

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

RADJAPOV AZAMAT XUDAYNAZAROVICH

**DAVLAT ORGANLARI FAOLIYATI OCHIQLIGINI
TA'MINLASHNING TASHKILY-HUQUQIY JIHLTLARI**

12.00.02. – Konstitutsiyaviy huquq. Ma'muriy huquq.
Moliya va bojxona huquqi

**yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi
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KIRISH (Falsafa doktori (PhD) dissertatsiya annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda globallashtirish sharoitida aholining axborotga bo'lgan talabi tobora ortib borayotgani davlat organlari faoliyatining ochiqligini ta'minlash sohasiga mutlaqo yangicha yondashuv hamda usullarni keng joriy etishni, shuningdek, qonunchilik hujjatlarini yanada takomillashtirishni taqozo etmoqda. Ushbu yo'nalishda mamlakatimizda davlat organlarining faoliyati to'g'risida keng jamoatchilikka muntazam ravishda axborot taqdim etib borish, ushbu organlar mansabdor shaxslarining hisobotini eshitish, shuningdek, fuqarolarning huquqlari va erkinliklari hamda qonuniy manfaatlariga daxldor axborotni aholiga o'z vaqtida etkazish masalalari davlat siyosati darajasiga ko'tarilgan.

Jahonda fuqarolarning axborot sohasidagi huquq va erkinliklarini ta'minlash, insonning axborotni erkin olishi hamda hech qanday moneliksiz tarqatishini kafolatlash orqali davlat organlari faoliyatining ochiqligi va shaffofligini, ularning mansabdor shaxslarining xalq oldida hisob berish tizimini va bu boradagi qonunchilik hujjatlarini takomillashtirishga bag'ishlangan ilmiy tadqiqotlarga alohida e'tibor qaratilmoqda.

Mamlakatimizda jismoniy va yuridik shaxslarning axborot olish erkinligi kafolatlarini yanada kuchaytirish, jamoatchilik xabardor bo'lishi kerak bo'lgan davlat organlarining faoliyati haqidagi ma'lumotlar doirasini izchil kengaytirish, davlat organlari faoliyatiga "ochiqlik indeksi"ni keng tatbiq qilish bo'yicha tizimli chora-tadbirlar amalga oshirilmoqda. Yangi O'zbekiston taraqqiyot strategiyasining bir qator yo'nalishlarida "ochiqlik va shaffoflikni ta'minlashga qaratilgan yangi mexanizmlarni joriy etish"¹ ustuvor vazifalar qatorida belgilangani davlat organlari va ularning mansabdor shaxslarining mas'uliyatini oshirishda dolzarb ahamiyat kasb etmoqda.

Bundan tashqari, 2023-yil 30-aprel kuni o'tkazilgan referendum asosida qabul qilingan yangi tahrirdagi O'zbekiston Respublikasi Konstitutsiyasining o'ndan ortiq moddalarida bevosita davlat organlari faoliyatining ochiqligini hamda jamiyatni axborot bilan ta'minlashga xizmat qiluvchi normalarning mustahkamlab qo'yilgani ushbu sohani ilmiy jihatdan tadqiq etish muhim vazifalardan biri ekanligini ko'rsatmoqda.

O'zbekiston Respublikasining "Axborot olish kafolatlari va erkinligi to'g'risida" (1997), "Axborot erkinligi prinsiplari va kafolatlari to'g'risida" (2002), "Davlat hokimiyati va boshqaruvi organlari faoliyatining ochiqligi to'g'risida" (2014), "Elektron hukumat to'g'risida" (2015), "Jamoatchilik nazorati to'g'risida"gi (2018) qonunlari, O'zbekiston Respublikasi Prezidentining "Davlat boshqaruvining ochiqligi va shaffofligini ta'minlash hamda mamlakatning statistika salohiyatini oshirish yuzasidan qo'shimcha chora-tadbirlar to'g'risida" 2019-yil 9-apreldagi PQ-4273-son qarori, "Davlat organlari va tashkilotlarining faoliyati ochiqligini ta'minlash, shuningdek, jamoatchilik nazoratini samarali amalga oshirishga

