

The Theoretical Foundations of Public Control and its Significance in Public Administration

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ABSTRACT

The establishment and growth of the Republic of Uzbekistan's public control institution are examined in this article. In order to guarantee human rights and freedoms in our nation, it emphasises the function of public control founded on social policy and constitutional principles. As the primary sources, the study looks at the Law on Public Control, the updated Constitution, and the president's speeches. Scientific analysis is used to examine the core tenets of public control, including impartiality, openness, and legality. The article rightly highlights how crucial public control is to the growth of civil society, maintaining the openness of state operations, and combating corruption.

Keywords: Reforms; Society; Constitution; Citizens; Civil Society; Freedoms; Control; Legal Culture.

1. Introduction

At the core of the systemic reforms being implemented in our country in recent years lies the issue of ensuring human rights and freedoms. The strong social policy pursued in our country is aimed at creating a prosperous lifestyle for the population and thereby ensuring people's satisfaction. Article 1 of the newly revised Constitution states: "Uzbekistan is a sovereign, democratic, legal, social, and secular state with a republican form of governance" [1]. That is, our Constitution firmly establishes that attention to the individual, honoring their dignity, and providing care are the highest duties of the state and society.

In his speech at the solemn ceremony dedicated to the thirty-second anniversary of our country's independence, our President Shavkat Mirziyoyev emphasized: "First and foremost, we need a strong civil society because any reform must begin in each of our hearts and minds. We must be ready to live conscientiously in accordance with just laws and, united in our efforts, take confident steps forward for the future of our country" [2].

Indeed, public control is an important condition for the development of civil society. It is difficult to imagine the formation of a civil society in a country where public control is absent or lacks sufficient strength. Civil control can be carried out by individual citizens who are not members of any public association, as well as by representatives of local communities (mahallas). Public control, however, is exercised not by individual citizens, but by public associations and their representatives.

1.1. Study Objectives

The following are the objectives of this study:

- 1) to analyze the legal and constitutional basis of public control in Uzbekistan by examining key legislative documents, including the updated Constitution, the Law "On Public Control", and relevant presidential speeches.
- 2) to identify and interpret the core principles of public control, such as legality, impartiality, openness, inclusiveness, voluntariness, and the prioritization of citizens' rights and freedoms, and to assess their role in fostering good governance.

3) to investigate the role of public control in the development of civil society, focusing on how it contributes to transparency, accountability, and the prevention of corruption within state institutions.

2. Discussion

The purpose of this article is to examine the establishment and growth of the Republic of Uzbekistan's public control institution. Normative-legal documents, specifically the recently amended Constitution, the Law "On Public Control", and the President's speeches, were examined as primary sources in the study. Important facets of public control principles, including legality, impartiality, inclusivity, and the importance of citizens' rights, were investigated scientifically through methods of analysis and comparison. Furthermore, data from real-world experiences and academic sources were also examined.

A number of Uzbek legal scholars have expressed their views regarding the concept of public control. In particular, X.R. Mukhamekhodjaeva defines this concept as follows: "Public control is the control exercised by social structures and citizens, with one important form being public control over the activities of the executive authorities. The necessity of such control arises from the nature of the executive authorities' functions, composition, system, and structure, as well as their role within the system of state power" [3].

Doctor of Law B.I. Ismoilov defines the concept of "public control" as the control exercised by civil society institutions, citizens of the Republic of Uzbekistan, and their associations over the activities of state authorities and administration [4].

Furthermore, J. Chorshanbiyev, discussing the importance of public control in the formation of civil society, states: "Public control is an important factor that contributes to the establishment of social justice in society, ensuring equality, responsibility, and accountability in the relationships between individuals, society, and the state. It guarantees that human rights and freedoms are not only protected by the state but also ensures their priority in the activities of state authorities. Public control is the control exercised by citizens" [5].

With reference to the aforementioned opinions, X.R. Mukhamekhodjaeva defines public control as a procedure whereby citizens and social structures monitor the actions of the executive authorities. According to B.I. Ismoilov, it is the authority that citizens and civil society organisations have over the government and its administration. Conversely, J. Chorshanbiyev sees public control as a crucial component that guarantees the priority of human rights and promotes justice and equality among individuals, society, and the state.

Summarizing these views, we define the concept as follows: In order to ensure legality, justice, and the importance of human rights, citizens and civil society organisations engage in public control, which is an open and independent monitoring activity of state authorities' and officials' actions.

The development of any society and country is achieved through the efforts of its participants, that is, the citizens. In this process, public control plays a special role. Especially, as emphasized by the President of Uzbekistan, there is no more effective tool than public control in achieving the supremacy of the Constitution and the rule of law [6].

Public control is the direct control of the people over political power. The stronger the public control, the quicker solutions are found for societal issues. In other words, public control plays a crucial role in addressing the most

pressing problems in society, resolving shortcomings that concern and worry the people, and ensuring the effective functioning of state authorities. In his Address to the Supreme Assembly on December 22, 2017, President of the Republic of Uzbekistan Shavkat Mirziyoyev stated that to date, effective legal mechanisms for public control over the activities of state authorities have not been established, which hinders non-governmental organizations from impartially assessing the activities of state authorities and officials. Based on this, he emphasized the necessity of adopting the law “On Public Control” in order to implement effective and practical mechanisms for public control in the governance of the state and society. Additionally, he proposed the establishment of public councils at all state authorities, which would ensure the transparency of their activities and serve as a bridge connecting them directly with the population [7].

