavlat notijorat tashkilotlaridan iborat. Mazkur qarashning asosiy mazmuni jamiyatning uzviy birligini anglatadi va “Konstitutsiyaviy huquq”ning ilmiy-kategorial apparatini yanada boyitishga xizmat qiladi.

1.2. Milliy va xalqaro huquqiy amaliyot, ilmiy-nazariy yondashuvlardan kelib chiqib, “nodavlat notijorat tashkilotlari” tushunchasiga quyidagicha mualliflik ta’rifi berildi: **“Nodavlat notijorat tashkiloti bu – jismoniy va (yoki) yuridik shaxslar tomonidan ixtiyoriylik asosida tashkil etilgan, asosiy maqsadi ijtimoiy foydali faoliyatga yo‘naltirilgan hamda olingan daromadlarni (foydani) o‘z qatnashchilari (a‘zolari) o‘rtasida taqsimlamaydigan o‘zini o‘zi boshqaruvchi tashkiloti”**.

1.3. O‘zini o‘zi tartibga soluvchi tashkilotlari institutining huquqiy va ilmiy-nazariy asoslarini tahlil qilish asosida uning tushunchasini quyidagicha ifodalash mumkin: **“O‘zini o‘zi tartibga soluvchi tashkilot”** deganda, *tovarlarni (ishlarni, xizmatlarni) ishlab chiqish sohasi yoki ishlab chiqarilgan tovarlar (ishlar, xizmatlar) bozori yagonaligidan kelib chiqib yoxud professional faoliyat subyektlarining muayyan turini birlashtirgan, ixtiyoriy yoki majburiy a‘zolikga asoslangan, uyushma (ittifoq) shaklidagi yoki qonun hujjatlarida belgilangan boshqa tashkiliy-huquqiy shakldagi nodavlat notijorat tashkilotdir”*.

1.4. Nodavlat notijorat tashkilotlari faoliyatining prinsiplari bo‘yicha quyidagi yondashuv ilgari suriladi: **qonuniylik, ixtiyoriylik, o‘zini o‘zi boshqarish, ijtimoiy foydalilik, ochiqlik va shaffoflik, erkinlik, ijobiy va konstruktiv yondashuv prinsiplari**.

1.5. Nodavlat notijorat tashkilotlari sohasida mamlakatimizda amalga oshirilgan qonunchilik islohotlarining rivojlanish davri va xususiyatlarini tahlil qilgan holda ushbu jarayonni shartli ravishda uch bosqichga ajratish mumkin asoslantiridi: Birinchi bosqich 1991-yildan 2010-yilgacha, ikkinchi bosqich 2010-yildan 2017-yilgacha, uchinchi bosqich 2017-yildan hozirga qadar deb davrlashtirish mumkin.

1.6. *“Davlat ijtimoiy buyurtmasi”* tushunchasiga quyidagicha mualliflik ta’rifi berildi: *“Davlat ijtimoiy buyurtmasi bu – davlat organi va nodavlat notijorat tashkiloti o‘rtasida shartnoma tuzish yo‘li bilan sotsial va ijtimoiy ahamiyatga*

molik loyihalarni amalga oshirish uchun ishlar bajarish yoki tadbirlar o'tkazishga doir davlat topshirig'idir".

1.7. Davlat va NNT hamkorligini quyidagi to'rtta modelga ajratish taklif etiladi: 1. "Bog'bon modeli"ga ko'ra, davlat NNTlarining ijtimoiy foydali faoliyatini moliyaviy qo'llab-quvvatlaydi, mazkur sohani rivojlantirishga oid umumiy davlat siyosatini muvofiqlashtirib boradi. 2. "Sheriklik modeli"ga ko'ra, davlat va nodavlat sektorning tenglik asosidagi muloqotiga asoslanadi. 3. "Ota-ona modeli" davlatning nodavlat notijorat tashkilotlarining faoliyati ustidan total nazorati bilan tavsiflanadi. 4. "Egiluvchan model" davlat va nodavlat notijorat tashkilotlari o'zlarining salohiyati va imkoniyatlaridan ichki va tashqi maqsadlari yo'lida o'zaro foydalanadi, agar davlat NNTdan real tahdidni sezsa uning imkoniyatlari qonun yo'li bilan cheklanadi.

1.8. Yangi O'zbekiston sharoitida nodavlat notijorat tashkilotlarining funksiyalarini quyidagicha tasniflash taklif etiladi: *integratsiya, jamoatchilik nazorati, targ'ibot, safarbarlik funksiyalari*.

1.9. Bir vaqtning o'zida ham jismoniy, ham yuridik shaxslarnig ta'sischiligida ularning nodavlat notijorat tashkiloti bo'lgan ittifoqi "Uyushma" tushunchasiga quyidagicha mualliflik ta'rifi berilgan: "Uyushma – *jismoniy va yuridik shaxslar tomonidan ularning umumiy manfaatlarini ifodalash hamda himoya qilish, shuningdek yuridik shaxslar o'zlarining faoliyatini muvofiqlashtirib borish uchun ijtimoiy foydali maqsadlarda tuzilgan, a'zolikka asoslangan nodavlat notijorat tashkiloti*".

10. Nodavlat notijorat tashkilotlarining faoliyatini davlat tomonidan qo'llab-quvvatlash quyidagicha tasniflandi:

nodavlat notijorat tashkilotlarini mulkiy, axborot, maslahat, tashkiliy va o'quv-uslubiy jihatdan qo'llab-quvvatlash;

nodavlat notijorat tashkilotlarining davlat organlari va tashkilotlari bilan o'zaro hamkorligini tashkil qilishga ko'maklashish;

nodavlat notijorat tashkilotlarini moliyaviy qo'llab-quvvatlash;

nodavlat notijorat tashkilotlariga moddiy yordam ko'rsatayotgan yuridik va jismoniy shaxslarga soliqlar va yig'imlarni to'lash bo'yicha O'zbekiston Respublikasining Soliq kodeksiga muvofiq imtiyozlar berish.

II. Normativ-huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalar

2.1. "Jamoat fondlari to'g'risida"gi Qonunning 25-moddasini quyidagi tahrirda bayon e'tish taklif qilinadi:

Fond tomonidan quyidagilar nazarda tutilgan har yilgi mol-mulkdan foydalanilishi to'g'risidagi hisobot uning faoliyati auditorlik tekshiruvidan o'tkazilgandan keyin o'n besh kun ichida, lekin hisobot yilidan keyingi yilning 1-iyunidan kechiktirmasdan tegishli tartibda ro'yxatdan o'tkazilgan ommaviy axborot vositalarida e'lon qilinadi:

fond olgan ixtiyoriy xayriyalar to'g'risidagi ma'lumotlar;

fondning tadbirkorlik faoliyatidan olingan daromadlari (foydasi) to'g'risidagi ma'lumotlar;

boshqa kelib tushgan mablag'lar miqdori (turlari alohida ko'rsatilgan holda);

Fondga berilgan pul ko'rinishida bo'lmagan mol-mulklar to'g'risidagi ma'lumotlar;

xarajatlar umumiy summasi, fond faoliyatining turlari bo'yicha va ma'muriy xarajatlar bo'yicha alohida ko'rsatilgan holda;

pul ko'rinishida bo'lmagan mol-mulklar tasarrufi bo'yicha ma'lumotlar.

2.2. O'zbekiston Respublikasi Konstitutsiyasiga muvofiq davlat tomonidan jamoat birlashmalariga ijtimoiy hayotda ishtirok etish uchun teng huquqiy imkoniyatlar yaratib berishi shartligi, O'zbekiston Respublikasining qonunlari eng muhim va barqaror ijtimoiy munosabatlarni tartibga solishi, shuningdek, kasaba uyushmalari, siyosiy partiyalar yoki diniy tashkilotlar to'g'risidagi qonunlar shu turdagi barcha subyektlarga teng imkoniyatlar yaratishidan kelib chiqib, tadbirkorlik faoliyati subyektlarini birlashtiruvchi nodavlat notijorat tashkilotlariga teng imkoniyat yaratish maqsadida "Savdo-sanoat palatalari to'g'risida"gi Qonuni tarzida qabul qilish maqsadga muvofiq.

2.3. "Nodavlat notijorat tashkilotlari to'g'risida"gi O'zbekiston Respublikasi Qonuniga nodavlat notijorat tashkilotlarining kollegial rahbar organlari bo'yicha quyidagi mazmundagi normalarni kiritish taklif etiladi:

Kollegial rahbar organlari qarorlari ularning yig'ilishi bayoni shaklida rasmiylashtiriladi. Yig'ilish bayoni yig'ilish raisi va kotibi, shuningdek, yig'ilishda o'n va undan ortiq kishilar ishtirok etganda sanoq komissiyasi a'zolari tomonidan imzolanadi.

Kollegial rahbar organlarning yig'ilishi bayonnomasida quyidagilar ko'rsatiladi:

yig'ilish o'tkaziladigan vaqt va joy;

yig'ilishda ovoz berish huquqiga ega ishtirokchilarning umumiy soni;

yig'ilishda qatnashgan ovoz berish huquqiga ega ishtirokchilarning soni;

yig'ilish raisi va kotibi to'g'risidagi ma'lumotlar;

sanoq komissiyasi tarkibi (rahbar organ yig'ilishida o'n va undan ortiq kishilar ishtirok etganda);

ma'ruzalarning asosiy mazmuni, ovozga qo'yilgan masalalar va ular bo'yicha ovoz berish yakunlari, yig'ilishda qabul qilingan qarorlar.

Nodavlat notijorat tashkilotining ustavida o'zgacha qoidalar nazarda tutilmagan bo'lsa, kollegial rahbar organlari qarorlari yig'ilishlarni o'tkazmay (rahbar organ a'zolari birgalikda hozir bo'lmay) sirdan ovoz berish yo'li bilan (so'rov yo'li bilan) qabul qilinishi mumkin. Bunday ovoz berish pochta, telegraf, teletayp, telefon, elektron aloqa yoki uzatib beriladigan va qabul qilinadigan xabarlarining to'g'ri bo'lishini va ularning hujjatlar bilan tasdiqlanishini ta'minlovchi boshqa aloqa vositasida hujjatlarni ayirboshlash yo'li bilan o'tkazilishi mumkin.

Sirdan ovoz berish yo'li bilan qarorlar qabul qilishda tegishli rahbar organning barcha a'zolariga ovoz berish boshlangunga qadar oxirgi o'zgarishlari bilan kun tartibi, ovoz berishning tugash muddati xabar berilishi, shuningdek zarur axborot va materiallar bilan tanishib chiqishi imkoniyati ta'minlanishi kerak.

Nodavlat notijorat tashkilotining ustavida qaror qabul qilish uchun ko'proq ovozlari soni nazarda tutilmagan bo'lsa, kollegial rahbar organlarning yig'ilishi qarorlari, qoida tariqasida, mazkur yig'ilishda ovoz berish huquqiga ega ishtirokchilar umumiy sonining ko'pchilik ovozlari bilan qabul qilinadi.

Kollegial rahbar organlari tomonidan qarorlar qabul qilishda mazkur organlarda ovoz berish huquqiga ega shaxslarning o'rniga boshqa shaxslarning ishtiroki nodavlat notijorat tashkilotining ta'sis hujjatlarida bu haqida nazarda tutilgan holda va ta'sis hujjatlarida belgilangan tartibda amalga oshiriladi.

2.4. "Nodavlat notijorat tashkilotlari to'g'risida"gi O'zbekiston Respublikasi Qonuniga nodavlat notijorat tashkilotlarining Taftish komissiyasi bo'yicha quyidagi mazmundagi normalarni kiritish taklif etiladi:

Nodavlat notijorat tashkilotining moliyaviy faoliyatini hamda pul mablag'lari to'g'ri sarflanishi va mol-mulkidan maqsadli foydalanilishini taftish komissiyasi tomonidan tekshirish har yili yoki ustavga ko'ra boshqa muddatlar davomida amalga oshiriladi.

Nodavlat notijorat tashkilotining yuqori organ qaroriga binoan taftish komissiyasi tomonidan tekshirish ustavida nazarda tutilmagan muddatlar davomida ham amalga oshirilishi mumkin.

Nodavlat notijorat tashkilotining mansabdor shaxslari tashkilotning taftish komissiyasi talabiga binoan unga tashkilotning moliyaviy faoliyati to'g'risidagi hujjatlarni taqdim etishi shart.

Nodavlat notijorat tashkilotining moliyaviy faoliyatini tekshirish natijalari asosida tashkilotning taftish komissiyasi quyidagilarni o'z ichiga olgan xulosa tayyorlaydi:

hisobotlardagi va boshqa moliyaviy hujjatlardagi ma'lumotlarning ishonchli ekanligiga berilgan baho;

buxgalteriya hisobi yuritilishi va moliyaviy hisobot taqdim etish tartibi buzilganligi hollari to'g'risidagi ma'lumot;

aniqlangan qoidabuzarliklarni bartaraf etish yuzasidan tavsiyalar, shuningdek, nodavlat notijorat tashkilotining moliyaviy faoliyati samaradorligini oshirishga oid takliflar.

2.5. Xalqaro va xorijiy NNTlari faoliyatiga oid ma'muriy tartib-taomillarni liberallashtirish maqsadida Nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazish tartibi to'g'risidagi nizomning 18-bandidan ularning vakolatxonalari va filiallarini davlat ro'yxatidan o'tkazish uchun ro'yxatdan o'tkazuvchi organga vakolatxona va filial faoliyatini moliyalashtirish manbalari bo'yicha deklaratsiya taqdim qilinishiga oid talabni bekor qilish taklif qilinadi.

2.6. NNT larga soliq imtiyozlarini qo'llashda tushunmovchiliklarni oldini olish maqsadida Soliq kodeksining 318-moddasida belgilangan **ijtimoiy sohada amalga oshiruvchi notijorat tashkilotlariga nisbatan tatbiq etilmasligiga oid normani** chiqarib tashlash taklif qilinadi.