¹ O'zbekiston Respublikasi Prezidentining "2022 – 2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida" 2022-yil 28-yanvardagi PF-60-son Farmoni // Qonunchilik ma'lumotlari milliy bazasi, 29.01.2022-y., 06/22/60/0082-son.

doir qo‘shimcha chora-tadbirlar to‘g‘risida” 2021-yil 16-iyundagi PF–6247-son hamda “Davlat organlari va tashkilotlari faoliyatining ochiqlik darajasini oshirish va baholash tizimini joriy etish chora-tadbirlari to‘g‘risida” 2022-yil 14-iyundagi PF–154-son farmonlarida va sohaga oid boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni samarali amalga oshirishda ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo‘nalishlariga mosligi. Mazkur tadqiqot ishi respublikada fan va texnologiyalarni rivojlantirishning I. “Demokratik va huquqiy jamiyatni ma’naviy-axloqiy va madaniy rivojlantirish, innovatsion iqtisodiyotni shakllantirish” ustuvor yo‘nalishi doirasida bajarilgan.

Muammoning o‘rganilganlik darajasi. Davlat organlari faoliyati ochiqligini ta’minlashning tashkiliy-huquqiy jihatlariga doir masalalar alohida mavzu doirasida to‘liq o‘rganib chiqilmagan bo‘lsada, A.A.Azizxo‘jayev, J.M.Abdullayev, Sh.G‘.Asadov, Sh.M.Asyanov, M.A.Axmedshayeva, F.X.Bakayeva, X.T.Mamatov, M.M.Mirakulov, B.A.Omonov, F.A.Primov, Z.R.Ro‘ziyev, E.K.Sabirov, A.X.Saidov, A.S.Tursunov, R.R.Xakimov, I.A.Xamedov, U.Sh.Xusainov, O.T.Xusanov, A.E.Yo‘ldashev kabi huquqshunos olimlarning ushbu sohani u yoki bu jihatlarini ochib berishga qaratilgan tadqiqotlari e‘lon qilingan¹.

MDH davlatlarida davlat organlari faoliyatining ochiqligini ta’minlash bilan bog‘liq ilmiy izlanishlar olib borgan O.V.Afanasyeva, O.A.Aleksandrova, O.V.Axrameeva, I.A.Beginina, F.I.Belozor, I.A.Damm, I.A.Juravleva, D.V.Karpuxin, E.A.Kleymenov, N.Yu.Korchenkova, L.A.Krivososova, T.A.Kulakova, K.V.Melixov, T.M.Rezer, N.V.Shedrin, V.A.Sologub, V.A.Suxanova, E.N.Tovanchova, N.V.Vlasova kabi olimlarning tadqiqot ishlari mavzuning ijro etuvchi hokimiyat organlari faoliyatining ochiqligini ta’minlash bilan bog‘liq jihatlariga bag‘ishlangan².

Xorijlik olimlardan D.Bevilakva, Ch.Dana, D.Dornum, E.Florini, J.Foks, A.Gomm, X.Gurria, V.Kastelnovo, S.Kesadi, X.Keyren, M.Kinsi, M.Kirn, P.Rouds, J.Rouz, A.Robinson, D.Robinson, F.Shauer, M.Skott, D.Tapskott, S.Tolbert, L.Vilone, T.Xarrison, A.Yansen va boshqalarning ilmiy ishlarida “Ochiq Hukumat” bilan bog‘liq masalalar bayon qilingan³.

Mamlakatimizda davlat organlari faoliyati ochiqligini ta’minlashning tashkiliy-huquqiy jihatlari milliy qonunchilik va xorijiy davlatlarning tajribasini inobatga olgan holda, konstitutsiyaviy huquq nuqtai nazaridan chuqur tadqiq etilmaganligi sababli ushbu mavzuni kompleks tarzda o‘rganish dolzarb hisoblanadi.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari bilan bog‘liqligi. Dissertatsiya Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasining “Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yo‘nalishlari” mavzusidagi fundamental loyihasi (2017 – 2021-y.) doirasida bajarilgan.

