

HISTORY AND THEORETICAL FOUNDATIONS OF NON-GOVERNMENT NON-PROFIT ORGANIZATIONS**Khusanov Otabek Nishonovich***(Phd) Independent researcher Academy of Banking and Finance
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It is impossible to build a new Uzbekistan and further develop global market relations without establishing the activities of the non-commercial sector, which is the core of civil society, on the basis of democratic requirements.

Society supports the mutual relations of institutions and units, integrates new social structures, subjugates the main part of the population based on its own logic, people living in this area are encouraged to organize various district social interactions and connections on a single basis in their behavior and have self-coordination mechanisms. . Society is a historically developing integrated system of interactions and connections of people, units and structures, which changes and forms in the course of their coexistence [1].

The force that motivates individuals to come together is their interests. The interests of people united in society become the interests of the social group. Of course, an individual cannot be prevented from being a member of other social groups as a member of a certain social group.

Although the term NGO is included in the legislation of many countries, in most cases their constitutions use the term public association instead. Also, most countries do not have a specific legal definition of an NGO.

According to Sernea, non-governmental organizations put the "human" factor at the center of development, and this institution allows people to compare with the government. But a great result was expected from the non-state sector and in some circles it was considered as a "quick solution to problems" [2].

According to Morris Suzuki, non-governmental non-profit organizations may seek changes in public administration, but some may also act to maintain existing social and political systems. For example, for radicals seeking to explore alternative options for development and change, NGOs can be seen as progressive tools for change. For conservative thinkers seeking private alternatives to the state, NGOs can be seen as part of market-based solutions to political problems. The main point here is to use the potential of non-governmental non-commercial organizations [3].

D. Kholmanova mentioned that the emergence of non-governmental non-commercial organizations is related to charity funds [4]. In his opinion, the researcher bases these organizations on the fact that one of the 4 types of legal entities in the Roman state is called charitable organizations.

In the territory of Uzbekistan, the development trend of non-governmental non-commercial organizations continued based on the specific characteristics of each historical period.

According to Sadikov, after the introduction of Islamic religion and culture to the territory of our country, the allocation of funds allocated by the state and some individuals for religious needs and good purposes was carried out at the expense of zakat funds [5].

Continuing this idea, it can be said that from a historical point of view, the systematic regulation of donations and zakat funds was carried out through the "Waqf" institution.

Historian scholar Q. who studied the history of the Waqf Institute. Yakubov said that the educational system, religious and public institutions, construction of roads, bridges, wells, their regular activities and other charitable activities were regularly supported by the income of the foundation's properties. It is a unique institution of social protection, serving the needs of the Muslim community [6].

After the establishment of the Uzbek SSR, the easiest and simplest, but at the same time effective form of republican administration was modeled from the Center to the union republics. As in the whole Union, in Uzbekistan, the most mass organizations, trade unions, were established completely dependent on the party committees. On March 21, 1925, the Congress of Trade Unions of Uzbekistan was founded.

During the former Soviet Union, non-governmental non-profit organizations were strongly influenced by the Soviet ideology, and the right to establish or join a non-governmental non-profit organization was aimed at the realization of one or another goal of the Communist Party.

Today, instead of the main features of the interaction between the state and non-governmental non-profit organizations, that is, the tendency of the two entities not to interfere in each other's affairs or to support each other in the implementation of socially useful projects, a system of state and community management was established by the non-governmental non-profit organization.

All non-governmental non-commercial organizations established during the former Soviet Union were established under the "order" of the Communist Party. This, in turn, is the basis for evaluating the right to join the associations specified in the Constitution as being restricted by another non-governmental non-commercial organization.

Although the term NGO is included in the legislation of many countries, in most cases their constitutions use the term public association instead. Also, most countries do not have a specific legal definition of an NGO[7].

In the scientific literature, the concepts of non-governmental non-profit organizations and public associations are characterized by different views on understanding the essence and determining its importance. Therefore, in some studies, the concept of "public associations" is used, in some studies, "non-governmental non-profit organizations", and in others, "non-profit organizations".

According to Sh.Yakubov, "in the opinion of most Western experts working in the field of sociology, jurisprudence and political science, non-governmental organizations (in English "non-governmental organizations" (NGO), in Russian "nepravitelstvennye orzanizatsii" (NPO) are the main institutions of civil society) [8].

The concept of non-governmental organizations was first expressed in international legal documents. This concept was first enshrined in Article 71 of the Charter of the United

Nations, and later began to be reflected in other international legal documents and national legislation [9].

A non-governmental organization is defined by the UN as "a voluntary non-commercial association of citizens at the state or international level", while the Council of Europe defines a non-governmental organization as "a voluntary organization based on self-governance by its essence"[10].

According to Sh. Nazarov, any public organization appears as an organizational unit based on social and, first of all, legal norms. Public organizations appear as an institution with a set of consciously systematized internal organizational relations and a whole complex of organizational methods necessary to influence social reality in a purposeful manner[11].

The legislation of the Republic of Uzbekistan uses the concept of a non-governmental non-profit organization, and it is necessary to analyze the issues of its relationship with public associations, trade unions, religious organizations, associations, associations and other concepts.

According to E. V. Nelyubina, the main task of non-governmental organizations is to ensure civil control over the observance of human rights by the state and its participants involved in the socio-political, economic, spiritual and cultural spheres of society[12].