2.7. "Homiylilik to'g'risida"gi Qonundagi "**homiylilik (homiylilik faoliyati)**" tushunchasining mazmuni "xayriya faoliyati" tushunchasi bilan sinonim sifatida bo'lganligi sababli, huquqni qo'llash amaliyotida turli noaniqliklarning oldini olish

maqsadida sohaga oid qonunchilikka oid **“homiylilik xayriyasi” atamasini “xayriya” atamasi bilan almashtirish taklif etiladi.**

2.8. Nodavlat notijorat tashkilotlarini tugatish jarayonidagi ortiqcha ovoragarchilik va byurokratik to‘siqlarning oldini olish maqsadida Vazirlar Mahkamasining 2015-yil 15-yanvardagi 5-son qarori bilan tasdiqlangan Nodavlat notijorat tashkilotlarini tugatish tartibi to‘g‘risidagi nizomdan tugatish balansi nodavlat notijorat tashkilotining yuqori organi tomonidan tasdiqlanishi to‘g‘risidagi talabni olib tashlash taklif qilinadi.

2.9. O‘zbekiston Respublikasining “Nodavlat notijorat tashkilotlari to‘g‘risida”gi Qonuni quyidagi norma bilan to‘ldirish taklif etiladi:

28¹-modda. Nodavlat notijorat tashkilotiga nisbatan manfaatdorlik natijasida tuzilgan bitimlar

Mazkur qonunning maqsadidan kelib chiqib, nodavlat notijorat tashkilotning rahbari, uning o‘rinbosari, nodavlat notijorat tashkiloti nomidan harakat qilish mumkin bo‘lgan shaxslar, nodavlat notijorat tashkiloti rahbar yoki nazorat organlarining a‘zolarining nodavlat notijorat tashkilot bo‘yicha boshqa yuridik yoki jismoniy shaxslar bilan amalga oshirgan bitimlari quyidagi hollarda manfaatdorlik natijasida tuzilgan deb topilishi mumkin:

Agar mazkur shaxslar yuridik yoki jismoniy shaxslar yohud tashkilotlar bilan mehnat munosabatlariga kirishgan bo‘lsa;

Agar mazkur shaxslar yuridik shaxslar yoki tashkilotlarning muassislari, qatnashchilari yoki kreditorlari bo‘lsa;

mazkur shaxslar bilan yaqin qarindoshlik munosabatlariga kirishgan bo‘lsa; yuridik yoki jismoniy shaxslar yohud tashkilotlar nodavlat notijorat tashkilotining homiylari, ularning affilangan shaxslari bo‘lsa.

Manfaatdor shaxs nodavlat notijorat tashkiloti manfaatlari, shuningdek uning faoliyat maqsadlariga rioya qilishi hamda nodavlat notijorat tashkiloti imkoniyatlaridan nodavlat notijorat tashkilotlari ta‘sis hujjatlarida nazarda tutilmagan g‘arazli maqsadlarda foydalanmasligi va bunga yo‘l qo‘ymasligi lozim.

Nodavlat notijorat tashkilotiga nisbatan manfaatdorlik natijasida tuzilgan bitimlar yuzasidan ma‘lumotlarni O‘zbekiston Respublikasi Adliya vazirligi tasdiqlagan shakl bo‘yicha har yili 1-fevralgacha ro‘yxatdan o‘tkazuvchi organga hisobotlarga ilova qilgan holda taqdim etishi shart.

2.10. NNT lari tomonidan turli tadbirlar (konferensiya, seminar, trening, yig‘ilish, aksiya, davra suhbat, uchrashuv, simpozium va boshqa shakllarda)ni tashkil etishda xabardor qilish tartibini soddalashtirish maqsadida ular tomonidan shaxslarni O‘zbekiston Respublikasi yoki xorijiy davlat hududida, **shu jumladan onlayn shaklda** to‘planishini tashkil qilish nodavlat notijorat tashkiloti tadbiri hisoblanishi qayd qilish bo‘yicha qo‘shimcha kiritish taklif qilinadi.

2.11. Notijorat tashkilotning yuridik shaxs maqomiga ega bo‘lgan filial va vakolatxonalariga nisbatan soliq imtiyozlarining qo‘llanilishi bo‘yicha noaniqliklar mavjudligi sababli Soliq kodeksining 58-moddasini quyidagi tahrirda bayon etish taklif qilinadi:

“Qonunchilikda belgilangan tartibda va shaklda ro‘yxatdan o‘tkazilgan,

daromad (foyda) olishni o'z faoliyatining asosiy maqsadi qilib olmagan hamda olingan daromadlarni (foydani) o'z qatnashchilari (a'zolari) o'rtasida taqsimlamaydigan yuridik shaxs yoki uning yuridik shaxs maqomiga ega bo'lgan vakolatxona va filiali notijorat tashkilot deb e'tirof etiladi".

2.12. "Ijtimoiy sheriklik to'g'risida"gi O'zbekiston Respublikasi Qonunining 19-moddasi uchinchi bandini quyidagi tahrirda bayon etish taklif etiladi:

"Nodavlat notijorat tashkilotlari va fuqarolik jamiyatining boshqa institutlari davlat subsidiyasini olish uchun Oliy Majlis huzuridagi jamoat fondiga, **Qoraqalpog'iston Respublikasi Jo'qorg'i Kengesi, xalq deputatlari viloyatlar va Toshkent shahar Kengashlari huzuridagi nodavlat notijorat tashkilotlarini va fuqarolik jamiyatining boshqa institutlarini qo'llab-quvvatlash Jamoat fondlariga** buyurtmalar bilan murojaat etadi".

III. O'zbekistonda nodavlat notijorat tashkilotlari faoliyatining tashkiliy mexanizmlarini takomillashtirishga oid taklif va tavsiyalar

3.1. Nodavlat notijorat tashkilotlarining o'tkazilishi rejalashtirilayotgan tadbirlari haqida xabardor qilish tartibi to'g'risidagi nizomga Sport sohasidagi nodavlat notijorat tashkilotlarining sport tadbirlarini chora-tadbirlar rejasi asosida har chorak boshida taqdim qilishi mumkinligi bo'yicha o'zgartirish kiritish taklif qilinadi.

3.2. Tekshiruvlarning takrorlanishining oldini olish va ortiqcha tekshirish yukini kamaytirish maqsadida barcha nazorat qiluvchi organlar NNTdagi rejali nazorat tadbirlarini (o'rganish, monitoring va tekshirish) ro'yxatga oluvchi organ bilan "E-NGO" elektron platformasida muvofiqlashtirgan holda bir vaqtda amalga oshirishni joriy etish taklif etiladi.

3.3. Nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazishda NNTni davlat ro'yxatidan o'tkazish to'g'risidagi arizaga

NNTni tuzish tashabbuskorlari yoxud ta'sischilarining tug'ilgan sanasi, yashash joyi hamda mazkur ma'lumotlar imzolagan shaxsning yashash, ish, o'qish yoki harbiy xizmat joyida tasdiqlanishi talabini bekor qilish lozim.

*Buning o'rniga NNTni tuzish tashabbuskorlari yoxud ta'sischilarining shaxsini tasdiqlovchi hujjat rekvizitlar yoki **Soliq to'lovchining identifikatsiya raqami yoxud JSHIIR raqamini taqdim qilish taklif qilinadi.***

3.4. O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Kengashining va O'zbekiston Respublikasi Oliy Majlisi Senati Kengashining 2008-yil 10-iyulda qabul qilingan 843-I/515-I-sonli Qo'shma qarori bilan tasdiqlangan O'zbekiston Respublikasi Oliy Majlisi huzuridagi Nodavlat notijorat tashkilotlarini va fuqarolik jamiyatining boshqa institutlarini qo'llab-quvvatlash jamoat fondi mablag'larini boshqarish bo'yicha Parlament komissiyasi to'g'risidagi nizomning o'n to'rtinchi xatboshisi quyidagi tahrirda o'zgartirish taklif etildi:

1. "Parlament komissiyasi a'zolari, ularning ish beruvchilari yoxud ular ta'sischi bo'lgan yuridik shaxslar Oliy Majlis huzuridagi jamoat fondi mablag'laridan foydalanishi hamda bir vaqtning o'zida Oliy Majlis

huzuridagi jamoat fondi Ijro etuvchi devonining va Taftish komissiyasining a'zosi bo'lishi mumkin emas”;

2. Parlament komissiyasi to'liq va bevosita **Oliy Majlis Qonunchilik palatasi tomonidan saylanishi va bevosita Senat tomonidan tasdiqlanishi** lozim;

3. Parlament komissiyasini tartibga soluvchi normativ hujjatlar Oliy Majlis palatalarining kengashlari tomonidan emas, balki **bevosita Oliy Majlis palatalari tomonidan tasdiqlanishi** lozim;

4. Parlament komissiyasining majlis qarorlarida ovoz berish natijasi **har bir a'zo tomonidan imzolangan holda tasdiqlanishi** lozim;

5. Parlament komissiyasi qarorlari va Oliy Majlisi huzuridagi Nodavlat notijorat tashkilotlarini va fuqarolik jamiyatining boshqa institutlarini qo'llab-quvvatlash jamoat fondi faoliyatining ochiqligi va shaffofligiga nisbatan **davlat organlariga qo'llaniladigan barcha qonunchilik hujjatlari talablari qo'llanilishi** lozim;

6. Parlament komissiyasi faoliyati bo'yicha, xususan **grantlarni e'lon qilish va grant, ijtimoiy buyurtma va subsidiyalar berish tartiblari to'liq normativ-huquqiy hujjat shaklida qabul qilinishi** lozim.

3.5. Tijorat tashkiloti va notijorat tashkilotlarini davlat ro'yxatidan o'tkazishda ularning nomlari oldin ro'yxatdan o'tkazilgan ham tijorat tashkiloti, ham notijorat tashkilotlarining **nomlari bilan bir xil bo'lmasliklarining huquqiy asosini yaratish** va bundan **elektron tizimlar orqali mazkur jarayonni tekshirilishini avtomatlashtirish hamda** “Firma nomlari to'g'risida”gi Qonunda yuridik shaxslarga qo'yilgan talablarni NNTga nisbatan ham tatbiq qilish taklif qilinadi.

3.6. NNT ta'rischilari yoki tashabbuskorlari “E-ngo” platformasi orqali Nodavlat notijorat tashkilotlarini davlat ro'yxatidan o'tkazish bo'yicha jarayon qaysi bosqichida ekanligi to'g'risidagi ma'lumotni real vaqt rejimida olib turish tizimini joriy etish taklif etiladi.

3.7. “Davlat boji to'g'risida”gi qonunda belgilangan nodavlat notijorat tashkilotlarni davlat ro'yxatdan o'tkazish jarayonidagi to'lanadigan davlat bojini quyidagicha ikkiga ajratish taklif etiladi:

nodavlat notijorat tashkilotlarni **davlat ro'yxatdan o'tkazish to'g'risidagi arizani ko'rib chiqqanlik uchun** davlat boji;

nodavlat notijorat tashkilotlarni **davlat ro'yxatdan o'tkazish uchun** davlat boji.

3.8. Oliy Majlis huzuridagi Jamoat fondi tomonidan NNT va fuqarolik jamiyatining boshqa institutlari faoliyatini qo'llab-quvvatlashga oid faoliyatini to'liq raqamlashtirish, uning faoliyatini shaffof yoritib borish, nodavlat notijorat tashkilotlari faoliyatining ochiqligi va ijtmoiy foydaliligiga oid indikatorlar asosida onlayn reyting yuritish imkoniyatlarini ta'minlaydigan platforma yaratish maqsadga muvofiq.

**SCIENTIFIC COUNCIL No. DSc.07/30.12.2019.Yu.22.02
FOR AWARDING OF THE SCIENTIFIC DEGREES
AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

NARIMANOV BEKZOD ABDUVALIYEVICH

**IMPROVING THE ORGANIZATIONAL AND LEGAL
MECHANISM OF THE ACTIVITIES OF NON-GOVERNMENTAL
NON-COMMERCIAL ORGANIZATIONS IN UZBEKISTAN**

**12.00.02. – Constitutional law. Administrative law.
Finance and Customs law**

Doctoral (DSc) dissertation abstract on legal sciences

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The doctoral dissertation is available at the Information Resource Center of Tashkent State University of Law (registered under No. 1153.), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone:(998971) 233-66-36).

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INTRODUCTION (abstract of DSc thesis)

The actuality and relevance of the dissertation theme. Non-governmental non-commercial organizations as a bridge connection of the society and the state to solve social and economic problems in the world, implementation of the concept of “good governance”, fight against poverty, the state as the main partner in the implementation of the 17th Sustainable Development Goals (SDG) and 169 related tasks of the UN that shall be achieved by 2030 is determined¹. In developed countries, the average share of the economy is 10-14 percent and the average 10 percent of the employed population belongs to the “non-governmental sector”². In addition, the geopolitical conflicts that continue in different parts of the world today, as well as the extent of economic and social damage, the post-pandemic conditions of COVID-19 compared to World War II, increase the need to use the potential and opportunities of the “non-governmental sector” again. According to the above-mentioned factors indicate the necessity to develop more effective organizational and legal mechanisms improving the activities of non-governmental non-commercial organizations.

The special attention is paid to the issues of both scientific and practical research in the world that giving the right to self-regulation to non-governmental non-commercial organizations, developing the new mechanisms for exercising right of people to association in conditions of digitization, implementing the digital public control, a number of scientific researches are carrying out on the rational use of the opportunities and potential of non-governmental non-commercial organizations in solving social problems, including determining the status of non-governmental non-commercial organizations in the “third sector”, sustainable developping of society and the state, reliable protecting of human rights and freedoms, further expanding of public participation in the process of rule-making, introducing of “smart management” concepts into this sphere.