¹ Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

² Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

³ Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

Tadqiqotning maqsadi davlat organlari faoliyatining ochiqligini ta'minlash samaradorligini oshirish hamda bu boradagi qonunchilik hujjatlarini takomillashtirishga qaratilgan ilmiy-nazariy va amaliy jihatdan asoslantirilgan taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari. Tadqiqot maqsadidan kelib chiqqan holda quyidagi vazifalar belgilandi:

davlat organlari faoliyatining ochiqligini ta'minlash tushunchasi va yuridik tabiatini tahlil qilish;

davlat organlari faoliyatining ochiqligini ta'minlash jarayoni va uning o'ziga xos xususiyatlarini aniqlash;

davlat organlari faoliyati ochiqligini ta'minlashning normativ-huquqiy asoslari va ushbu sohada huquqni qo'llash amaliyotini o'rganish;

davlat organlari faoliyati ochiqligini ta'minlashning tashkiliy mexanizmlarini tizimli tahlil qilish;

davlat organlari faoliyatining ochiqligini ta'minlash tartibi va usullarini qo'llash masalalarini tadqiq qilish;

xorijiy davlatlar tajribasi va xalqaro standartlarni tahlil qilgan holda, davlat organlari faoliyatining ochiqligi va shaffofligini oshirish bo'yicha yangi mexanizmlarni ishlab chiqish zaruratini asoslab berish;

davlat organlari faoliyati ochiqligini ta'minlashning tashkiliy-huquqiy jihatlarini tadqiq etish orqali ochiqlikni ta'minlash jarayonini takomillashtirishning ustuvor yo'nalishlarini ko'rsatib berish.

Tadqiqotning obyekti davlat organlari faoliyatining ochiqligini ta'minlash jarayonida yuzaga keladigan ijtimoiy munosabatlar tizimi hisoblanadi.

Tadqiqotning predmeti davlat organlari faoliyatining ochiqligini ta'minlashga doir qonunchilik hujjatlari, huquqni qo'llash amaliyoti, xorijiy davlatlar qonunchiligi va xalqaro standartlar, mazkur mavzuga bag'ishlangan ilmiy asarlar, statistik va tahliliy materiallar, shuningdek, yuridik fandagi konseptual yondashuvlar hamda ilmiy-nazariy qarashlardan iborat.

Tadqiqotning usullari. Tadqiqot davomida analiz, sintez, induksiya, deduksiya, qiyosiy-huquqiy, tizimli tahlil, tarixiylik, statistik ma'lumotlar tahlili va ijtimoiy so'rov usullaridan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

davlat organlari faoliyatining ochiqligini ta'minlash bo'yicha mansabdor shaxslarning mas'uliyatini oshirish va javobgarligini belgilashning huquqiy asoslarini takomillashtirish zarurati asoslab berilgan;

davlat organlari va tashkilotlarining o'z faoliyati bo'yicha jamoatchilik oldida elektron hisobot berish tartibini joriy qilish zarurati asoslangan;

davlat organlari, xo'jalik birlashmalari va mahalliy ijro etuvchi hokimiyat organlarining rasmiy veb-saytida joylashtirilishi majburiy bo'lgan axborotlar ro'yxatini belgilash lozimligi asoslantirilgan;

ochiq ma'lumotlar sohasidagi xalqaro reytinglar, xususan, "Ochiq ma'lumotlar global indeksi" va "Ochiq ma'lumotlar barometri" reytinglarida mamlakatimiz ishtirokini ta'minlash uchun Xalqaro ochiq ma'lumotlar xartiyasiga qo'shilish zarurligi asoslantirilgan;

davlat organlari va tashkilotlari faoliyatining ochiqligini monitoring qilish va baholash metodikasini qabul qilish zarurati asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

ilmiy tahlillar asosida “davlat organlari faoliyatining ochiqligi” tushunchasiga mualliflik ta’rifi berilib, “ochiqlik”, “shaffoflik” hamda “transparentlik” kabi tushunchalarning farqlari aniqlashtirilgan, shuningdek, mamlakatimizda davlat organlari faoliyatining ochiqligini ta’minlashga doir qonunchilikning rivojlanish bosqichlari ochib berilgan;

fuqarolar bilan ochiq muloqot hamda ularning qarorlar qabul qilish jarayonida ishtirok etishini nazarda tutuvchi davlat organlari faoliyati ochiqligini ta’minlashning xalqaro tan olingan “yangi davlat boshqaruvi” (“New Public Management”) modelini amalga oshirish zarurati ilmiy-nazariy jihatdan asoslab berilgan;

