IMPORTANT ISSUES OF INCREASING THE ROLE OF NON-GOVERNMENTAL NON-PROFIT ORGANIZATIONS IN PREVENTING VIOLATION OF LAWS

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Received 22-DEC-2015; Accepted 20-JAN-2016; Online 01-MAR-2016

Abstract: The author gives attention to the role of non-governmental non-profit organizations in preventing violation of laws and its historical aspects in Uzbekistan. In the expertise of developed countries of the world in conditions of building civil society cooperation, especially, mutual cooperative activities between the state and non-governmental organizations become one of the important factors of free and active participation in social life. This, in its turn, is in line with the effectiveness of the activities based on social partnership between state and non-governmental organizations. Especially, in the accomplishment of the important prophylactic tasks such as preventing violation of laws in society and preventing their happening, this partnership, the partnership between the state and non-governmental civil society institutes is very much needed. In this article, the author systematically analyzes theoretical and practical aspects of reforms taking place in our country to prevent violation of laws by civil society institutes and provides his conclusions. Along with this, within the frame of this article, the author makes scientific polemics with the views of our local and foreign scholars and experts regarding the tasks of non-governmental non-profit organizations in preventing violation of laws and expresses and points out his views contrasted to the opinions of other scholars. Besides, practical experience of using legislation and rights in practice, and preventing violation of laws in Uzbekistan, legal reforms of this direction taking place in our Republic and importance of achievements and results accomplished through the measures taken are analyzed. Especially, the analysis of the statistics regarding role of mass-media in preventing violation of laws and based on this, gives scientific recommendations and suggestions which serves as an important factor and helps improve the existing legislation and further deepening reforms taking place in the field of court-law in the Republic of Uzbekistan.

Keywords: violation of laws, legal mind, legal culture, civil association, non-governmental non-profit organization, preventing violation of laws, prophylactics.

Preventing violation of laws is the task of not only government organizations, but also one of the main directions of the activities performed by non-governmental organizations.

It is clear from the experience around the world that mutual cooperation of people in conditions of civil society, their chances to participate freely and actively in social development are mostly carried out via existing non-governmental organizations. The President of the Republic of Uzbekistan Islam Karimov when discussing non-governmental non-profit organizations formed in our country and which are the main institute of civil society, points out an unparalleled importance and role of such organizations in consolidation of democratic traditions in the minds of people, increasing their political and civil activeness, also, expanding and deepening democratic changes taking place in our country (Karimov, 2005, pp.181-182).

As academician M. Sharifkhojayev urges, – “In order to increase political and legal awareness and legal culture of people, despite the amount of events organized by the government or the legal bases created, if the fourth government and non-governmental and social organizations do not take the initiation rather than the government, expected outcomes cannot be achieved” (Sharifkhojayev, 2003, pp. 308-309).

Legal expert I. Jurayev points out that “An alternative method of crime prevention and fighting against crimes is the legal education of people. In this, along with the local government bodies, political parties and social organizations should actively participate in these activities” (Jorayev, 1993, pp. 112-113).
Professor O. Husanov explains the attention paid to increasing legal education, legal training and legal literacy as follows: "Why is it important to pay attention to the issues of studying the Constitution or rule of law, increasing of legal culture? Why millions of sums are spent on these purposes? The reasons are listed as follows:

First of all, an individual with sufficient legal knowledge and degree understands the Constitution, and the main law becomes a guarantee of his happiness and future;

Secondly, the person who knows his general rights and private rights will not feel subordinate to nuisances of everyday life and courageously protects himself;

Thirdly, knowing the laws and realizing inevitability of punishment for crime protects a person from various bad deeds, abusing others and choosing the path of crime;

Four, only individuals with full legal mind and thought can build a legal state. No power, no danger or state can defy a legal state full with highly thoughtful citizens" (Husanova, 2008, p. 298).

Supporting the above opinions of the professor O. Husanov, we would like to stress out the interconnection between his conclusions and our research questions as "knowing the laws and realizing inevitability of punishment for crime protects a person from various bad deeds, abusing others and choosing the path of crime".

However, in addition to this, acquiring such legal knowledge, its practical application or use of effective mechanisms of undertaking law today becomes more crucial than ever. Especially, we consider the words of academician M. Sharifkhojayev on the role of non-governmental and social organizations in increasing political and legal minds of citizens as important topic of research. The reason is that, as a result of an active participation of such social organizations, activities of government bodies, organs and institutes directed to prevention of violation of laws can be improved. As our President emphasized, non-governmental organizations are assigned important tasks to prevent violation of laws and to increase legal education of people as the emphasis is upon further improvement of the system of social organizations in Uzbekistan in accordance with the principles of state and society construction, expansion of their participation to the solution of national issues and reforms, increase of citizens' political and legal activeness (Karimov, 1998, p. 104).