The extensive systemic measures are carrying out in our republic that providing the active participation of civil society institutions in the reflection of the grand idea of “Society – the initiator of reforms”, expanding the participation of citizens in society and state administration, developing the international cooperation through the Institute of “People’s Diplomacy”, including effective use of the potential of the non-governmental sector in improving the position of our country in prestigious international rankings, supporting them to be active in international relations. In addition, in order to provide the independence of non-governmental non-commercial organizations, certain organizational and legal mechanisms are being taken to provide the principle of non-interference of state bodies and officials in the activities of non-governmental non-commercial organizations.

“Development of modern formation of implementation of public control, introduction of the practice of checking the quality of implementation of regional, network and state programs based on collective appeals, widely involving subjects

¹ <http://www.un.org/uzb/pages/display/sdgs>

² <https://www.standardizations.org/bulletin/?p=841>

of public control in the process of implementation of some state functions, conducting public surveys in studying the activities of state bodies and establishing the practice of open discussion of identified shortcomings, increasing the effectiveness of social partnership, doubling the volume of state support to non-governmental non-commercial organizations and other institutions of civil society in the form of subsidies, grants and social orders”³ issues have been set as a priority.

Therefore, in the course of researching the constitutional and legal nature of the phenomenon of non-governmental non-commercial organizations, analyzing the mechanisms related to their activity from a scientific and practical point of view, it is of urgent importance to improve the organizational and legal mechanisms of the activity of the “third sector” and to adapt the relevant legislation to international standards.

In recent years, the participation of non-governmental non-commercial organizations in the implementation of social, cultural, educational and scientific goals of individuals and legal entities in our country is expanding. In addition, the “non-governmental sector” projects aimed at protecting the health of citizens, developing physical education and sports, meeting spiritual and other non-material needs of citizens and protecting human rights and legal interests are increasing.

It should be noted separately that the new version of the Constitution of the Republic of Uzbekistan, adopted on May 1, 2023, established the legal status of the institute of non-governmental non-commercial organizations at the constitutional level. In the chapter XIII of the Constitution is entitled “Institutions of civil society” and defines the obligations of the state regarding the organization and implementation of the activities of non-governmental non-commercial organizations⁴.

It has been allocated 117 billion soums from the state budget to support non-governmental non-commercial organizations⁵, it is planned to allocate 250 billion in 2023⁶.

In addition, the concept for 2021-2025 was approved by the Decree of the President of the Republic of Uzbekistan on March 4, 2021. In the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on May 6, 2023, measures were determined to implement this concept in 2023 and 2024⁷.

The development strategy of the new Uzbekistan defines the ideological basis for the involvement of civil society institutions in the fight against corruption. The goals of 1, 11, 12, 20, 83, 84 of the strategy are directly or indirectly dedicated to this theme of dissertation.

³ Decree of the President of the Republic of Uzbekistan No. PF-60, January 28, 2022, “On the Development Strategy of New Uzbekistan for 2022-2026” // National database of legislative information, 29.01.2022, No. 06/22/60/0082, 18.03.2022, No. 06/22/89/0227, 21.04.2022, 06/22/ No. 113/0330

⁴ Draft of the Constitutional Law of the Republic of Uzbekistan “On the Constitution of the Republic of Uzbekistan”. // URL: <https://meningkonstitutsiyam.uz/uzc>

⁵ Decree of the President of the Republic of Uzbekistan No. PF-6181, March 4, 2021, “On approval of the Civil Society Development Concept in 2021-2025” // URL: <https://lex.uz/docs/5319756>

⁶ “How the billions of the Oliy Majlis are spent” // URL: <https://rost24.uz/uz/news/1410>

⁷ Constitution of the Republic of Uzbekistan // National database of legislative information, 01.05.2023, No. 03/23/837/0241

The relevant goals cover the issues of systematic improvement of the implementation of effective public control, increasing the activity of civil society institutions, providing the rule of law by raising legal awareness and legal culture in society and forming an uncompromising attitude of citizens and the public towards corruption in society.

On January 1, 2023, the number of non-governmental non-commercial organizations and their separate divisions registered with the judicial authorities was 8,922 (as of January 1, 2021, 9,140, as of January 1, 2020, 10,502, as of January 1, 2019, 9,860 as), it was registered 600 by the Ministry of Justice and 8,560 by regional justice departments⁸.

This research work contributes to the implementation of the tasks stipulated in the Constitution of the Republic of Uzbekistan (2023), “On Public Control” (2018), “On non-governmental non-commercial organizations” (1999), in the Decree of the President of the Republic of Uzbekistan “On the strategy of actions for the further development of the republic of uzbekistan” DP-4947 (2017), “On the establishment of the Public Chamber under the President of the Republic of Uzbekistan” DP-5980 (2020), “On approval of the civil society development concept” in 2021-2025, DP-6181 (2021), in the Resolution of the President of the Republic of Uzbekistan “On additional measures to increase the effectiveness of public control over reforms in the socio-economic sphere in our country, as well as the participation of citizens in democratic changes” (2019), “On additional measures to support the development of civil society institutions” RP-2085 (2013), “On additional measures to support non-governmental non-commercial organizations by the state, to provide the protection of their freedom of activity, rights and legal interests” RP-5012 (2021) and other normative legal acts related to the research topic.

Review of foreign research on the theme of the dissertation⁹.

Scientific research on the improvement of the organizational and legal mechanism of the activities of non-governmental non-commercial organizations is carried out in the world’s leading scientific centers and higher education institutions of developed countries, such as Michigan State University, Fordham University, Stanford University, Johns Hopkins University (USA), Cambridge University, International Institute for Environment and Development (Great Britain), French Centre for Research (France), the University of Kiel (Germany), Australian National University (Australia), University of Delhi (India), University of Oxford, University of Manchester va Queen’s University (Great Britain), University of Mannheim (Germany), Santiago de Compostela University (Spain), Russian State University of Justice (Russia) and University of Bucharest (Romania).

⁸ https://uza.uz/uz/posts/ozbekistonda-8-922-ta-nodavlat-notizhorat-tashkiloti-bor_443142

⁹See: <https://msu.edu/>, <https://www.iied.org/> <https://www.cam.ac.uk/>, <https://www.jstor.org/stable/25659211>, <https://www.westlaw.com/> <https://www.jhu.edu/>, <https://www.princeton.edu/>, <https://umich.edu/>, www.cambridge.org, <https://www.ox.ac.uk/>, <https://www.manchester.ac.uk/>, <https://www.queensu.ca/>, <https://www.uni-mannheim.de/>, <https://www.usc.gal/en>, nyuscholars.nyu.edu, www.jstor.org, <https://heinonline.org/>, www.scp.politicaldata.edu, diposit.ub.edu, www.recercat.cat, www.urvak.ru and other sources.

A number of scientific results have been obtained as a result of research conducted in the world on the issues of improving the organizational and legal mechanism of the activities of non-governmental non-commercial organizations, including: assessment of the effectiveness of human rights defender NGOs has been researched (Michigan State University); methodical recommendations on the World Bank's study of the role of civil society institutions in judicial reforms implemented in developing countries have been justified (Fordham University), the role of NGOs in the context of the COVID-19 pandemic, various aspects of NGO activity in the areas of health care, education, social protection and protection of human rights has been analyzed (Stanford University); the role of the civil society/NGO sector in the fight against corruption is defined, the participation of the public in international environmental rule-making is analyzed on the basis of NGOs (Cambridge University); forms and methods of participation of NGO representatives in the development of programs of state importance are justified (International Institute for Environment and Development); according to the evolution of Government-NGO relations, it is justified that public control by NGOs prevents excessive spending of power, funds and resources by the state (Center of French Research); due to the fact that some functions are becoming international in the era of globalization, the distribution of mutual functions between the state, private and third sectors, where the boundaries of state functions are over, the functions of the NGO sector should be initiated, the state institution, according to its constitutional legal nature, it is justified in which areas it should be responsible and which areas the "third sector" should be responsible for (the University of Kiel); on the basis of the concept of "good governance" within the basis of the project "The Comparative Nonprofit Sector Project", projects on the development of the non-governmental sector were implemented in most developing countries and important recommendations were developed on various directions of civil society and the non-governmental sector. (Johns Hopkins University), one of the largest employers, the NGO has developed important recommendations for providing the labor rights of employees in labor relations (University of Delhi).

In the world, various researches are conducting on the organizational and legal mechanism of NGO activity: to analyze the constitutional and legal basis of right of citizens to association, to perform a functional analysis of three sectors (state, private and "third sector"); to build the role of NGOs in civil society, society and state administration, to transfer some functions of the state to the non-governmental sector in the example of self-regulatory organizations; to determine the legal status of the NGO created for the benefit of legal entities (business entities), to improve the legal mechanism of the property and financial resources of the NGO; to increase the activity of NGOs in the implementation of public control; to expand the participation of non-governmental non-commercial organizations in the implementation of projects of social and state importance; to direct the potential of digital communities to socially useful projects; to improve the activities of NGOs in the context of the development of digital rights.

The dependence of the research on the priority areas of development of science and technologies in the country. This research was carried out in the priority direction of the development of science and technology of the republic I. “Priority direction of spiritual, moral and cultural development of democratic and legal society, formation of innovative economy”, the dissertation is appropriate “12.00.02 - Constitutional law. Administrative law. Finance and Customs law”.

The extent of the study of the research problem. The constitutional legal and administrative legal issues of legal regulation of civil society institutions and non-governmental non-commercial organizations in our country have been researched by F.X.Otakhonov, R.R.Khakimov, Sh.U.Yakubov, Sh.N.Nazarov, I.R.Bekov, D.R.Kholmonova, L.B.Khvan, J.N.Nematov, B.I.Latipov, V.H.Davlyatov, N.Sadikov, L.Kotova, as scientists who have researched the institutions of civil society, their theoretical and legal bases by Kh.T. Odilkariev, A.Kh. Saidov, S.M. Adilkhodjaeva, H.B.Boboev, Ya.Ollamov, O.T.Khusanov, Sh.I.Jalilov, Z.M.Islamov, Kh.Mamatov, B.I.Ismailov, F.Kh.Rakhimov, E.O.Kadyrov, A.A.Tolaganov¹⁰.

Scientists from foreign countries L.Solomon, T.Morris-Suzuki, T.R.Davis, M.M.Cernea, T.Tvedt, V.Tessyur, T.D.Matveeva, D.K.Ospanova, O.Ye.Kalinina, M.T.Ford, O.R.Abramova, V.M.Kameneva, Y.G.Tarkhanova, D.Lewis, J.Bostock, X.Teicher, X.Liang, J.Joachim, D.Billis, P.Avasti, H.Anheier, S.Topler, N. Burjaily and others have researched the role of non-governmental organizations and the “third sector” in public life, modern trends, voluntary actions, the experience of developed countries regarding the organizational and legal mechanisms of these organizations¹¹.

Although the organizational and legal aspects related to the organizational and legal mechanism of the activity of non-governmental non-commercial organizations were studied to one degree or another in the scientific research of these scientists, from the point of view of constitutional and administrative law, the issues of improving the organizational and legal mechanisms of non-governmental non-commercial organizations, improving the legislation of the Republic of Uzbekistan by analyzing the positive experience of foreign countries and international standards have not been researched as a comprehensive research object.

In the observation and studies related to the large-scale reforms implemented in this direction in the past years, the fact that relations of the organizational and legal mechanism of the activity of non-governmental non-commercial organizations, as well as the emergence of various developments in this sphere, the opinions expressed at the beginning have been further improved and this research work paper was prepared.

Relation of the dissertation’s theme to the scientific-research work of higher education institution where it was implemented. The theme of the

¹⁰ The scientific works of these scientists are given in the list of reference of the dissertation work.

¹¹ The scientific works of these scientists are given in the list of reference of the dissertation work.

dissertation is included in the plan of research plan of Tashkent State University of Law and is carried out within the priorities of scientific research.

The aim of the research is to develop proposals and recommendations improving the organizational and legal mechanism of the activities of non-governmental non-commercial organizations in the Republic of Uzbekistan.

The tasks of the research:

to analyze the concept, essence and constitutional-legal nature of non-governmental non-commercial organizations;

to research tendency in the evolution and development of non-governmental non-commercial organizations in Uzbekistan;

to analyze the activities of non-governmental non-commercial organizations: the stages of formation and development of legal basises;

to study the legal aspects of establishing a non-governmental non-commercial organization;

to determe the organizational and legal mechanisms of non-governmental non-commercial organizations;

to study the legal regulation of registration of non-governmental non-commercial organizations;

to study the legal regulation of non-governmental non-commercial organizations;

to review the specific features of financial support for the activities of a non-governmental non-commercial organization;

to research the legal procedures of stopping and liquidating the activity of a non-governmental non-commercial organization;

to analyze the expansion of the participation of non-governmental non-commercial organizations in the process of achieving the UN Sustainable Development Goals;

to propose innovative ways to increase the activity of participation of non-governmental non-commercial organizations in the implementation of social projects in the country;

to promote the prospects for improvement of self-administration mechanisms through non-governmental non-commercial organizations;

The object of the research is the system of social and legal relations that arise in the process of organizational and legal regulation of the activities of non-governmental non-commercial organizations in the Republic of Uzbekistan.

The subject of the research is current organizational-legal problems related to the improvement of the organizational-legal mechanism of the activity of non-governmental non-commercial organizations in the Republic of Uzbekistan, as well as legislative acts regulating this activity, the practice of their application, the legislation and experience of foreign countries, the existing conceptual approach in legal science, scientific and theoretical views and legal categories and issues related to the improvement of legal acts regulating these relations.

Research methods. Methods such as formal legal, systematic and functional analysis, observation, historical, analysis and synthesis, induction and deduction,

rationality, comparative legal analysis, statistical research methods of scientific knowledge were applied in the research.