O‘zbekiston Respublikasining qonunchilik hujjatlariga davlat organlari faoliyatining ochiqligini, shu jumladan, mansabdor shaxslarning xalq oldida hisobdorligini ta’minlashni takomillashtirishga qaratilgan o‘zgartirish va qo‘shimchalar kiritish bo‘yicha takliflar ishlab chiqilgan;

davlat organlarining ochiq hay’at majlislarini o‘tkazish vaqti hamda unda ishtirok etish tartibi haqida axborotdan foydalanuvchilarni va ommaviy axborot vositalari vakillarini xabardor qilgan holda, ushbu majlislarda har yarim yilda bir marta ochiqlikni ta’minlashga qaratilgan qonunchilik hujjatlari ijrosini tanqidiy muhokama qilish lozimligi isbotlangan;

O‘zbekistonning xalqaro reytinglar bo‘yicha, jumladan, “Hukumatning ochiqligi” (“Open Government Factor”), Ochiq ma’lumotlar inventarizatsiyasi (“The Open Data Inventory”), Elektron hukumatni rivojlantirish reytinglari (“E-Government Survey”), Global ma’lumotlar barometridagi (“The Global Data Barometer”) o‘rnini yaxshilash, “Xalqaro byudjet hamkorligi”ning (“International budget partnershir”) Byudjet ochiqligi indeksiga (“Open Budget Index”) kirishi, “Ochiq Hukumat hamkorligi” (“Open Government Partnership”) xalqaro tashkilotiga a’zo bo‘lishiga doir takliflar asoslantirilgan;

ochiq ma’lumotlar sifatida joylashtiriladigan ijtimoiy ahamiyatga molik ma’lumotlar ro‘yxatini kengaytirish, davlat organlari tomonidan e’lon qilingan ma’lumotlarning sifati, foydaliligi va dolzarbligini baholash tizimini joriy etish, shuningdek, Ochiq ma’lumotlar va “openbudget.uz” portallarini takomillashtirishning dolzarbligi asoslab berilgan.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalari milliy qonunchilik normalari, rivojlangan davlatlar tajribasi, huquqni qo‘llash amaliyoti, so‘rovnoma, ekspert baholash shakllariga asoslangan. Xulosa, taklif va tavsiyalar aprotatsiyadan o‘tkazilib, natijalari yetakchi milliy hamda xorijiy nashrlarda e’lon qilingan. Olingan natijalar vakolatli tashkilotlar tomonidan tasdiqlangan va amaliyotga joriy etilgan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijasida ishlab chiqilgan ilmiy xulosa, taklif va tavsiyalardan davlat organlari faoliyatining ochiqligini ta’minlash masalalari bo‘yicha ilmiy faoliyatda, huquqni qo‘llash amaliyotida, milliy qonunchilik hujjatlarini takomillashtirish va “Konstitutsiyaviy huquq”, “Ma’muriy huquq” fanlarini o‘qitishda hamda ilmiy-nazariy jihatdan boyitishda foydalanish mumkin.

Tadqiqot natijalarining amaliy ahamiyati shundan iboratki, ularning amaliyotga tatbiq etilishi davlat organlari faoliyatining ochiqligini ta'minlash jarayonlarining huquqiy tartibga solish mexanizmlarini yanada takomillashtirish, sohaga xalqaro standartlarni joriy etish orqali keng jamoatchilikka davlat organlari faoliyati to'g'risida o'z vaqtida, aniq, to'liq va ishonchli axborot taqdim etish tizimini yo'lga qo'yishga xizmat qiladi.