Today, ideas in line with the goals of non-governmental non-profit organizations: kind word, kind thought and kind deeds are fully expressed in our ancient holy heritage – “Avesta” (Tokhir Karim, 2000, p. 176; Boboyev and Hasanov, 2001, pp. 52-55; Otamurodov, 2001, pp. 34-36). Based on the opinion of Abu Nasr Farabi, who greatly contributed to the scientific civilization of the world, “Every person is created in a way which feels needy to many things to achieve greatness and to live; he himself cannot achieve them, and needs help from human society. Accordingly, only through the union with people, an individual can achieve greatness by delivering, mutually helping and collaborating" (Abu Nasr Farobiy, 1993, p. 186).

Abu Ali ibn Sino describes free citizens as the anchor of an ideal society and pointed out that cooperation was necessary for their peaceful and prosperous lives. According to his opinion, through mutual connection and exchange people satisfy needs of each other. As a result of mutual cooperation and friendliness, the principles of fairness rule the society (Irisov, 1980, pp. 162,194,195).

About the participation of non-governmental organizations to this process, Sh. Nazarov marks non-governmental non-profit organizations as active subjects of increasing the population’s legal minds and culture, and argues that they greatly contribute to the process of ensuring stability in the state, prevention of violation of laws, protection of democratic traditions through fulfillment of important tasks and consolidation of the foundation of civil society (Nazarov, 2009, p. 152).

Nowadays almost all of non-governmental organizations set the development of the state in a democratic way, protection of human rights on given sectors, effective supervision on the government bodies and others as the main directions of their activities. Citizens associated with non-governmental organizations try to undertake their various rights and benefits through the organizations. Under these conditions, a set of new tasks are assigned to the non-governmental organizations as ensuring the participation of citizens to the government activities, also, forming a positive attitude towards existing legislature and through this, educating law-abiding individuals.

In undertaking legal education, as a non-governmental organization, mass media plays an important role. It is difficult to imagine shaping legal culture without their activities, says S. Yakubov, candidate of law (Yakubov, 2010, p. 144). As the degree of legal mind of an individual and his legal culture plays a leading role in prevention of violation of laws, it is impossible to ignore the role of mass media in increasing people’s legal minds and culture. Especially, Russian scholar I. Khil put an
emphasize upon the sources of information in shaping legal mind, and among the sources, points out mass media as particularly important (Khil, 2007, p. 175); a local lawyer J. Abdullayev urges that in order to further develop the activities of mass media, it is necessary to adopt laws on “Regulations of broadcasting the activities of government bodies through mass media”, “Economic foundations of the activities of mass media”, conception of “Establishing social TV and Radio Broadcasting in the Republic of Uzbekistan and improving the existing legislature” and “Television for society” (Abdullayev, 2008, pp. 154-156).

It is time to emphasize that none of us can reject that mass media holds a crucial position in the issues of increasing legal minds and culture in our society, issues of legal culture, also, issues of ensuring social-political activeness of society and consolidation of democratic traditions which cannot be contrasted with anything.

That is why the leader of our government has paid attention to this several times and pointed out that it has become a forth branch of the government – mass media is the number four government – and a necessary condition for the development of a legal state. As Uzbekistan aims at constructing a free, open, legal and democratic state, these conditions must be met. He also points out that the Constitution of our state has been created based on the above (Karimov, 1997, p. 159).

Besides, the reforms carried out by our President are assigning new responsibilities to the mass media. As the President acknowledges, media must be an influential tool to shape new thoughts and mind in people, express opinions, wishes and will of people freely and impartially, with one word, a constant protector of human rights, and this acknowledgement shows the crucial role media has today in our country (Karimov, 1998, p. 145).

When discussing the number and quality of mass media means in our Republic, it should be noted that by January 1, 2014, 1372 media are registered with the Media and Information Agency, incl. 1016 published press (709 newspapers, 289 magazines, 14 heralds, 4 information agencies), 95 electronic media (63 TV channels, 32 radio channels), also, 261 news websites; 62% of mass media are considered as non-government networks (Salikhov, 2014, p. 16). Paying attention to the statistics shown above, we can clearly see the importance of mass media in the social, political and legal life of our state.

