



CONSTITUTIONAL GUARANTEES OF CITIZENS' RIGHT TO APPEAL IN THE REPUBLIC OF UZBEKISTAN

Rakhmonkulov Iskandar Anvarovich

Lecturer at the Department of Organizational and Staff Activities,
Academy of the Ministry of Internal Affairs of the Republic of
Uzbekistan

<https://doi.org/10.5281/zenodo.14202918>

Abstract: The article highlights that the new principle of ensuring state bodies' work with appeals from individuals and legal entities, as well as safeguarding their legitimate interests in human rights and freedoms, is an important guarantee for filling gaps in legislation in this regard.

Keywords: Human, appeal, right, law, state, citizen, problem.

"All human beings are born free and equal in dignity and rights." [1] The first article of the Universal Declaration of Human Rights begins with these words. This international document guarantees the most important rights of every person, such as personal inviolability, freedom of speech, right to appeal, property ownership, freedom of belief and expression, citizenship, participation in public administration, right to vote and be elected, right to marry, work and rest, education, access to medical and social services, and enjoyment of cultural and artistic works. As President Sh.M. Mirziyoyev emphasized, "Our priority task is to comprehensively promote the realization of human potential and protect fundamental rights and legitimate interests. This is a key condition for ensuring peace, stability, and a prosperous life in society." [2] This is a key condition for ensuring peace and stability, a prosperous life in society." [2]

Among these rights, the individual's right to appeal is of particular importance, which is reflected in Article 40 of our Constitution as follows: "Everyone has the right, individually or collectively, to submit applications, proposals, and complaints directly to state bodies and organizations, citizens' self-government bodies, officials, or people's representatives."

The Development Strategy of New Uzbekistan for 2022-2026, approved by the Decree of the President of the Republic of Uzbekistan dated January 28, 2022, No. UP-60, outlines some issues related to appeals, including: Including:

- Establishing the practice of issuing and exchanging time-sensitive documents confirming specific facts to citizens and offering composite state services without waiting for their application.
- Establishing digital control over the timing and quality of consideration of appeals received by state bodies by creating a centralized system for collecting them, ensuring prompt and high-quality consideration of appeals on issues that directly affect the daily lives of the population.
- Developing modern forms of public control and introducing the practice of monitoring the quality of implementation of regional, sectoral, and state programs based on collective appeals.
- Ensuring the implementation of the "Code of Professional Culture" for employees of internal affairs bodies. Staffing internal affairs bodies with morally upright, loyal, people-

oriented, and responsible employees, and introducing a system for evaluating their activities based on the effectiveness of solving public problems and handling citizens' appeals, as well as public opinion.

- Organizing the activities of the "Mehnat-M" center in Tashkent city as an experiment to study and assist in resolving labor-related appeals and disputes.[3]

Along with the step-by-step development in our country, the "Uzbekistan-2030" strategy aims to introduce the "Service State" system for the population by expanding the scope of digitalization of public services, eliminating bureaucratic procedures in relations between citizens and the state, abolishing excessive formal procedures such as filing applications and filling out various forms for citizens to use public services, creating a system where government agencies obtain necessary documents from an electronic database, increasing the efficiency of identifying and resolving public issues through expanded dialogue with the people, canceling the practice of registering appeals in paper form in state bodies and organizations, creating opportunities to appeal electronically, including through relevant mobile applications, to all state bodies and organizations and their territorial divisions, ensuring that at least 80 percent of appeals are satisfied at the local level, reducing the share of repeated appeals by at least 2 times, establishing effective judicial control over the activities of state bodies and officials and further developing the administrative justice system, fully eliminating factors hindering direct appeal to administrative courts, increasing the effectiveness of pre-trial dispute resolution by 50 percent, reducing the number of cases coming to courts on disputes that can be resolved pre-trial by 50 percent, with the goal of creating conveniences and facilities for the population.

At the same time, in order to directly solve the problems of the population and create the necessary resources and opportunities for the development of the region, the activities of assistants to the district (city) khokims on entrepreneurship development, ensuring employment and reducing poverty, as well as youth leaders, introduced as a new institution in mahallas, have been effectively established.

A procedure has been introduced for managers at all levels to visit mahallas, study problems in their respective fields, and find solutions to them, with the state of affairs in mahallas serving as the main criterion for evaluating the activities of ministries, departments, and khokimiyats.

A system has been created for citizens to contact all government agencies and communicate with their leaders from within the mahalla, and the reputation of mahallas has been enhanced by providing state and social services directly in the mahalla, including establishing effective connections with the People's Reception Offices of the President of the Republic of Uzbekistan.