In studies by LM Salamon and SW Sokolowski, they note that non-governmental organizations constitute the "third sector" along with the state and business. They also recognize the existence of the concept of civil or non-profit organizations as another name for non-governmental organizations[13].

It should also be noted that a number of large-scale studies have been conducted in recent years about the trends in recognizing non-governmental organizations as a third sector and increasing their role in society. Among such studies, it is possible to point out the research conducted by AM, Bach-Mortensen, BC Lange, and P., Montgomery [14], etc.

Now, the understanding of the meaning of the concepts of "non-governmental organizations", "non-governmental organizations", "non-governmental non-profit organizations", "public associations", the similarities and differences between them, the role of these organizations in ensuring human rights and creating a civil society, was discussed earlier. if we pay attention to the analysis of theoretical and legal views.

As noted by Yu.V.Botnev, non-governmental organizations are an institution of civil society based on the principle of equal rights and self-management. Its characteristics include non-commercial activity, voluntary organization and membership, independent activity from state bodies based on the principle of independence and legality. The purpose of their organization is to protect the rights and freedoms and legal interests of the individual[15].

As T.D. Matveeva rightly noted, "World experience shows that the protection of human rights largely depends on the purposeful participation of public representatives fighting for democratic views, organized independently of state power, using the generally recognized right to association in this process" [16].

O. S. According to Andreeva, "non-governmental organizations are legally formalized associations based on informal management, organized by a group of individuals or individuals (individuals and legal entities) to achieve common goals" [17].

M. A. As Akimova rightly noted, "Non-governmental organizations should reflect the interests and problems of society, not the state's point of view" [18].

In his research, A. Ware suggests calling non-profit organizations that provide cooperation between the state and business "intermediate organizations", and suggests not to use the traditional concept of "non-profit (non-profit) organizations" in relation to these organizations[19].

E.V. Nelyubina, paying attention to the main activities of public associations, emphasizes that its main goal is "to protect the persons whose rights and legal interests have been violated as a result of the actions (inaction) of state bodies or officials"[20].

Continuing with this idea, it is necessary to add that it is natural for non-governmental organizations to have disputes with government bodies or problems that need to be resolved legally during the performance of their main functions. Therefore, we believe that effective legal mechanisms for resolving disputes between state bodies and non-state organizations should be clearly defined in the national legislation. K. As the main characteristic of non-governmental organizations, Ospanova points out that they are independently organized by citizens or individuals and that they do not use the traditional methods used to organize state organizations[21].

V.S. As Hijniak pointed out, "Non-governmental organizations are non-profit institutions based on the principle of voluntary, equal rights, self-management aimed at realizing the general and common goals of their participants" [22].

Based on the analysis of international experience and the views of scientists, the following proposals can be put forward:

First, the legislation of Uzbekistan does not have the concepts of "non-governmental organizations" and "non-profit organizations", which are widely used in international practice. The concept of "non-governmental non-profit organizations" is given priority in the national legislation. However, in international legal documents and in the experience of developed countries, it is legal practice to emphasize the concept of "non-governmental organization" and to mean one of the institutions of civil society through this concept. Although the approach used in expressing this concept is different in different countries, it is proposed to define the concept of "non-governmental non-commercial organizations" in the legislation based on the national legal practice.

In our opinion, a non-governmental non-profit organization is a self-governing organization that is voluntarily established by individuals and (or) legal entities, does not make income (profit) the main goal of its activity, and does not distribute the received income (profit) among its participants (members). It is considered appropriate to advance the definition.

Second, it is proposed to introduce a constitutional norm on voluntary membership of public associations into the Constitution of the Republic of Uzbekistan.

Third, the issue of whether legal entities can participate as initiators in the national legislation remains open, and this situation is also considered contrary to the provisions of international law on the establishment of non-governmental organizations. Therefore, in our opinion, it is proposed to strengthen the right of legal entities to take the initiative in establishing a non-governmental non-profit organization in the legislation.

Fourth, based on international experience and doctrinal views, non-governmental non-profit organizations based on the sphere of activity and territory of the republic non-governmental non-profit organization; interregional non-governmental non-profit organization; it is proposed to allocate to an international non-governmental non-profit organization.

Fifth, based on the legal nature of organizing the activities of non-governmental non-profit organizations, it is proposed to define the following as the main principles of their activity: "It is proposed to define the following as the main principles of the activity of a non-governmental non-profit organization: legality; voluntariness; transparency of registration; non-discrimination; openness of activity".

Sixth, based on the analysis of the legislation of the Republic of Uzbekistan, 4 distinctive features of non-governmental non-commercial organizations can be distinguished:

- organized on a voluntary basis by natural and (or) legal entities;
- does not make income (profit) the main goal of its activity;
- does not distribute the received income (profit) among its participants (members);
- based on self-management.

Sixth, it is appropriate to develop criteria and methodologies for assessing the activities of civil society institutions, taking into account their contribution to the solution of socio-economic issues and the development of society. In it, the number of socially useful projects, proposals for improving the legislation in the field and relevant changes made to the work process and legal documents based on them, and the level of activity in the field of public control can be mentioned as the criteria of the main indicators of the effectiveness and efficiency of civil society institutions.

It is known from foreign experience that information about the activities of non-governmental non-profit organizations engaged in sponsorship and charity activities is published in a number of independent sources. Different rating agencies analyze the activity of funds and publish their ratings. This situation also serves as a special report for those who carry out sponsorship and charity activities.

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