Scientific novelty of the research is as follows:

it is justified that in order to increase the role of non-governmental non-commercial organizations in the life of society and the state, their legal status should be strengthened at the level of the Constitution;

it is justified that based on the analysis of the development trends of non-governmental non-commercial organizations, the need to study the subject “Non-governmental non-commercial organization law” in higher education institutions;

it is justified that the “National Partner” should be responsible for the quality and timely implementation of the grant project for non-governmental non-commercial organizations and practical assistance in monitoring the results, as well as coordinating the work of partner organizations;

it is justified that the necessity to introduce new modern mechanisms of social partnership and public control on the basis of the electronic portal, which provides an opportunity to monitor the state of development and trends of civil society;

it is justified that based on the analysis of the prospects for the implementation of electronic public control, the issues that are required to be placed on the electronic portal by state bodies and organizations in a mandatory manner should be clearly defined;

it is justified that based on the analysis of the current procedure of state support of non-governmental non-commercial organizations, taking into account the suggestions and comments of the general public, the necessity to form the priorities of competitions for state grants and social orders.

Practical results of the research include as follows:

it is justified that chapter XIII of the new version of the Constitution of the Republic of Uzbekistan entitled “Institutions of civil society” the need to strengthen the legal status of the institute of non-governmental non-commercial organizations (Article 72);

it is developed a concept “Development of Civil Society-2030”, aimed at increasing the importance and role of non-governmental non-commercial organizations in the life of society in the context of the establishment of a new Uzbekistan and the formation of a social-legal state in our country;

it is developed and proposed that the nature and characteristics of non-governmental non-commercial organizations are insufficiently reflected, the definition of author of the phenomenon of “non-governmental non-commercial organization” for scientific and practical application;

it is explained that analyzing the legislative basis aimed at legal regulation of the activities of non-governmental non-commercial organizations, the stages of formation of the relevant legal bases and the dynamics of development;

it is developed that criteria for assessment of projects submitted to announced competitions for state grants and social orders in a transparent and healthy competitive environment;

it is developed that based on the analysis of the development trends of non-governmental non-commercial organizations, the program (syllabus) of the subject “Non-governmental non-commercial organizations law” in higher education institutions;

it is developed that based on the analysis of the prospects for the implementation of electronic public control, issues that are required to be placed on the electronic portal by state bodies and organizations in a mandatory manner;

it is developed that on behalf of non-governmental non-commercial organizations, a charter of the “Group of Experts” within the Association of Non-governmental Non-commercial Organizations of Uzbekistan aimed at preparing proposals for the improvement of normative legal acts related to the sphere;

it is justified that the necessity to introduce and develop the self-administration system of business and professional activity subjects in the Republic of Uzbekistan.

Reliability of research results. The methods used in the work, the scientific and theoretical approaches used in it are based on official sources, mutual analysis of national legislation and international experience, implementation of conclusions, proposals and recommendations, publication of research results in national and foreign publications, as well as approval by the authorities determine the reliability of the research.

The scientific and practical significance of the results of the research. The scientific significance of the research results is based on the scientific-theoretical conclusions, proposals and recommendations, to conduct research on scientific research on the issues of improving the organizational and legal mechanisms of non-governmental non-commercial organizations, review of relevant norms of legislation, improvement of national legislation and “Constitutional law”, “Non-governmental non-commercial organizations law”, “Actual scientific and practical problems of constitutional law” training modules can be used for teaching and further enrichment of these modules in scientific and theoretical terms.

The practical significance of the research results is determined by the opportunity of using the normative legal acts regulating the activities of non-governmental non-commercial organizations, in improving the law enforcement practice, as well as in the practice of non-governmental non-commercial organizations.

Implementation of the research results. The scientific results of the research work are used as follows:

the proposal that on the need to strengthen the legal status of non-governmental non-commercial organizations at the level of the Constitution in order to increase the role of the institution of non-governmental non-commercial organizations in the life of society and the state has been submitted in the development of Chapter XIII, Article 72 of the Constitution of the Republic of Uzbekistan in the new version (Reference of the Legislative Chamber of the Oliy Majlis, May 4, 2023, No. 02/6-09-19). This proposal serves to systematize the

constitutional and legal status of non-governmental non-commercial organizations and the legal acts regulating their activities and their rights and legal interests.

the proposal that regarding the necessity to take the subject “Non-governmental non-commercial organizations law” for students of higher legal educational institutions has been taken into account in the development of the curriculum and the program of the “Non-governmental non-commercial organizations law” training module (Reference of Tashkent State University of Law on January 5, 2023). The implementation of this proposal served as a comprehensive training of the organizational and legal mechanisms of non-governmental non-commercial organizations and other institutions of civil society in the preparation of future legal personnel;

the proposal that the necessity of assigning responsibility to the National Partner to provide practical assistance in quality and timely implementation of the grant project to non-governmental non-commercial organizations and monitoring of the results, as well as to coordinate the work of partner organizations has been submitted in the development of section 11 and 12 of the Resolution on the procedure for cooperation of local non-governmental non-commercial organizations with state administration bodies in the implementation of international grant projects, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 328, June 13, 2022, (Reference of the Department of Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan, August 25, 2022, No. 12/21-58). The implementation of this proposal served to provide the effective cooperation of NGOs and state bodies in the implementation of the grant project;

the proposal that on the need to introduce new modern mechanisms of social partnership and public control on the basis of the electronic portal, which provides the opportunity to monitor the state of development and trends of civil society organizations has been submitted in the development of section 2 of the Resolution No. 208 of the Cabinet of Ministers of the Republic of Uzbekistan, April 22, 2022, (Reference of the Department of Neighborhood and Nurani Support Issues of the Cabinet of Ministers of the Republic of Uzbekistan, December 16, 2022, No. 33/1-576). The implementation of this proposal served to make social partnership relations more transparent with the wide involvement of digital technologies;

the proposal that the need to clearly define the issues that are required to be placed on the electronic portal by state bodies and organizations in a mandatory manner has been submitted in the development of section 3 of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, April 22, 2022, No. 208 (Reference of the Department of Neighborhood and Nurani Support Issues of the Cabinet of Ministers of the Republic of Uzbekistan, December 16, 2022, No. 33/1-576). The implementation of this proposal served to improve the mechanism of public control of non-governmental non-commercial organizations;

the proposal that the analysis of the current procedure of state support of non-governmental non-commercial organizations, taking into account the suggestions and opinions of the general public, on the need to form the priorities of competitions for state grants and social orders and to ensure public transparency of

the assessment processes has been submitted in the development of section 5 of the “Roadmap” approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on April 22, 2022, No. 192 (Reference of the Department of Information-Analysis and Legal Support of the Cabinet of Ministers of the Republic of Uzbekistan, May 15, 2022, No. 12-15-12). The implementation of this proposal will serve to ensure the openness and transparency of the system of state support for NGOs.

Approbation of the results of the research. The results of this research were declared at 7 scientific conferences, including 4 international and 3 national scientific-practical conferences, roundtables and seminars.

Publication of the research results. According to the results of this research, a total of 26 scientific works, including 1 monograph, 18 scientific articles (in 14 republican and 4 foreign journals) were published in scientific publications recommended for publication of the main scientific results of doctoral dissertations of the Supreme Attestation Commission of the Republic of Uzbekistan.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, four chapters, a conclusion, and a list of references. The volume of the dissertation is 233 pages.

THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation provides with information on the relevance and necessity of there search theme, the relevance of the research to the main priorities of the national science and technology development, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is prepared, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, announcement of the results, structure and the volume of the dissertation.

The first chapter of the dissertation is entitled “**Theoretical-methodological aspects of the interpretation of the activity of non-governmental non-commercial organizations**”, the chapter analyzes the doctrinal views of scientists and leading legal schools, the concept of a non-governmental non-commercial organization and its constitutional-legal nature, the formation and development trends of non-governmental non-commercial organizations based on the periodization of human history, the stages of development of the legal bases related to the activity of the phenomenon.

The author has researched the theoretical and methodological aspects of the right of citizens to join public associations of scientists such as A. Forobi, G. Hegel, T. Hobbs, H. Odilkoriev, and the right of citizens to join public associations is a natural human instinct and puts forward the approach that in this process comes from the need to unite people's common goals and efforts and to decide on communication, which is considered the main factor of human civilization.

The researcher puts forward the following author's definition of the institution "civil society institutions": "Civil society institutions are self-governing democratic institutions which protect the rights and legal interests of individuals and legal entities, other democratic values, achieving social, cultural and educational goals, satisfaction of spiritual and all non-material needs, dealing with charitable activities that ensure the implementation and achievement of other socially useful results.

The Constitution of the Republic of Uzbekistan in the new edition, adopted by the nationwide referendum on April 30, 2023, gave constitutional status to the institutions of "civil society" and "non-commercial organizations".

According to the researcher, the entire legal system of our country will be modernized in the near future on the basis of these **constitutional provisions** of supervision and methodological importance. In this process, it is necessary to approach the legal acts aimed at regulating the activities of NGOs, strengthening their legal status, and further improving the organizational and legal mechanisms of their activities, with a serious and special responsibility.

The researcher analyzes the theory of "mixed economy" created by Albert Eberhard Friedrich Sheffle, and at the same time, the scientific and theoretical views of the scientists of Europe, the North, the CIS countries regarding the "third sector" phenomenon.

According to the author, during the period when the theory of "mixed economy" was developed, the state was at the center of social relations, and this theory does not meet today's requirements. The fact that the concepts of "virtual society" or "information society" are now being used instead of the usual society, the use of the concepts of "global civil society" in order to renounce the supremacy of states in international relations and give priority to human rights means that dividing society into 3 sectors is relative.

The researcher puts forward a view on the need to accelerate the creation of analytical and scientific-educational laboratories (think tanks) that scientifically and theoretically study civil society and constantly analyze its development, and to ensure their participation in the international rating of Analytical Centers.

Foreign views of L. Salomon, M. Carnea, Alex de Tocqueville, D. David and D. Djeri, A. Smith's theory of "Working society", as well as Institutions such as civil society institutions, the right to association and "traditional society" of scientists of our country, such as H Odilkoriyev, Sh Yakubov, Ya Ollamov, Dj Shirinov and D Kholmanova, were studied and their role in the formation of a non-governmental sector was scientifically-theoretically analyzed.

As a result of the research, right to association, the association of individuals with certain common goals and objectives will be established only after reaching a "certain mature stage" and puts forward the view that it served communication, which is considered the most important factor of human development.

According to the results of the survey, the public (total of 186 participants) was asked the question "Do you know NGOs?" 62% (116) of the participants answered "yes" when asked, and 38% (70) said that they did not know about them, but had heard about them, the researcher puts forward the approach that "about 1/3

of the participants in the survey are not aware of the main activities of this institution”.

According to the author, the main reason for this is that the term “third sector”, accepted as a standard in most developed countries, is used in different ways in national legislation and practice, such as “civil society institutions”, “public organizations”, “public associations”, “non-governmental sector” and the fact that their differences and similarities are not clearly distinguished, and secondly, it indicates that the state cannot fully use the potential of civil society institutions in solving social-economic problems.

Having researched the opinions of scientists such as B. Latipov, S.I.Omonfonvan, V. Khukhlina, S.A. Bunin and A.A. Malayev, the researcher proposes to summarize the functions of non-governmental non-commercial organizations in the conditions of New Uzbekistan as follows: *functions such as integration, public control, promotion, mobilization*.

International standards reflected in the Charter of the UN, acts of the Council of Europe, national legal acts, as well as in the views of scientists such as L. Solomon, H. Anheyer, S. Sokolovsky, M. Lyons, H. Odilkoriyev, Sh. Yakubov, Sh. Nazarov, “non-governmental non-commercial organization” term was analyzed and the following definition of authorship was put forward: “A non-governmental non-commercial organization is a self-governing organization established voluntarily by individuals and (or) legal entities, which does not make income (profit) the main goal of its activity and does not distribute the received income (profit) among its participants (members)”.

Based on the international legal standards and the experience of developed countries, as well as the views of a number of scientists (L. Salomon, Z. Ankhayer, Y. A. Zlobina, B. Latipov), the researcher analyzes the principles of the activity of non-governmental non-commercial organizations and puts forward his approach.

In recent years, analyzing major research (A.Bax-Mortensen, B.Lang and P. Montgomeri, J.Xan, K.Xalse, J. Bostok, R.Briz, R.Ridley-Braff and P.Krouser, J.Teyser and X. Liyang) on trends in increasing the role of the “third sector” in the life of society, it has been concluded that the commitment of NGOs to economic and social protection of the socially disadvantaged layer in the conditions of the digital market takes interaction between government, business and civil society institutions to a new level.

The researcher contributed to the creation of non-governmental non-commercial organizations by scientists such as T. Davis, T. Tweed, P. Willets, A. Kuruvila, V. Eberwein, B. Reynaldum, V. Tessur, Ye. G. Tarkhanova, H. Odilqariyev, Sh. Yakubov views on the subject have been researched, and the approach that motivates individuals to unite, that is their common interests, has been put forward. According to him, the interests of people united in the society become the interests of the social group. Of course, he puts forward the opinion that the rule that an individual cannot be prevented from becoming a member of other social groups as a member of a certain social group has become the most important principle of non-governmental non-commercial organizations.

The analysis shows that the term “public organization” is used in 22

normative legal acts of the Republic of Uzbekistan, in more than 200 cases in the form of “non-governmental non-commercial organizations”. In addition, as of February 2023, the concept of civil society institutions is used in more than 60 current normative legal acts of the Republic of Uzbekistan, of which 20 are codes and laws, 25 are decrees and acts of the President of the Republic of Uzbekistan, 13 are acts of the Cabinet of Ministers, and 4 one is departmental normative legal acts.

The researcher studied the evolution and development trends of non-governmental non-commercial organizations in Uzbekistan based on the following periods: The period of formation of the primitive seed-breeding community and property ownership (up to the 4th century AD), the Early Middle Ages (from the 5th century to the end of the 8th century), the period of colonialism and national renaissance (from the middle of the 19th century, from the time of the invasion of Tsarist Russia to the October coup of 1917), Soviet period (1917-1991).