Based on the above-mentioned proposal, the Law of the Republic of Uzbekistan No. LRU-474, dated April 12, 2018, “On Public Control” [8], was adopted, with the aim of organizing and implementing public control over the activities of state authorities and institutions, and regulating the relations in this area.

Article 5 of this Law, titled “The basic principles of public control”, lists the following as the main principles:

- legality;
- the primacy of citizens’ rights, freedoms, and legal interests;
- voluntariness of participation in the exercise of public control;
- the inclusiveness and transparency of public control;
- the impartiality and disinterest of the subjects of public control;
- the reliability of the results of public control;
- the prohibition of undue interference and unlawful influence on the activities of state authorities and their officials by the subjects of public control [9].

3. Results

It is important to remember that the foundation of a democratic society depends heavily on the active involvement and supervision of citizens in state governance. By offering a legislative framework for the execution of public control, the Law of the Republic of Uzbekistan “On Public Control” seeks to accomplish this objective. The fair and efficient operation of the public control system is ensured by the fundamental ideas stated in Article 5 of the aforementioned Law [10].

First and foremost, *the legality principle* provides a solid basis for public supervision. Only current laws must be used as the basis for control. By encouraging citizens to uphold the law, this principle not only maintains legal order but also improves the legal culture of the areas under supervision.

Protecting human interests during the control process is given particular attention thanks to *the principle of the primacy of citizens’ rights, freedoms, and legal interests*. This ensures that each citizen’s needs and personal rights are taken into consideration in addition to the interests of the state and the general public. Consequently, social activity rises and the growth of civil society institutions is encouraged.

Furthermore, *the principle of voluntariness* guarantees that the control activity is conducted in a genuine and organic manner. Because no one is forced to take part in control, the participants' independence and objectivity are strengthened.

The dissemination of control outcomes to the general public is guaranteed by *the principles of transparency and publicity*. Open media coverage of control outcomes boosts public confidence, guarantees the openness of state authorities' operations, and is a powerful weapon in the fight on corruption.

Additionally, *the impartiality and disinterest principle* mandates that the subjects of supervision act only in accordance with justice and truth and be free from any personal interests. This boosts confidence in public control and ensures the impartiality and fairness of the control outcomes.

The provided information must be truthful, accurate, and well-founded in order to comply with *the principle of the reliability of control results*. This is due to the fact that inaccurate and untrustworthy conclusions have the potential to foster a culture of ambiguity and mistrust.

Finally, public supervision is conducted within the bounds of the law thanks to *the principle of non-interference in state authorities' operations*. Public officials must use their legal rights without illegally influencing state bodies' operations. Legal order and state sovereignty are upheld by this principle.

All things considered, the Law "On Public Control" provides a solid legal basis for the steady growth of civil society in the Republic of Uzbekistan, bolstering public supervision of state institutions and fostering greater citizen-state cooperation and trust. Such an approach plays a significant role in preventing corruption, guarantees active citizen participation in state governance, and provides opportunities to reflect societal needs in state policies. As a result, the nation's democratic governance values are strengthened, and decisive actions are made to establish a just society and the rule of law.

4. Conclusion

The defence of human rights and freedoms is at the heart of the extensive and profound reforms being implemented in the Republic of Uzbekistan. The protection of citizens' rights and interests is a top priority for state and societal actions, according to the Constitution's most recent edition. According to this viewpoint, the establishment of public control is crucial to the formation and advancement of civil society in our nation.

The findings of the study indicate that public control helps to establish social justice, equality, and responsibility in society in addition to guaranteeing the transparency of state bodies' operations. The development of open communication between the state and society strengthens the atmosphere of trust. This is achieved through control conducted by citizens and civil society institutions based on the principles of legality, impartiality, publicity, and the prioritisation of human rights.

Adopted in 2018, the "Law on Public Control" created transparent and efficient control procedures and gave this control activity a legal basis. The effectiveness and fairness of public control are specifically ensured by upholding fundamental principles like legality, voluntary participation, transparency of results, and non-interference in state bodies' operations.

All of these circumstances help to strengthen the foundations of democratic governance in our nation, boost the efficiency of the anti-corruption campaign, and encourage public involvement in state governance.

Based on the above-mentioned ideas, the following justified proposals have been developed:

1. *Strengthening the activities of Public Councils*: Public Council operations must be efficiently coordinated in all state agencies and institutions, and their authority must be increased. The state and citizens will be able to communicate more effectively as a result.
2. *Increasing the legal literacy of the subjects of control*: For citizens and representatives of non-governmental organisations that perform public control, it is advisable to arrange specialised training courses and seminars. This will raise the standard of the control process and strengthen their legal culture.
3. *Ensuring regular coverage of control results in the mass media*: Public control outcomes ought to be swiftly and openly shared with the public and extensively reported in the media and on social media. This will boost public trust and make government operations more transparent.
4. *Expanding mechanisms for involving citizens in public control*: It is essential to provide citizens with convenient and effective ways to engage in public control through specialised online platforms and applications.
5. *Using the results of public control in shaping state policy*: In light of the shortcomings and recommendations found during the control process, it is advised that the practice of forming state programmes and reform strategies be strengthened.

Declarations

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The author has not declared any conflict of interest.

Consent for publication

The author declares that he/she consented to the publication of this study.

Authors' contributions

Author's independent contribution.

Informed Consent

Not applicable.

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