In fact, taken into consideration that majority of more than 1400 mass media networks operating in Uzbekistan are non-governmental organizations, it is not difficult to realize the important role they play to increase legal minds and cultural level of the population, to establish legal education in a proper way and based on this, to prevent violation of laws in our country (Chorshanbyiev et al., 2015, p. 28). Moreover, during the lecture of our President at the joint meeting of Legal Chamber and Senate of Oliy Majlis (parliament) of the Republic of Uzbekistan on November 12, 2010, it was clearly defined that civil institutes, non-governmental non-profit organizations currently become an important factor of democratic traditions, human rights and freedom protection, also, legal benefits of people; furthermore, they are creating a favorable condition for the accomplishment of citizens’ full capabilities, their social and socio-economic activeness and legal culture. They are also assisting to ensure the balance of benefits in society. The more prestige such organizations gain, the better civil supervision of civil societies on state and government bodies is performed. He also mentioned ensuring an effective cooperation between society and state via civil society and civil supervision institute, analyzing the attitude of people towards the changes taking place in the state, which become important means of democratization (Karimov, 2010, pp. 42-43). As a result of the above acknowledgement of our President, nowadays, the role of the non-governmental non-profit organizations in social and political life of the society is increasing; their activities during the process of adopting laws, state programs, and providing legal services to the population are expanding. As an instance, more than 2000 representatives of NGO (non-governmental organization)s in our country have taken part in discussion and expertise of laws as “On the Ecological Control”, “On Social Partnership” and “On civil supervision in the Republic of Uzbekistan” (Salikhov, 2014, p. 13). During the years 2012-2013, representatives of various NGOs actively participated in creation of the State Programs on “Year of Steady Family”, “Year of Prosperity” within the Republican commissions (2011 and 2012, Presidential decree). Especially, a bright example of favorable conditions created for the activities of social organizations can be seen in the awarding of 159 NGO representatives with state awards by order of the leader of our country during the years 2010-2013 (Salikhov, 2014, p. 14).

However, it should be particularly noted that any kind of organization, if it is not based on a firm legal ground, despite its necessary economic, social and political foundations, cannot develop its activities in future. Making this point of view the main aspect of the issue, we all know that necessary legal
foundations have been laid and we find it redundant to count normative documents dedicated to the field. The reason is a firm legal base of the field has already been created (J. O’zbekiston Respublikasi Oliy Majlisining Akhborotnomasi, 1999; J. O’zbekiston Respublikasi qonun hujjatlari to’plami, 2004-2014). However, we find it necessary to pay attention to one aspect. The activities of non-governmental organizations related to prevent violation of laws, and any activity performed by organizations should be based on mutual cooperation, and such cooperation should be based on particular legal foundations, also, relations between the organizations and government and administrative organs should be regulated with a firm legal base. We can firmly say that as a result of the reforms taking place in our country for the past years, such legal base has been created. A legal base of cooperation between non-governmental non-profit organizations and other institutes of civil society is prescribed in the law of the Republic of Uzbekistan on “Social Partnership” adopted on September 25, 2014. This law is important as it defines the main principles of social partnership and clear directions of social partnership sectors, democratic principles of material legal base of undertaking cooperation between non-governmental non-profit organizations and state bodies.

However, although this law was adopted almost a year ago, no normative document has been adopted for its realization, which indicates frameworks, methods and means of cooperation of non-governmental non-profit organizations with other institutes and government bodies and characterizes procedural mechanisms of these relations. Our honored President has paid attention to this issue during the joint meeting of the Chambers of Oliy Majlis on January 23, 2015, and said: “The results of research shows that laws amendments and additions made to laws are not enforced effectively. The reason is, firstly, clear mechanisms of undertaking the regulations of laws have not been created; second, sub legislative documents which increase effectiveness of the present law have not been worked out; without them, rules maintained by the law will not work (Karimov, 2015, pp. 249-250).

Concluding the above-mentioned suggestions, implying the realization of this law, the Cabinet of Ministers of the Republic of Uzbekistan should adopt an order “On the measures to enforce the law of the Republic of Uzbekistan on Social Partnership” and should point out clear norms of effective and powerful enforcement of this law. In this regard, the main attention should be paid to the norms and regulations of the state support of social partnership, material assistance, information, recommendations, procedural mechanisms of organizational and study-methodical support, also, clear indication of effective and powerful mechanisms to ensure that institutes of civil society are informed about the activities of the government bodies and their participation in the process of creating laws.

References