The researcher puts forward the following approach, summarizing the ideas on the formation and development of civil society institutions presented in “Avesta”: firstly, the population actively participated in state administration; secondly, as a sign of civil society, it can be said that people engaged in general socially useful work; thirdly, women and men have equal rights; matters of public interest are dealt with by the Council of Elders.

The introduction of the system (“Vaqf”) of allocating certain property of individuals to the population and scientific institutions in need of social protection for charitable works was mentioned as a characteristic of the early Middle Ages.

Through the efforts of the progressives during the colonial and national renaissance, organizations such as the movement of intellectuals in the fields of education, enlightenment, culture, art, charity (“Klub islomiya” in 1917, “Mirvajul islom” in Kokand, “Ozod xalq” in Andijan, “Ravnaqul islom” in Kattakurgan, “Muayyan at-tolibiyin” in Khojand. Of these,” Shoroi Islamiya”) means that he began to enter the political arena.

According to the researcher, during the time of the former Soviet Union, the CPSU was recognized as the core and guiding force of the Soviet political system, and in practice became the driving force of the state mechanism.

The author analyzed the views of scientists such as L. Salomon and S.Sokolovsky, J. Khan, T. D. Matveeva, Y.V. Botnev, and Sh. Nazarov on determining the main mission of non-governmental non-commercial organizations, and based the approach not on the basis of the functions of the state institution, but on human rights, considers it appropriate to analyze from the perspective of interests and needs, and believes that the main mission of this phenomenon is to protect and assist the rights and legal interests of the individual.

According to the opinion expressed by many scholars, the approach that the main activity of a non-governmental non-commercial organization is the activity that corresponds to the goals of its establishment and is specified in the founding documents is far from the truth. Today, this limitation has a negative impact on the purposeful use of the potential of non-governmental non-commercial organizations in the context of various geopolitical conflicts or pandemics, and leads to the

limitation of the activity of a non-governmental non-commercial organization by its founding documents.

According to the dissertation, based on the needs of the society and the state, it is appropriate not to limit the activities of non-governmental non-commercial organizations by the founding documents, but to give them freedom based on the criteria of social utility.

Based on this, the researcher believes that it is necessary to include in the legislation a norm that a non-governmental non-commercial organization can engage in one or more types of activities that are not prohibited by law and are in accordance with the goals stipulated in its founding documents.

The analysis shows that in 1991, a total of 100 NGOs were operating in the country, while the total number of registered non-governmental non-commercial organizations and their registered divisions in Uzbekistan was 10,462 as of January 1, 2020, and 8,922 remains the same as of January 27, 2023. 671 of them are republic-level, and 187 are large republican non-governmental non-commercial organizations. In 2022, 301 non-governmental non-commercial organizations were terminated, while 382 were registered with the state. According to the researcher, the number of non-governmental non-commercial organizations has been decreasing for the last 3 years.

According to statistics, there are 1.4 million NGOs operating in the USA with a population of 337 million, and there is one NGO for every 240 inhabitants. Today, there are 1.2 million NGOs operating in France with a population of 67 million. That is, 55 residents correspond to one NGO. According to 2022 data, more than 60,000 NGOs will operate in South Korea, which has a population of 51 million. It shows that 772 residents correspond to one NGO, and 4.2 percent of the population is directly involved in the implementation of social initiatives.

The author, analyzing the development period and characteristics of the legislative reforms implemented in our country in the field of non-governmental non-commercial organizations, suggests conditionally dividing this process into three stages: The first stage is from 1991 to 2010, the second stage is from 2010 to 2017, and the third stage is from 2017 to now.

The Constitution of the Republic of Uzbekistan states that the basis of the principle of voluntariness in matters of membership of public associations is not established at the constitutional level, the principle of voluntariness is stated only in the matter of trade union membership (Article 73). According to the researcher, taking into account the situations in this field and the attention given to NGOs, it is required to define such an important principle as voluntary membership in non-governmental non-commercial organizations at the level of the constitutional norm.

The second chapter of the dissertation is entitled **“Issues of legal regulation of the organization of the activities of non-governmental non-commercial organizations”** and it analyzes the organizational and legal issues of establishing a non-governmental non-commercial organization, its organizational and legal forms, and its state registration.

The researcher, researching the opinions of legal scholars D Kholmanova and Dj Shirinov on the organizational and legal foundations of the NGO, puts forward the approach that although the NGO is considered to be formed from the moment of state registration, but the process of its establishment is also a component of the legal foundations of these NGOs.

The dissertation is based on the fact that in recent years there has been a tendency to reduce state influence to a minimum in the organization and operation of non-commercial organizations. This point of view is given by the results of studies conducted in developed countries over the past five years (M.Lyons, L.Salomon, H.Ankhayer, Sh.Yakubov) analyzes his demonstration, noting that in the world experience, the tendency to form and develop the organizational and legal basis of NGOs is observed, not politically, but economically.

According to the analysis, the organizational and legal forms of 8,922 (as of January 1, 2023) NGOs operating in Uzbekistan are as follows:

- public associations 7,173;
- institutions 713;
- public funds 555;
- NGOs of other organizational and legal form (Association, union) 481.

In establishing an NGO, initiating group members are required to focus on the following issues:

first of all, the organizational and legal forms of non-commercial organizations differ from each other in the objectives of the activity, the composition of the participants, the principles of membership, the formation and disposal of property, the management and control system, other circumstances;

secondly, an NGO, regardless of its organizational and legal form, is registered with the judicial authorities based on the principle of territorial subordination;

thirdly, the words “center”, “community”, “committee” and similar words in the name of the NGO are not considered organizational-legal forms of the NGO, this also applies to the concepts of “ecological”, “children”, “youth”, etc., which apply to their activities;

fourthly, the word “sponsorship” in the name of the NGO does not indicate its organizational and legal form, because it is a special status that applies only to the sponsoring organization.

During the interviews with representatives of non-governmental non-commercial organizations, it became clear that most non-governmental non-commercial organizations, when they are being founded, have difficulty in formalizing the founding documents, choosing the main areas of activity of the NGO, and knowing the requirements for the founders.

Based on the importance of the role of the National Association of non-governmental organizations of Uzbekistan (NANGOU) in the development of social partnership, the goal is to develop a strategy for further improving the position of non-governmental non-commercial organizations in the life of the state and society in Uzbekistan, and to introduce the practice of providing NANGOU founders with methodological and legal support at the stage of the creation of NGOs.

The author analyzed the judicial practice of state registration of non-governmental non-commercial organizations and noted that the refusal of state registration by administrative courts on the basis of shortcomings in the charter and other constituent documents is carried out in accordance with the law.

The researcher put forward an approach on the expediency of the priority of the Law of the Republic of Uzbekistan “On Administrative Procedures” when considering disputes related to the state registration of non-governmental non-commercial organizations in the conduct of administrative court cases.

According to the researcher, the creation of non-governmental non-commercial organizations by the state as the sole initiator or founder leads to a restriction of the rights of other interested parties.

Based on the research of the dissertation, it was found that there are more than 60 normative legal acts relating to the creation of a particular non-governmental non-commercial organization. For example, the non-governmental non-commercial organization “Chamber of Commerce and Industry” was established on the basis of the law “On the Chamber of Commerce and Industry of the Republic of Uzbekistan”. There is also a practice of establishing non-governmental non-commercial organizations with the minutes of selector meetings under the President of the Republic of Uzbekistan.

According to the author, non-governmental non-commercial organizations established by the state initiative are used with the adjective “hybrid”, “quasi-state”, “GoNGO”, “artificial”. According to the researcher, in practice, judicial bodies provide legal assistance in drawing up the founding documents of NGOs of this type, and similar situations have a negative impact on the principle of equality in the establishment of non-governmental, non-commercial organizations.

The following main features of the GoNGO institute operating in Uzbekistan today can be distinguished by the researcher:

firstly, this institute is established by state initiative (legal or non-legal form); **secondly**, although the formation is independent of the state, the members of the supreme governing body (collegiate body) of these institutions in most cases consist of officials of state bodies; **thirdly**, recurring functions arise between these institutions and state bodies; **fourthly**, in the result of state financing of state bodies, accountability arises; **fifth**, as a result of the delimitation of the possibility of creating another independent non-commercial organization in this direction, this leads to the fact that the Institute in question has a monopoly position.

According to the author, the fact that the law on the Chamber of commerce and industry of the Republic of Uzbekistan defines the legal status of only one organization ensures compliance with the rights and legitimate interests of State NGOs “in accordance with Article 72 of the Constitution of the Republic of Uzbekistan, creates equal legal opportunities for them to participate in the life of society”, Article 9 of the Law “On Normative Legal Acts”, “The Laws of the Republic of Uzbekistan regulate the most important and stable public relations”, Article 2 of the Law The Law “On Non-Governmental Non-Commercial Organizations” is considered contrary to the provisions on “NGO organizations by

individuals and (or) legal entities on a voluntary basis”, as well as the constitutional and legal nature of NGOs.

In the opinion of the author, based on the fact that the legislation on trade unions, political parties or religious organizations creates equal opportunities for all subjects of this type, it is appropriate to adopt the Law “On Chambers of Commerce and Industry” and create equal opportunities for non-governmental non-commercial organizations that unite subjects of entrepreneurial activity.

Based on the legal status of public associations, the dissertation distinguishes the following characteristics of them:

firstly, the initiative of at least 10 citizens of the Republic of Uzbekistan who have reached the age of 18 is required to create and state register a public association, while foreign citizens and stateless persons can become members of any public associations except political parties; secondly, citizens can voluntarily form and become members of public associations, but in the cases stipulated by the charters, collective members (labor unions, public councils, etc.) may be collective members of public associations that are not considered legal entities; thirdly, all members of the public association, regardless of their status and position in the public association, have the same right and have the same obligations in making decisions and managing property; fourthly, the payment of entrance and membership fees by the participants of public associations is not considered a mandatory requirement, the participation of a citizen in the activities of a public association and the payment of a membership fee cannot be the basis for limiting his rights or establishing an advantage.

Based on the author’s definition of a public fund, the following distinctive features can be distinguished: **firstly**, they belong to non-commercial organizations, but are not considered membership organizations; **secondly**, it can be established by both natural and (or) legal entities; **thirdly**, they must form their assets in order to fulfill the purposes of the charter; **fourthly**, the property given to the public fund by the founders is considered the property of the fund and is used for the implementation of the goals specified in its charter, it cannot be distributed among the founders and used as another way to ensure the fulfillment of collateral or obligations, as well as for the issuance of loans; **fifthly**, the public fund must publish an annual report on the use of its funds and other assets and conduct an annual audit of its activities; **sixthly**, the founders are not responsible for the obligations of the fund, and the fund is not responsible for the obligations of the founders; **seventhly**, the fund cannot be liquidated by the decision of the founders, only the court has such a right according to the application of the interested parties; **Eighthly**, the legislation prohibits the conclusion of transactions with persons related to the fund if they are carried out on slightly more favorable terms than with persons not related to the fund.

The dissertator analyzes A. Nayam, A. Zimmer, T. Brandsen, V. Pestoff, S. Phillips, S. Smith, Sh. Yakubov, D. Kholmanova, J. Shirinov on the organizational and legal forms of NGOs, the development of physical culture and sports, meeting the spiritual and other non-material needs of citizens, protecting the rights and legitimate interests of citizens, resolving disputes, providing legal assistance, as

well as providing charitable assistance and achieving other goals, it is shown that they enter into equal relations with state NGOs as social partners.

The dissertator proposes to strengthen the definition of organizational and legal forms of non-governmental non-commercial organizations as a system of organizational and legal conditions that they must comply with in order to regulate the activities of NGOs based on the general legal theory.

The author notes that organizational and legal forms of NGOs at the legislative level are mainly found in the CIS countries, and setting “limits” to the activities of non-governmental non-commercial organizations based on organizational and legal forms limits the freedom of activity of this institution. This point of view is confirmed by the research results of L. Salomon, H. Anhayer, N. Kollek.

According to the researcher, associations of commercial organizations registered by state service centers correspond to the legal nature of a non-governmental non-commercial organization.

In addition, the legal acts do not provide for the organizational and legal form of a legal entity based on membership, which is created to represent and protect the common interests of both legal entities and individuals at the same time, as well as to coordinate their activities. This creates difficulties for legal entities and individuals to unite by becoming members in order to represent and protect their common interests. In practice, both legal entities and individuals are forming a legal entity based on membership, which is formed in order to express and protect the common interests of individuals, as well as to coordinate their activities.

The author proposes to introduce amendments and additions to the Law of the Republic of Uzbekistan “On Non-governmental Non-commercial Organizations” on the inclusion of associations of commercial organizations in the form of non-governmental non-commercial organizations and to expand the concept of associations (unions).

The analysis shows that there are differences between the organizational and legal forms of non-governmental non-commercial organizations in state registration, the terms of consideration of applications for their state registration, requirements for founders, the amount of state duty, etc.

The researcher analyzed the studies of legal scholars L. Khvan and Zh.N. Nematov on administrative procedures, the “principle of verification” regarding the decision to refuse state registration of a non-governmental non-commercial organization, providing the applicant with the opportunity and time to correct the shortcomings in the application, all cases related to providing NGOs with the opportunity to express their opinions, suggestions and recommendations on providing the necessary assistance to NGOs in accordance with the law.

The author notes that the founders or initiators of NGOs propose to implement a system of real-time information on the stage of the process of state registration of non-governmental non-commercial organizations through the “E-ngo” platform. In addition to preventing violations of administrative procedures,

this will lead to the transparency of the process of receiving an administrative act by an interested person.

Non-governmental non-commercial organizations with state registration approved by the Resolution of the Cabinet of Ministers No. 57, March 10, 2014, which is a document in accordance with the Law on non-accounting and non-refund of the state fee paid for state registration of non-governmental non-commercial organizations three months after the rejection of the application for registration of a public organization, the provision of paragraph 27 of the regulation on the transfer procedure is contrary to the rights of individuals in the law “On State Duty” and the law.

According to the researcher, the state duty is collected by the judicial authorities not for considering the application for state registration of non-governmental non-commercial organizations, but for the state registration of non-governmental non-commercial organizations.