It should be noted that practices have been established for organizing direct dialogue with the population, ensuring the functioning of an effective system for handling appeals aimed at fully protecting their rights, freedoms, and legitimate interests, creating conditions for the unconditional realization of the constitutional right to appeal, organizing complete, impartial, and timely consideration of incoming appeals, implementing systematic monitoring and control over the consideration of appeals received and forwarded to relevant state bodies and organizations, conducting receptions of individuals and representatives of legal entities (including through videoconferencing), registering, summarizing, and systematizing incoming appeals.

In our country, citizens' appeals are regulated by the Law "On Appeals of Individuals and Legal Entities," and the provisions outlined in this law, which regulate the interaction between the population and state bodies, apply equally to all state bodies, organizations with state participation, and citizens' self-government bodies.

According to Article 3 of this law, a repeated appeal is defined as an appeal received from the same applicant, expressing either a complaint against the organization's decision on their previous appeal or dissatisfaction with the fact that the appeal was not considered within the time limits established by law. It is important to distinguish this from a duplicate appeal, as a duplicate is simply a copy of the same physical or legal entity's original appeal. In other words, a duplicate occurs when the author of the appeal resubmits a copy of the same appeal without having received a response from the relevant organization or knowing its decision.

Furthermore, Article 4 of the law establishes the following main principles: legality in the consideration of appeals; timely and comprehensive review of appeals; uniformity of requirements for appeals; respect for the rights, freedoms, and legitimate interests of individuals and legal entities; prevention of bureaucracy and red tape in the consideration of appeals; and transparency in the activities of state bodies, organizations, and their officials when considering appeals.[6]

Based on the results of an in-depth scientific and practical study of the causes of increasing recurrent appeals and the conditions that contribute to them, it is recommended to implement the following measures in accordance with advanced foreign practices to address the aforementioned factors: attracting psychologists to work with the main sources of appeals; establishing the work of managers who directly deal with applicants; improving the qualifications of those responsible for handling appeals and strengthening methodological support for them; creating opportunities for interested parties to regularly monitor the status of their appeals at each stage and evaluate the results; effectively utilizing information technologies; developing platforms that allow each individual to access necessary, high-quality, and reliable information; and implementing formal and informal mediation models to prevent the influx of appeals.

To address problems arising in practice when considering appeals received by internal affairs bodies, it is necessary to improve the organizational and legal aspects of handling appeals in these bodies. This includes enhancing efficiency, openness, transparency, effectiveness, and provision of necessary information and resources. Additionally, it is crucial to develop priority directions for the legal protection of whistleblowers from potential consequences such as persecution, job loss, discreditation, and other forms of material and moral damage. In this regard, it is essential to continuously improve the relevant regulatory legal documents.

Including:

- setting deadlines for consideration of appeals separately in legislative acts on specific areas and issues;
- Reflection of Article 242 of the Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities" entitled "Features of Consideration of Appeals of Convicts";
- It is proposed to replace the words "by drawing up an act" in the fourth part of Article 21 of this law with the words "by drawing up an act in cases where it is impossible to correct or eliminate these shortcomings."

The practical implementation of these proposals will contribute to the implementation of new legal mechanisms for working with appeals, simplifying the appeal process, and further improving the consideration and resolution of appeals.

As a general conclusion, the effectiveness of the current system for working with the problems of the population can be implemented through advanced foreign experience, as well as in the development of a draft of organizational, legal and financial measures aimed at finding solutions to the tasks to be solved, working with appeals, ways to manage and resolve disputes, the laws of appealers' satisfaction with the results of consideration of their appeals, protection of the right to information, automatic classification based on the analysis of the text of appeals, as well as legal mechanisms for the protection of persons

References:

1. <https://constitution.uz/en/pages/humanrights>
2. Decree of the President of the Republic of Uzbekistan dated January 17, 2019 No. UP-5633 "On Measures to Further Improve the System of Work with Population Problems." National Database of Legislation, December 11, 2019, No. 06/19/5892/4134)
3. National Database of Legislation, January 3, 2024, No. 06/24/221/0003
4. National Database of Legislation, December 29, 2023, No. 06/23/214/0984
5. Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the People of Uzbekistan on December 20, 2022. <https://president.uz/ru/lists/view/5774>
6. Law of the Republic of Uzbekistan "On Appeals of Individuals and Legal Entities." Collection of Legislation of the Republic of Uzbekistan, 2017, No. 37, Article 977; National Database of Legislation, September 21, 2024, No. 03/24/963/0735