

In Control of Legality Business in the Republic of Uzbekistan Role of the Ombudsman

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Abstract: the main goal of this article is to create conditions for protecting the rights of business entities using various means. At the same time, the world experience of protecting the rights of business entities under the President was studied and its impact on promoting business was analyzed. In particular, the reforms of the last 3-4 years were considered and the state developed strategic programs. A representative institution of entrepreneurs was created . The goals and objectives of the Representative Institute are analyzed . Areas of activity were studied .

Keywords: subjects of entrepreneurship, protection, institution of representation, property.

A strong political, economic, legal, and spiritual foundation of our independent state was created as a result of the reforms implemented consistently during the years of independence. It is known that on February 7, 2017, our President Sh. Under the leadership of Mirziyoyev, the Presidential Decree "On the strategy of actions for the further development of the Republic of Uzbekistan" was adopted . In the decree, it is mentioned that the in-depth analysis of the development path of our country since the years of independence, today's world market situation has changed dramatically and the competition is becoming stronger in the conditions of globalization, which requires the development and implementation of a completely new approach and principles for the development of our country at a more stable and rapid pace.

conditions for the comprehensive and rapid development of the state and society, to implement the priority directions for the modernization of our country and the liberalization of all spheres of life, Actions on the five priority directions of the development of the Republic of Uzbekistan in 2017-2021 strategy was developed. Above emphasizing as before , five priority of direction the third is this the economy more development and is liberalization .

Sh . Rozinazarov stated : " Society legal requirements in practice apply mechanism through done is increased . Ours to our recognition according to the law without his help coercion powerless , state by without guarantees , society one whole structure as live ca n't Right only society development with depends being not only _ him to action bringer power , tool , social development guarantor as too service does _ Entrepreneurs right and interests guarantees the law tool with current " .

Actions of strategy the third priority direction state forward the economy more development and to liberalize directed macroeconomic stability strengthening and high economic growth pace save stay , national of the economy competitiveness increase , village farm modernization to do and fast development in the economy state participation reduce according to institutional and structural reforms continue carry on , private property the right protection to do and his priority position more strengthen , small business and private entrepreneurship development incentives , regions , district and cities complex and proportionate without social - economic progressive development , investment environment improve through our country economy networks and to the regions foreign investments active attraction reach duties pours _

Here it is that's it tasks own in time and good quality perform and entrepreneurship of subjects rights and legal interests protection to do guarantees strengthen their _ to the activity state bodies unreasonable intervention prevention get , private property of inviolability legal mechanisms more strengthening , as well as entrepreneurship subjects of rights priority principle provide in order to while in our country the president decree with the president in the presence of Entrepreneurship of subjects rights and legal interests protection to do according to representative institute organize done.¹

We know that any state structure in the state administration system must be given certain powers and rights, in particular to the business ombudsman institution, in order to effectively and qualitatively implement the tasks and functions before it. The Presidential Decree " On the Establishment of the Representative Institute for the Protection of the Rights and Legal Interests of Business Entities under the President of the Republic of Uzbekistan" adopted on May 5, 2017 defines the rights, powers, duties and organizational legal bases of the representative.

It is known that in order to protect the rights of entrepreneurs, it is important to protect property rights first of all. I.B. Zakirov stated: "Protection of property rights and other material rights means a set of tools defined in civil legislation aimed at eliminating violations against these rights, restoring and protecting the owner's property interests."

After the establishment of the Representative Institute for the Protection of the Rights and Legal Interests of Business Entities under the President of the Republic of Uzbekistan, its main tasks and areas of activity were defined as follows: - participation in the formation and implementation of state policy in the field of development of entrepreneurial activity, protection of the rights and legal interests of business entities ; - implementation of control over observance of the rights and legal interests of business entities by state bodies, including law enforcement and control agencies ; - legal support of business entities when their activities are being checked; - to study whether the norms and requirements of legal acts on guarantees of freedom of entrepreneurial activity are being implemented in practice; - assessment of the effectiveness of the adopted regulatory legal acts on the implementation of business activities; - preparation of proposals for improving the legislation aimed at strengthening the legal guarantees of business entities and stimulating their development.²

¹ Rozinazarov Sh.N. Guarantees of ensuring the constitution and the rule of law in business activities // Bulletin of TDYuI. 2006. - #4. - B.84.

² Zakirov I.B. Civil rights. Textbook. Part 1. - T.: TDYuI, 2006. - B.255

In accordance with the decree, the representative for the protection of the rights of entrepreneurs exercises his powers independently and not subordinate to state bodies and their officials, and is accountable to the President of the Republic of Uzbekistan in his activities. The representative for the protection of the rights of entrepreneurs and his deputy are appointed and dismissed by the President of the Republic of Uzbekistan. This means that it is not related to the principle of separation of powers enshrined in the constitution, its activity is independent and it is subject only to the President.