Requirements for the name of a legal entity are fully and comprehensively reflected in the Law “On Company Names”. Accordingly, it is appropriate to apply the requirements of the Law “On Company Names” to NGOs as well.

The researcher puts forward the approach that it is necessary to establish clear criteria to avoid situations of different interpretations, based on the ambiguities created by the sentence “if it aims to attack the health and morals of citizens” during the state registration of sports federations without rules by the judicial authorities.

The third chapter of the dissertation is entitled “Procedures of the activities of non-governmental non-commercial organizations”, the chapter analyzes the legal regulation of the implementation of the activities (goals) of non-governmental non-commercial organizations, the issues of financial support of its activities, and the legal grounds for terminating its activities.

Within the framework of this chapter, the dissertation has justified the fact that in recent years, the main focus on the liberalization of the organizational and legal frameworks of non-governmental non-commercial organizations is the tendency to reduce the influence of the state to a minimum level in their organization and operation.

The author proposes to divide state and NGO cooperation into 4 models (“Gardener model”, “Partnership model”, “Parent model”, “Flexible model”) during the analysis of research on the regulation of mutual relations between NGOs and state bodies (D.Mullins and V.Miligan, K.A. Cherepov, Sh.Yakubov, K. Anxayer, S. Sokolovski, S. Topler).

According to the dissertation, it is necessary to develop and adopt the concept of “Civil Society in New Uzbekistan – 2030” for the purpose of state registration of non-governmental non-commercial organizations and their symbols, notification of planned events, and liberalization of legal regulation of receiving foreign funds.

Although the procedure for notification of planned activities of non-governmental non-commercial organizations is determined for approval by the Ministry of Justice, the approval of two administrative regulations in the field of

non-governmental non-commercial organizations, one by the Ministry and one by the Cabinet of Ministers, is both systemic and in terms of equal protection of the rights of persons participating in administrative and legal procedures requires rethinking both in terms of organizing digital events.

In 2021, the state will double the amount of support to civil society institutions compared to 2020, to 75.8 billion. was delivered to soum.

The author, having researched the legal nature of BONGO (Business-organized NGOs) of scientists such as D. Lewis, N. Kanji and N. Temudo, believes that these associations should be considered non-governmental non-commercial organizations.

According to the author, the regulation on the procedure for notification of the planned events of non-governmental non-commercial organizations specifies the “Procedure for consideration of the notification” (Chapter 3) (Ministries, state committees and agencies, if they are authorized to adopt relevant normative legal acts or to legally regulate social relations with normative legal acts, decrees and decisions of the President of the Republic of Uzbekistan, decisions of the Cabinet of Ministers of the Republic of Uzbekistan, normative legal acts are adopted can do), which is not the subject of these procedures and contradicts Article 14 of the Law on “Normative Legal Acts”. Accordingly, this section is proposed to be repealed.

In the conducted survey, when asked “Give information about the source of funding of your non-governmental non-commercial organization”, 31% of the respondents said – “We receive funds from the budget of the Republic – grants and subsidies”; **20** percent as “provincial budget – preferential (or indiscriminate) lease of property, subsidies and grants”; **22** percent – “from grants of the parliamentary commission or other republic (organizations) and grants from foreign funds (organizations)”; **15** percent as “membership fees”; **12** percent answered “from donations of legal entities and individuals”.

Analysis shows that today most of the activities of non-governmental non-commercial organizations are conducted in electronic systems and online. However, the current procedure of informing about the planned events of non-governmental non-commercial organizations does not take into account this objective necessity. Accordingly, the researcher suggested introducing a legal mechanism that would allow for easy changes to the street and house of the event, the day and time of the event, and to conduct online events.

Studies show that the legislation does not have clear norms about what provisions should be in the charter of a separate unit that is considered a legal entity. Accordingly, in the charter of its divisions, its name, the area where it carries out its activities; structure and governing bodies, scope of authority of governing bodies and the order of their formation, terms of their authority, location of permanent governing body; property management rights; it is proposed to introduce other provisions established by the legislation regulating the activities of the division, which are not recorded in the charter of the non-governmental non-commercial organization.

Based on the interviews conducted with non-governmental non-commercial organizations, it was noted that NGOs face difficulties and obstacles in conducting their activities as a result of violation of inspection deadlines, sequential and unsystematic implementation of inspections and studies by supervisory bodies (justice, tax, accounting chamber, etc.).

According to the author, in order to prevent the repetition of inspections and reduce the burden of excessive inspection, all supervisory authorities should carry out the simultaneous conduct of planned control activities (examination, monitoring and inspection) in NGOs that have a registration authority on the NGO Electronic Platform.

According to the researcher, according to the current legislation, the collegial management bodies of non-governmental non-commercial organizations and the activities of the Audit Commission are not fully regulated, which causes various conflicting issues in the management of NGO property. Therefore, the Law of the Republic of Uzbekistan “On Non-Governmental Non-Commercial Organizations” emphasizes the need to regulate the legal status of collegial governing bodies and the Audit Commission.

Article 58 of the Tax Code stipulates that non-commercial organizations should not have the purpose of obtaining income and should not distribute income or property among their participants (members), which is incompatible with the legal nature of these organizations defined in Article 2 of the Law “On Non-Governmental Non-Commercial Organizations”. Non-commercial organizations cannot be defined as having no profit motive at all. Therefore, in defining this concept, the researcher puts forward the approach of “not making income (profit) the main goal of its activity” based on the legal nature of the NGO.

Based on the analysis, the researcher stated that international experts, international organizations and institutions of civil society have recently criticized the procedure for accepting money and property from foreign persons. Accordingly, it is proposed to change the agreement on the receipt of funds and property from foreign persons to the notification of the receipt of funds and property and to transfer this process to a fully electronic form.

The researcher analyzes the issue of termination of the NGO from a scientific and practical point of view and raises a number of problems. In particular, the court that made the decision to liquidate an NGO often in practice appoints employees of state bodies as liquidators, the liquidation process depends on the founder and leaders of the NGO (they do not have seals and stamps, lack of information about assets, debtors and creditors, repayment of existing debts, lack of funds, etc.), and in most cases puts forward proposals for solving such problems as the absence of its leader and collegial body at the time of the liquidation of a public organization.

The fourth chapter of the dissertation is entitled “**Expanding the participation of non-governmental non-commercial organizations in solving socio-economic issues**”, which reveals the role of non-governmental non-commercial organizations in achieving the UN Sustainable Development Goals, current trends in expanding the participation of non-governmental non-commercial

organizations in the implementation of social projects in Uzbekistan, self-regulation through non-governmental non-commercial organizations are analyzed the prospects for the implementation of the mechanism of mutual settlements.

Achieving the SDG will require efforts and investment from states, the private sector, and civil society institutions. In achieving the social goals of sustainable development, the role of civil society is especially important, and today it is based on civil initiatives of local communities in the “third sector” – education, science, health, ecology, social protection, that is, in the social sphere.

According to the dissertation, based on the fact that the practice of state reviews does not always reflect the real state of affairs in countries, the main goal of the alternative reporting process in the field of human rights is to ensure that human rights are respected in the country whose report is being considered.

To date, a total of 119 international and national non-governmental non-commercial organizations have submitted alternative reports to the relevant UN committees on the implementation of international conventions on human rights in the Republic of Uzbekistan. 19 of them are non-governmental non-commercial organizations operating in the territory of the Republic of Uzbekistan. According to the researcher, the “Group of Experts” formed within the Association of Non-Governmental Non-Commercial Organizations of Uzbekistan should be assigned the task of developing a methodology for preparing alternative reports and continuously providing assistance to NGOs.

According to the researcher, although the law defines 8 forms of public control, the exact mechanisms of implementation of 7 forms are not explained. Accordingly, it is proposed to include the institutions of “**public monitoring commission**”, “**public inspection**” and “**public inspector**” in Article 2¹ of the Law “**On Public Control**”. In his opinion, as a result of the introduction of the “Public Inspection” and “Public Inspector” institutes, it will be possible to carry out inspections within the framework of public control in state bodies and organizations.

Analyzed the views of such scientists as D. Mur, E. Huseynov, S. Nemgirova, Sh. Yakubov, Ya. Allamov, on expanding the participation of non-governmental non-commercial organizations in the implementation of social projects, the use of analyzed non-governmental non-commercial organizations in the Republic of Uzbekistan to solve socio-economic issues and the development of society, it was proposed to develop criteria and methods for evaluating their activities, taking into account their contribution.

The analysis shows that the concept of grant is more common in the scientific field than in normative legal acts. Grant relations are partially regulated in Uzbekistan. The legislation of Uzbekistan does not define the general concept of grants and their important features. Today, grants are provided as a special type of donations both from personal funds and from the state budget.

According to the researcher, the legal status of the public fund for the support of non-governmental non-commercial organizations and other institutions of civil society under the Oliy Majlis is not clearly defined in the legislative acts.

The dissertation concluded that according to the legal nature of this fund, it is necessary to organize the public fund under the Oliy Majlis as a state organization.

The researcher analyzed the activities of the Parliamentary Commission on the allocation of funds and proposed to set as the main criteria the development of high technology in our country and the interest of young people in natural knowledge and systematic work in this direction.

1 billion **118.5** million soums of state subsidy, **172.9** million soums of social orders, and **238.9** million soums of state grants, which were purposelessly and incorrectly spent, were returned based on the monitoring results.

Insufficient attention is paid to the activities of the public fund, including the creation and implementation of special software products for the electronic acceptance of projects and reports using an electronic digital signature, electronic document management. Analyzes show that today the parliamentary commission receives reports on the use of grant funds and monitors them.

Today, more than 50 percent of the population in the United States participates in volunteer work. The financial equivalent of volunteer labor exceeds 5,300 billion dollars. In Japan, the “Minsey inn” charity support system was created, and more than 3,300 volunteer centers operate. In Great Britain, a volunteer center was established, and representatives of the middle and upper classes were widely involved in social work to fight against poverty. In Germany, citizens dedicate more than 15 hours of their time in a month to volunteer associations, projects and mutual aid groups. About 70,000 non-commercial organizations operate in the country, and more than 2 million citizens work in them on the basis of the right to volunteer.

It is considered appropriate to further improve the “Openness of non-governmental non-commercial organizations” – “Openness Standard” in order to ensure the transparency of the use of grants, subsidies and social order funds allocated to non-governmental non-commercial organizations as state support, as well as the use of their own property and funds.

The researcher analyzed the studies of such scientists as R. Yakshilova, V. Davlyatov, D. Ashurov, S. Vasilyeva, I. Ershova, E. Parubin on the organizational and legal foundations of self-regulatory organizations, and proposed to put forward the following definition of authorship for self-regulatory organizations achieved:

“Self-regulatory organization based on the unity of the field of development of goods (works, services) or market of produced goods (works, services) or uniting a certain type of professional activity subjects, based on voluntary or compulsory membership, in the form of an association (union) or in normative legal acts is a non-governmental non-commercial organization of another organizational and legal form”.

According to the author, the legal status of non-governmental non-commercial organizations, which are empowered to self-regulate, is determined by law. Therefore, it is appropriate to develop the draft law of the Republic of Uzbekistan “On Self-Regulatory Organizations”.

CONCLUSION

As a result of the research work on the topic “Improving the organizational and legal mechanisms of the activities of non-governmental, non-commercial organizations in Uzbekistan”, the following scientific and practical proposals and recommendations were developed:

I. Scientific and theoretical conclusions

1.1. In order to further develop the theoretical views of the scientific apparatus of constitutional law science based on international experience and approaches defined in international legal acts, the ratio between the three sectors was analyzed in accordance with the theory of “mixed economy”. The first sector unites state and municipal organizations. The second sector unites business entities that aim to make profit as the main goal of their activity. The “third sector” consists of non-governmental, non-commercial organizations. The main content of this view is the integral unity of society, which serves to further enrich the scientific-categorical apparatus of “Constitutional law”.

1.2. According to the national and international legal practice and scientific-theoretical approaches, the concept of “non-governmental non-commercial organizations” was given definition by the author as follows: **“A non-governmental non-commercial organization is a voluntary organization established by individuals and legal entities, the main purpose of which is directed to socially useful activities, and a self-administrative organization that does not distribute the received income (profit) among its participants (members).”**

1.3. Based on the analysis of the legal and scientific-theoretical bases of the Institute of self-regulatory organizations, its concept can be expressed as follows: **“Self-regulatory organization”** means the sphere of development of goods (works, services) or the unity of the market of manufactured goods (works, services). It is a non-governmental non-commercial organization based on voluntary or compulsory membership, in the form of an association (union) or in another organizational and legal mechanisms established by law.

1.4. The following approach to the principles of the activity of non-governmental non-commercial organizations is put forward: **the principles of legality, voluntariness, self-management, social utility, openness and transparency, freedom, positive and constructive approach.**

1.5. It is justified that the analyzing the period of development and characteristics of legislative reforms implemented in our country in the sphere of non-governmental non-commercial organizations, this process can be conditionally divided into three stages: The first stage – from 1991 to 2010, the second stage – from 2010 to 2017, the third stage – from 2017 to now.

1.6. The author defined the notion of “*state social order*” as follows: *“A state social order is a state task for the performance of works or carrying out activities for the implementation of socially and socially significant projects by concluding an agreement between a state body and a non-governmental non-profit organization.”*

1.7. It is proposed that to divide state and NGO cooperation into the following four models: 1. According to the “Gardener Model”, the state financially supports the socially useful activities of NGOs and coordinates the general state policy on the development of this sector. 2. According to the “Partnership Model”, it is based on an equal dialogue between the state and the non-governmental sector. 3. The “Parental model” is characterized by the state’s total control over the activities of non-governmental non-commercial organizations. 4. “Flexible model” states and non-governmental non-commercial organizations mutually use their potential and capabilities for internal and external goals; if the state perceives a real threat from NGOs, its capabilities are limited by law.

1.8. In the conditions of the new Uzbekistan, it is proposed to classify the functions of non-governmental non-commercial organizations as follows: *functions of integration, public control, promotion, and mobilization.*

1.9. At the same time, the union which is a non-governmental non-commercial organization founded by both individuals and legal entities, it is given definition of the notion of “association” by the author as follows: “Association is a social organization by individuals and legal entities to express and protect their common interests, as well as for legal entities to coordinate their activities, a non-commercial, membership-based non-commercial organization”.

1.10. State support for the activities of non-governmental non-profit organizations was classified as follows:

property, information, consulting, organizational and educational support for non-profit organizations;

assistance in organizing the interaction of non-profit organizations with government agencies and organizations;

financial support for NGOs;

to provide benefits to legal entities and individuals providing financial assistance to non-profit organizations in accordance with the Tax Code of the Republic of Uzbekistan for the payment of taxes and fees.

II. Suggestions and recommendations for further improving the normative legal base:

2.1. Article 25 of the Law “On Public Funds” should be supplemented as follows:

The annual report on the use of assets provided by the fund shall be published in duly registered mass media within fifteen days after the audit of its activities but no later than June 1 of the year following the reporting year:

information on voluntary donations received by the fund;

information on the fund’s income (profit) from business activities;

amount of other funds received (specifying the types separately);

information on non-monetary assets given to the fund;

total amount of expenses, by the types of fund activities and by the administrative expenses, with a separate indication;

information on the disposal of non-monetary assets.

2.2. In accordance with the Constitution of the Republic of Uzbekistan, the state should create equal legal opportunities for public associations to participate in social life. The laws of the Republic of Uzbekistan regulate the most important and stable social relations, as well as the laws on trade unions, political parties and religious organizations, which provide equal opportunities to all subjects of this type. Based on its creation, it is appropriate to adopt the Law of “On Chambers of Commerce and Industry” in order to create equal opportunities for non-governmental non-commercial organizations uniting business entities.

2.3. It is proposed that the Law of the Republic of Uzbekistan “On Non-governmental Non-commercial Organizations” to include the following norms on collegial administrative bodies of non-governmental non-commercial organizations:

The resolutions of collegial administrative bodies are formalized in the form of protocol of their meetings. The protocols of the meeting are signed by the chairman and secretary of the meeting, as well as by the members of the enumeration commission when ten or more people participate in the meeting.

The resolution of the meeting of the collegial administrative bodies indicate as follows:

- the time and place of the meeting;
- the total number of participants entitled to vote at the meeting;
- the number of participants with the right to vote who attended the meeting;
- the information on the chairman and secretary of the meeting;
- the composition of the enumeration commission (when ten or more people participate in the meeting of the administrative body);
- the main content of the reports, the issues put to the vote and the results of voting on them, decisions made at the meeting.

If the charter of the non-governmental non-commercial organization does not provide for special provisions, the resolutions of the collegial administrative bodies shall be adopted by absentee voting (by poll) without holding meetings (the members of the administrative body are not present together). Such voting may be done by the exchange of documents by mail, telegraph, teletype, telephone, electronic communication, or any other means of communication that ensures the accuracy of the messages transmitted and received and their confirmation by documents.

When making resolution by voting, all members of the relevant administrative body should be notified of the agenda with its latest changes, the deadline for voting and the opportunity to get acquainted with the necessary information and materials before the start of voting.

If the charter of a non-governmental non-commercial organization does not provide for a higher number of votes for decision-making, the resolution of the meeting of collegial administrative bodies, as a rule, adopted by the majority of votes of the total number of participants who have the right to vote at this meeting.

When making resolutions by the collegial administrative bodies, the participation of other persons instead of the persons having the right to vote in these bodies shall be carried out as provided for in the founding acts of the non-

governmental non-commercial organization and in accordance with the procedure established in the founding acts.

2.4. It is proposed that the Law of the Republic of Uzbekistan “On Non-governmental Non-commercial Organizations” to include the following norms on the Audit Commission of Non-governmental Non-commercial Organizations:

Auditing of the financial activity of the non-governmental non-commercial organization, as well as the correct spending of funds and the purposeful use of its assets, it is carried out annually or during other periods according to the charter.

According to the resolution of the higher body of the non-governmental non-commercial organization, the inspection may be carried out by the inspection commission during the periods not provided for in the charter.

The officials of the non-governmental non-commercial organization must submit documents on the organization’s financial activities to the organization’s audit commission at its request.

Based on the results of the audit of the financial activities of the non-governmental non-commercial organization, the audit commission of the organization prepares a conclusion that includes as follows:

assessment of the reliability of information in reports and other financial documents;

information on cases of violation of accounting and financial reporting procedures;

recommendations on the elimination of identified violations as well as proposals on increasing the efficiency of the financial activity of a non-governmental, non-commercial organization.

2.5. In order to liberalize administrative procedures related to the activities of international and foreign NGOs, according to section 18 of the Orders on the procedure for state registration of non-governmental non-commercial organizations, their representative offices and branches are registered for state registration. It is proposed that to cancel the requirement to submit a declaration on the sources of financing the activities of the representative office and branch to the executive body.

2.6. It is proposed to exclude the norm of non-applicability to non-governmental non-commercial organizations implementing in the social sphere as defined in Article 318 of the Tax Code.

2.7. Since the meaning of **the notion of “sponsorship (sponsorship activity)”** in the Law **“On Sponsorship”** is synonymous with the notion of “charitable activity”, in order to prevent various ambiguities in the practice of applying the law, **“sponsored charity” in the sphere legislation is proposed to replace the term with the term “charity”.**

2.8. In order to prevent unnecessary hassles and bureaucratic obstacles in the liquidation of non-governmental non-commercial organizations has been proposed to remove the requirement for the approval of the liquidation balance by the higher body of the non-governmental non-commercial organization from the regulation on the procedure for liquidation of non-governmental non-commercial organizations approved by the Resolution of the Cabinet of Ministers on January 15, 2015, No. 5.

2.9. It is proposed to supplement the Law of the Republic of Uzbekistan “On Non-governmental Non-commercial Organizations” with the following norm:

Article 28¹. Transactions concluded as a result of interest in a non-governmental non-commercial organization

Based on the purpose of this law, the transactions made by the head of the non-governmental non-commercial organization, his deputy, persons who can act on behalf of the non-governmental non-commercial organization, members of the management or control bodies of the non-governmental non-commercial organization and other legal or physical persons regarding the non-governmental non-commercial organization are concluded as a result of interest in the following cases:

If these persons entered into labor relations with legal or physical persons or organizations;

If these persons are founders, participants or creditors of legal entities or organizations,

If these persons entered into a close family relationship with these persons;

If legal or physical persons or organizations are sponsors of a non-governmental non-commercial organization, their affiliates.

An interested person should observe the interests of the non-governmental non-commercial organization, as well as its activity goals and should not use the opportunities of the non-governmental non-commercial organization for malicious purposes that are not provided for in the founding documents of the non-governmental non-commercial organization.

The non-governmental non-commercial organization must submit information on the transactions concluded as a result of interest in the form approved by the Ministry of Justice of the Republic of Uzbekistan to the registering body by February 1 of each year as attachments to the reports.

2.10. In order to simplify the notification procedure for the organization of various events (conferences, seminars, trainings, meetings, actions, roundtables, meetings, symposiums, and other forms) by NGOs, they organize the gathering of individuals in the territory of the Republic of Uzbekistan or a foreign country, **including online**. It is proposed that to make an additional entry on the registration of the event for a non-governmental non-commercial organization.

2.11. Due to the uncertainty regarding the application of tax benefits to branches and representative offices of a non-commercial organization with the status of a legal entity, it is proposed to state Article 58 of the Tax Code in the following version:

“A legal entity or its representative office and branch with the status of a legal entity, which is registered in the manner and form prescribed by law and does not make income (profit) the main goal of its activity and does not distribute the received income (profit) among its participants (members) is recognized as a non-commercial organization”.

2.12. It is proposed to state the third section of Article 19 of the Law of the Republic of Uzbekistan “On Social Partnership” in the following version:

“In order to receive state subsidies, non-governmental non-commercial

organizations and other institutions of civil society apply to the public fund under the Oliy Majlis, **the Supreme Council of the Republic of Karakalpakstan, and the public funds for the support of non-governmental non-commercial organizations and other institutions of civil society under the regional and Tashkent city councils of people's deputies**".

III. Proposals and recommendations on improving the organizational and legal mechanisms of non-governmental non-commercial organizations in Uzbekistan.

3.1. It is proposed to amend the regulation on the notification procedure of the planned events of non-governmental non-commercial organizations according to the fact that non-governmental non-commercial organizations in the sphere of sports can present sports events based on the plan of measures at the beginning of each quarter.

3.2. In order to prevent repetition of inspections and reduce the burden of excessive inspections, it is proposed to introduce simultaneous implementation of planned inspection activities (study, monitoring and inspection) of NGOs by all supervisory bodies in coordination with the registration authority on the electronic platform "E-NGO".

3.3. In the case of state registration of non-governmental non-commercial organizations, the application for state registration of an NGO

The requirement to confirm the date of birth and place of residence of the initiators or founders of the NGO, as well as the place of residence, work, study, or military service of the person who signed this information should be canceled.

Instead, it is suggested to submit the identity documents of the initiators or founders of the NGO, or the taxpayer's identification number, or passport number.

3.4. Supporting non-governmental non-commercial organizations and other institutions of civil society under the Oliy Majlis of the Republic of Uzbekistan was approved by the Resolution of the Council of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and the Senate Council of the Oliy Majlis of the Republic of Uzbekistan adopted on July 10, 2008, No. 843-I/515-I. The fourteenth paragraph of the Regulation on the Parliamentary Commission on the Management of the Fund of the Public Support Fund was proposed to be amended as follows:

1. "Members of the parliamentary commission, their employers or legal entities of which they are the founders can not use the funds of the public fund under the Oliy Majlis and at the same time be members of the Executive Office and Audit Commission of the public fund under the Oliy Majlis";

2. The parliamentary commission shall be fully and directly elected by the Legislative Chamber of the Oliy Majlis and directly approved by the Senate;

3. Normative acts regulating the parliamentary commission should be approved directly by the Chambers of the Oliy Majlis, not by the councils of the chambers of the Oliy Majlis;

4. The result of voting on the Resolutions of the parliamentary commission must be confirmed with the signature of each member.

5. The Resolutions of the Parliamentary Commission and the requirements of all legislative acts applied to state bodies regarding the openness and transparency of the activities of the public fund for the support of non-governmental non-commercial organizations and other institutions of civil society under the Oliy Majlis should be applied;

6. Regarding the activities of the parliamentary commission, in particular, the procedures for announcing grants and issuing grants, social orders, and subsidies should be adopted in the form of a full regulatory legal act.

3.5. To create a legal basis for the state registration of commercial organizations and non-commercial organizations that **their names should not be the same** as the names of previously registered commercial organizations and non-commercial organizations, and **to automate the verification of this process through electronic systems**, as well as to meet the requirements for legal entities in the Law “On Company Names” for NGOs. It is proposed to apply it.

3.6. Founders or initiators of NGOs are offered the opportunity to introduce a system of real-time information on the stage of the process of state registration of non-governmental non-commercial organizations through the “E-NGO” platform.

3.7. It is proposed to divide the state duty paid in the process of state registration of non-governmental non-commercial organizations as defined in the Law “On State Duty” as follows:

state fee for **considering an application for state registration** of non-governmental non-commercial organizations;

state fee for **state registration** of non-governmental non-commercial organizations.

3.8. It is desirable for the Public Fund under the Oliy Majlis to fully digitize the activities of supporting the activities of NGOs and other institutions of civil society, transparently illuminate its activities and create a platform that provides online rating opportunities based on indicators of the openness and social usefulness of the activities of non-governmental non-commercial organizations.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

НАРИМАНОВ БЕКЗОД АБДУВАЛИЕВИЧ

**СОВЕРШЕНСТВОВАНИЕ ОРГАНИЗАЦИОННО-ПРАВОВОГО
МЕХАНИЗМА ДЕЯТЕЛЬНОСТИ НЕГОСУДАРСТВЕННЫХ
НЕКОММЕРЧЕСКИХ ОРГАНИЗАЦИЙ В УЗБЕКИСТАНЕ**

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(протокол реестра № 1 от 21 июля 2023 года).

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ВВЕДЕНИЕ (Аннотация докторской диссертации)

Целью исследования является разработка предложений и рекомендаций по совершенствованию организационно-правового механизма деятельности негосударственных некоммерческих организаций в Республике Узбекистан.

Объектом исследования является система общественно-правовых отношений, возникающих в процессе организационно-правового регулирования деятельности негосударственных некоммерческих организаций в Республике Узбекистан.

Научная новизна исследования заключается в следующем:

обоснована необходимость закрепления правового статуса негосударственных некоммерческих организаций на конституционном уровне с целью повышения их роли в жизни общества и государства;

на основе анализа тенденций развития негосударственных некоммерческих организаций обоснована необходимость преподавания предмета «Право негосударственных некоммерческих организаций» в юридических высших учебных заведениях;

обоснована необходимость возложения ответственности за оказание практической помощи негосударственным некоммерческим организациям в качественной и своевременной реализации грантового проекта и мониторинге его результатов, а также координацию работы организаций-партнеров на Национального партнера;

обоснована необходимость внедрения новых современных механизмов социального партнерства и общественного контроля на базе электронного портала, позволяющего отслеживать состояние и тенденции развития гражданского общества;

на основе анализа перспектив осуществления электронного общественного контроля обосновано, что вопросы, которые подлежат размещению на электронном портале государственными органами и организациями в обязательном порядке, должны быть четко определены;

обоснована необходимость учета предложений и мнений широкой общественности при формировании приоритетных направлений конкурсов на государственные гранты и социальные заказы в целях совершенствования системы государственной поддержки негосударственных некоммерческих организаций.