The representative for the protection of the rights of entrepreneurs systematically provides the President of the Republic of Uzbekistan with information on the state of compliance with the legislation on the protection of the rights and legal interests of business entities by state bodies, including law enforcement and control agencies. That is, the representative provides information on how laws and statutory documents related to the field of entrepreneurship are being implemented on the ground, how proportional the laws are to practice, what laws need to be improved, and similar situations.

the representative allows to express the general characteristics of the institution of the representative (ombudsman) on the rights of entrepreneurs operating in different countries. 1. The representative institution is of great importance and completes the mechanism of guaranteeing the valid right in the state. Its implementation is a legitimate result of social democracy; 2. The representative institution belongs to the highest officials of the state; 3. The main direction of work is carried out in cooperation; 4. Complaints and applications are quickly received and considered in the first place; 5. Takes active measures not prohibited by law to achieve the goal; 6. There is a control function that is implemented in relation to legal rules and norms, principles of effective and efficient management and human rights; 7. Having general authority to monitor the activities of state management bodies in all directions; 8. Does not have the authority and power to make decisions of a universal nature; 9. Independence of the representative institution. In most countries, he is appointed by and accountable to parliament; 10. In some cases, the ³ombudsman does not limit himself to reviewing specific decisions and actions of the administration, but also provides a comprehensive review of the activities of state bodies and officials, as well as the conclusion of their actions on the principles of humanity, justice and appropriateness; 11. The uniqueness of the ombudsman institution is characterized, on the one hand, by remaining faithful to its main content and characteristics, and on the other hand, by the fact that it operates in different forms based on the socio-political conditions of each country. That is why, taking into account the diversity of the ombudsman, it is necessary to define his functional duties and not to impose strict requirements on the recognition of this or that form; 12. Actions of the representative are mainly focused on implementation of citizens' rights and correction of mistakes made in the activities of the state administration. To achieve these goals, the ombudsman uses specific methods, that is, he follows the principles of persuasion, criticism and transparency. The existence of these institutions is aimed at the development and improvement of non-traditional influence on the administration; 13. This form of control is distinguished by the fact that it is simple and understandable

³ <https://lex.uz/docs/-3321352>

for entrepreneurs, it is characterized by the direct appeal of the population to the ombudsman and the provision of free services to him.

According to the decree, the status of the representative for the protection of the rights of entrepreneurs, according to the conditions of wages, medical and transport provision, is assigned to the deputy state adviser of the President of the Republic of Uzbekistan, and the deputy representative for the protection of the rights of entrepreneurs is equivalent to the head of the branch of the Office of the President of the Republic of Uzbekistan for the protection of the rights of entrepreneurs. It is envisaged that the representative's activities will be provided by the Office of the Representative for the Protection of the Rights of Entrepreneurs, who are legal entities. In accordance with Article 8 of the Law on "Representative on the Protection of the Rights and Legal Interests of Business Entities under the President of the Republic of Uzbekistan" adopted on August 29, 2017, the following rights are provided to the representative: 1) state bodies of legislation on the observance of the rights and legal interests of business entities, including studying tacit enforcement by law enforcement and regulatory agencies; 2) to monitor the legality of inspections in the activities of business entities, to make proposals for taking comprehensive measures to prevent cases of illegal interference in the activities of business entities; 3) issuing a written warning to the officials of state bodies and other organizations about the impossibility of violation of legal documents regarding the observance of the rights and legal interests of business entities; 4) submission of mandatory reports to the heads of state bodies and other organizations on the elimination of identified violations of legal documents, the reasons and conditions that enable them; 5) to apply to the courts without paying state duty for the interests of business entities with applications and claims; 6) request and receive statistical, analytical materials, conclusions, and other information from state bodies and organizations on issues within their competence; 7) participation in meetings of state bodies related to consideration of issues of protection of the rights and legal interests of business entities; 8) in necessary cases, to attract managers and specialists of state bodies, scientific institutions and other organizations, to create working groups for the implementation of assigned tasks; 9) unhindered access to places of detention and penal institutions to meet with representatives of business entities suspected, accused and convicted of crimes in the field of business activity; 10) drawing up reports on administrative offenses in connection with cases of violation of legal documents that cause administrative liability.

Based on the above, it is worth saying that the introduction of the representative institute for the protection of the rights of entrepreneurs in our country is one of the main signs of a democratic state, because one of the main features of a democratic state is the protection of the rights and freedoms of every citizen and individual by the state and the condition for the realization of these rights. means creating conditions.

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