Внедрение результатов исследования. Научные результаты, полученные в ходе исследовательской работы, были использованы в:

предложение о необходимости закрепления правового статуса негосударственных некоммерческих организаций на конституционном уровне, в целях повышения их роли в жизни общества и государства было учтено при разработке главы XIII, статьи 72 Конституции Республики Узбекистан в новой редакции (Акт Законодательной палаты Олий Мажлиса от 4 мая 2023 года № 02/6-09-19). Данное предложение служит обеспечению конституционно-правового статуса негосударственных некоммерческих

организаций и систематизации законодательных документов, регулирующих их деятельность, их права и законные интересы.

предложение о необходимости преподавания предмета «Право негосударственных некоммерческих организаций» для студентов высших юридических учебных заведений было учтено при разработке учебного плана и программы модуля «Право негосударственных некоммерческих организаций». (Акт Ташкентского государственного юридического университета от 5 января 2023 года). Реализация данного предложения послужила комплексному обучению организационно-правовым основам деятельности негосударственных некоммерческих организаций и других институтов гражданского общества при подготовке будущих юридических кадров;

предложение о необходимости оказания практической помощи ННО в реализации грантового проекта со стороны Министерства юстиции, а также о прикреплении Национального партнера для сотрудничества и информирования об этом данной организации было учтено при разработке пунктов 8 и 9 Положения о порядке взаимодействия местных негосударственных некоммерческих организаций с органами государственной власти при реализации международных грантовых проектов, утвержденного постановлением Кабинета Министров Республики Узбекистан от 13 июня 2022 года № 328 (Акт управления юридического обеспечения Кабинета Министров Республики Узбекистан от 25 августа 2022 года № 12/21-58). Реализация данного предложения послужила обеспечению практической помощи и гарантий сотрудничества ННО в реализации грантового проекта узким кругом специалистов, работающих в государственных органах.

предложение о необходимости оказания практической помощи ННО в качественной, своевременной реализации грантового проекта и мониторинге его результатов, а также возложении ответственности за координацию работы партнерских организаций на Национального партнера было учтено при разработке пунктов 11 и 12 Положения о порядке взаимодействия местных негосударственных некоммерческих организаций с органами государственной власти при реализации международных грантовых проектов, утвержденного постановлением Кабинета Министров Республики Узбекистан от 13 июня 2022 года № 328 (Акт управления юридического обеспечения Кабинета Министров Республики Узбекистан от 25 августа 2022 года № 12/21-58). Реализация данного предложения послужила обеспечению эффективного сотрудничества ННО и государственных органов в реализации грантового проекта;

предложение о необходимости внедрения новых современных механизмов социального партнерства и общественного контроля на базе электронного портала, дающего возможность следить за состоянием и тенденциями развития гражданского общества было учтено при разработке пункта 2 постановления Кабинета Министров Республики Узбекистан от 22 апреля 2022 года №208 (Акт отдела по вопросам махалли и старшего

поколения Кабинета министров Республики Узбекистан от 16 декабря 2022 года № 33/1-576). Реализация данного предложения способствовала дальнейшей прозрачности отношений социального партнерства с широким использованием цифровых технологий;

предложение о необходимости четкого определения вопросов, требующих размещения на электронном портале государственными органами и организациями в обязательном порядке было учтено при разработке пункта 3 постановления Кабинета Министров Республики Узбекистан от 22 апреля 2022 года №208 (Акт отдела по вопросам махалли и старшего поколения Кабинета министров Республики Узбекистан от 16 декабря 2022 года № 33/1-576). Реализация данного предложения послужила совершенствованию механизма общественного контроля негосударственных некоммерческих организаций;

предложение о необходимости учитывать предложения и мнения широкой общественности при формировании приоритетных направлений конкурсов на государственные гранты и социальные заказы в целях совершенствования системы государственной поддержки негосударственных некоммерческих организаций было учтено при разработке пункта 5 “дорожной карты”, утвержденной постановлением Кабинета Министров Республики Узбекистан от 6 мая 2023 года № 192 (Акт департамента информационно-аналитического и юридического обеспечения Кабинета Министров Республики Узбекистан от 15 мая 2023 года № 12-15-12). Реализация этого предложения послужит обеспечению открытости и транспарентности системы государственной поддержки НПО.

Структура и объем диссертации. Содержание диссертации состоит из введения, четырех глав, заключения, списка использованной литературы. Объем диссертации составил 233 страницы.

ЭЪЛОН ҚИЛИНГАН ИЛМИЙ ИШЛАР РЎЙХАТИ
СПИСОК ОПУБЛИКОВАННЫХ НАУЧНЫХ РАБОТ
LIST OF PUBLISHED SCIENTIFIC WORKS

I бўлим (I часть; I part)

1. Нариманов Б.А. Нодавлат нотижорат ташкилотларининг ташкилий-ҳуқуқий асосларини такомиллаштириш масалалари [Матн]: Монография / Б.А. Нариманов. - Тошкент: ТДЮУ, 2023. - 160 б.

2. Нариманов Б.А. Organizational and legal forms of non-governmental non-profit organizations: theoretical and legal analysis // in Science. Жамият ва инновациялар – Общество и инновации – Society and innovations. Special Issue – 12 (2021) / ISSN 2181-1415. –P 353-359. (12.00.00);

3. Нариманов Б.А. Нодавлат нотижорат ташкилотлари фуқаролик жамияти институти сифатида: назарий-ҳуқуқий таҳлил // UZA.UZ Илм-фан бўлими, Электрон журнал. – Т.: 2022. www.uza.uz (12.00.00);

4. Нариманов Б.А. Ўзбекистонда нодавлат нотижорат ташкилотларининг давлат томонидан қўллаб-қувватлашнинг айрим ташкилий-ҳуқуқий масалалари // Yurisprudensiya / Maxsus son /2021 / II qism ISSN 2181-1938. UDC: 347.(042)(575.1). ORCID: 0000-0002-4703-3358. –Б 26-31. (12.00.00; №.15);

5. Нариманов Б.А. Concept of non-profit organizations in international legal norms // in Science. Жамият ва инновациялар – Общество и инновации – Society and innovations. Special Issue – 10 (2022) / ISSN 2181-1415. –P 243-248. (12.00.00);

6. Нариманов Б.А. Нотижорат ташкилотлари тушунчаси, турлари ва уларнинг ўзига хос хусусиятлари // Ҳуқуқий тадқиқотлар журнали | журнал правовых исследований | Journal of law research // №SI-6 | 2022. Тошкент. –Б 14-21. (12.00.00; №19);

7. Narimanov B.A. How to liquidate and suspend the activities of NGOs: The experience of Uzbekistan // World Bulletin of Management and Law (WBML) // Volume-12. July-2022. ISSN: 2749-3601. –P 200-206. (SJIF: 2022 Impact Factor - 7.424/2022)

8. Нариманов Б.А. Нодавлат тижорат ташкилотларига ўзини ўзи тартибга солиш ҳуқуқини бериш: назарий-ҳуқуқий муаммолар // Юрист ахборотномаси – Вестник юриста – Lawyer herald. № 6 (2022) Б. 13-18 (12.00.00);

9. Narimanov B. Some issues of legal regulation of entrepreneurial activity of non-governmental organizations //World Bulletin of Management and Law. – 2023. – Т. 18. – С. 139-145. (SJIF: 2022 Impact Factor - 7.424/2022)

10. Нариманов Б.А. Жамоат бирлашмаси нодавлат нотижорат ташкилотнинг ташкилий-ҳуқуқий шакли сифатида: назарий-ҳуқуқий таҳлил // Қонунчилик муаммолари ахборотномаси. Илмий-амалий журнал- Научно-практический журнал – Scientific and practical magazine. Бюллетень проблем

законодательства – Bulletin of legislative problems. 2022. ISSN 2181 – 3361 №4. Б36-39. (12.00.00);

11. Нариманов Б.А. Some issues related to the international legal foundations of non-governmental non-profit organizations // in Science. Жамият ва инновациялар – Общество и инновации – Society and innovations. Special Issue – 07 (2022) / ISSN 2181-1415. –Р 285-291. (12.00.00);

12. Нариманов Б.А. Legal nature of civil society institutions: scientific and theoretical analysis // in Science. Жамият ва инновациялар – Общество и инновации – Society and innovations. Special Issue – 02 (2023) / ISSN 2181-1415. –Р 6-12. (12.00.00);

13. Narimanov B.A. (2023). Some legal issues of granting socially useful status to non-government non-profit organizations. The American Journal of Political Science Law and Criminology, 5(04), p.133-138 (2022) (SJIF: 2022 Impact Factor - 7.925 / 2022);

14. Нариманов Б.А. Some legal issues related to the involvement of non-profit organizations in entrepreneurial activity // in Science. Жамият ва инновациялар – Общество и инновации – Society and innovations. Issue – 3 № 6 (2022) / ISSN 2181-1415. –Р 89-95. (12.00.00);

15. Нариманов Б.А. Ижтимоий шериклик нодавлат нотижорат ташкилотларини кўллаб-қувватлашнинг шакли сифатида // 2023 йил. ЎЗА расмий веб-сайти: <https://uza.uz> (12.00.00);

16. Narimanov B.A. Some legal issues of the management of non-governmental organizations // International Journal of Studies in Business Management, Economics and Strategies // Vol. 2 No. 5 (2023) p. 64–70. // (SJIF: 2022 Impact Factor: 7.925 /2022)

17. Нариманов Б.А. Ўзбекистонда нодавлат нотижорат ташкилотларини кўллаб-қувватлашнинг айрим ҳуқуқий масалалари: Ўзбекистон нодавлат нотижорат ташкилотлари миллий ассоциацияси мисолида // Юрист ахборотномаси – Вестник юриста – Lawyer herald. № 2 (2023) Б. 24-31

18. Нариманов Б.А. Нодавлат нотижорат ташкилотлари маъмурий ҳуқуқ субъекти сифатида: давлат рўйхатидан ўтказишнинг айрим масалалари // Ҳуқуқий тадқиқотлар журнали| журнал правовых исследований | Journal of law research // Тошкент. 8 жилд. №5| 2023. – Б13-21. (12.00.00);

19. Нариманов Б.А. Нодавлат секторга оид ҳуқуқий масалалар // Ҳуқуқ ва бурч – № 5. 2023. – Б. 38-41 (12.00.00; №2);

20. Нариманов Б.А. Собик Иттифоқ даврида нодавлат нотижорат ташкилотлари фаолиятини ҳуқуқий тартибга солишнинг айрим масалалари // “Янги Ўзбекистонда конституционализмни мустақамлаш масалалари: миллий ва хорижий тажриба”. Халқаро илмий конференция материаллари тўплами . – Т.: ТДЮУ, 2021. – Б 339-343.

21. Нариманов Б.А. Фуқаролик жамиятини ривожлантиришнинг конституциявий-ҳуқуқий истикболлари // “Конституциявий ислохотлар: фуқаролик жамияти институтларининг ўрни ва мақоми”. Халқаро конференция материаллари, 2022 йил 11 май. – Тошкент, 2022 й. –Б 152-156.

22. Нариманов Б.А. Фуқаролик жамиятининг шаклланишида нодавлат нотижорат ташкилотларининг ўрни // “Инсон – жамият – давлат” конституциявий тамойилини амалга ошириш: миллий ва хорижий тажриба”. Халқаро конференция материаллари, 2022 йил 20 июнь. – Урганч, 2022 йил – Б. 165-168.

23. Нариманов Б.А. Конституциявий ислохотлар доирасида фуқаролик жамияти институтларини ривожлантириш масалалари (махалла институти мисолида) // “Ўзбекистонда конституциявий ислохотлар - халқчил, адолатпарвар давлат барпо қилиш йўлида” //Халқаро илмий-амалий конференция материаллари тўплами. –Т.: Ўзбекистон Республикаси Жамоат хавфсизлиги университети. 2022. – Б. 82-86.

24. Нариманов Б.А. Рақамлаштириш шароитида фуқаролик жамиятини ривожлантиришга оид тенденциялар // Ўзбекистон Республикаси Конституциясининг 30 йиллигига бағишланган “Ўзбекистон Республикасининг Конституцияси: Миллий тажриба ва истиқбол” мавзусидаги республика илмий-амалий конференцияси материаллари тўплами. – Тошкент: Ўзбекистон Республикаси Президенти ҳузуридаги Давлат бошқаруви академияси, 2023. –Б. 83-85.

25. Нариманов Б.А. Инсон ва фуқароларнинг уюшиш ҳуқуқи: Халқаро стандартлар ва илмий-назарий асослар // “Халқпарвар давлат барпо этиш, инсон қадрини улуғлаш – тараққиётимизнинг бош мезони” //Республика илмий-амалий конференция материаллари тўплами. –Тошкент: Ўзбекистон Республикаси Жамоат хавфсизлиги университети. 2022. –Б. 95-98.

26. Нариманов Б.А. Рақамли ҳуқуқни шакллантириш шароитида Конституциявий ҳуқуқнинг долзарб муаммолари // Конституция – инсон кадр-қимматини таъминлашнинг мустаҳкам кафолати // Республика илмий-амалий конференцияси тўплами. –Т.: ТДЮУ нашриёти, 2022. -225 бет.

II bo‘lim (II часть; II part)

27. Спортда допингга қарши курашнинг ҳуқуқий асослари [Матн]: монография / Б.А. Нариманов. – Тошкент: Lesson press, 2022. – 112 б.

28. Парламент фаолиятида “Ақл марказлари” иштирокининг ташкилий-ҳуқуқий жиҳатлари // «Глобаллашув шароитида Ўзбекистонда инновацион ғояларнинг ҳуқуқий, иқтисодий, ижтимоий-фалсафий, таълимий йўналишларининг ривожланиш истиқболлари» мавзусидаги Республика онлайн анжумани материаллари тўплами. – Тошкент: ЎЗА, 2020. – Б. 151-155.

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– Вестник юридических наук – Review of Law Sciences» jurnali
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o‘zaro muvofiqlashtirildi.

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