Tadqiqot natijalarining joriy qilinishi. Davlat organlari faoliyati ochiqligini ta'minlashning tashkiliy-huquqiy jihatlariga oid tadqiqot bo'yicha olingan ilmiy natijalar asosida:

davlat hokimiyati va boshqaruvi organlari faoliyatining ochiqligi to'g'risidagi qonunchilikni buzganlik uchun ma'muriy javobgarlikni belgilash to'g'risidagi taklifdan O'zbekiston Respublikasining 2022-yil 3-avgustdagi O'RQ-786-son Qonuni bilan O'zbekiston Respublikasining Ma'muriy javobgarlik to'g'risidagi kodeksiga 215⁷-modda kiritilishida foydalanilgan (Oliy Majlis Qonunchilik palatasi Innovatsion rivojlanish, axborot siyosati va axborot texnologiyalari masalalari qo'mitasining 2022-yil 31-avgustdagi 04/11-12-60-son dalolatnomasi). Mazkur taklif davlat organlari faoliyatining ochiqligini ta'minlash bo'yicha mansabdor shaxslarning mas'uliyati yanada oshirilishiga xizmat qilgan;

davlat organlari va tashkilotlarining o'z faoliyati bo'yicha jamoatchilik oldida elektron hisobot berish tartibini belgilash haqidagi taklifdan Vazirlar Mahkamasining "Elektron hukumat tizimini yanada rivojlantirish, shuningdek, davlat organlari va tashkilotlarining o'z faoliyati bo'yicha jamoatchilik oldida elektron hisobot berishi tartibini joriy etish chora-tadbirlari to'g'risida" 2020-yil 16-iyuldagi 444-son qarorining 4-bandini ishlab chiqishda foydalanilgan (Vazirlar Mahkamasi Yuridik ta'minlash boshqarmasining 2022-yil 30-avgustdagi 12/21-64-son dalolatnomasi). Mazkur taklif davlat organlari mansabdor shaxslarining rasmiy veb-saytlari va ijtimoiy tarmoqlardagi rasmiy sahifalari orqali hisobot taqdim etish tizimining yo'lga qo'yilishiga xizmat qilgan;

ochiq ma'lumotlar sohasidagi xalqaro reytinglar, xususan, "Ochiq ma'lumotlar global indeksi" hamda "Ochiq ma'lumotlar barometri" reytinglarida mamlakatimiz ishtirokini ta'minlash maqsadida Xalqaro ochiq ma'lumotlar xartiyasiga qo'shilish masalasini ko'rib chiqish to'g'risidagi taklifdan Vazirlar Mahkamasining "O'zbekiston Respublikasida ochiq ma'lumotlar sohasini yanada rivojlantirish chora-tadbirlari to'g'risida" 2020-yil 23-dekabrda 808-son qarorining 5-bandini ishlab chiqishda foydalanilgan (Vazirlar Mahkamasi Yuridik ta'minlash boshqarmasining 2022-yil 30-avgustdagi 12/21-64-son dalolatnomasi). Ushbu taklif O'zbekiston Respublikasining 2021-yil 20-yanvarda "Xalqaro ochiq ma'lumotlar xartiyasi"ga ("International Open Data Charter") qo'shilishiga xizmat qilgan;

davlat organlari, xo'jalik birlashmalari va mahalliy ijro etuvchi hokimiyat organlarining rasmiy veb-saytida joylashtirish uchun majburiy bo'lgan axborotlar ro'yxatini belgilash to'g'risidagi taklifdan Vazirlar Mahkamasining 2021-yil 15-iyundagi 373-son qarori bilan tasdiqlangan Davlat organlari, xo'jalik birlashmalari va mahalliy ijro etuvchi hokimiyati organlarining rasmiy veb-saytiga qo'yiladigan Asosiy talablarning 1-bandini ishlab chiqishda foydalanilgan (Vazirlar Mahkamasi Yuridik ta'minlash boshqarmasining 2022-yil 30-avgustdagi 12/21-64-son dalolatnomasi). Mazkur taklifning tatbiq etilishi rasmiy veb-saytlarda joylashtirilishi majburiy bo'lgan axborotlar doirasining aniq belgilanishiga xizmat qilgan;

davlat organlari hamda tashkilotlari faoliyatining ochiqligini monitoring qilish va baholash bo'yicha metodikani qabul qilish to'g'risidagi taklifdan O'zbekiston Respublikasi Prezidentining "Davlat organlari va tashkilotlari faoliyatining ochiqlik darajasini oshirish va baholash tizimini joriy etish chora-tadbirlari to'g'risida" 2022-yil 14-iyundagi PF-154-son Farmonining 3-bandini tayyorlashda foydalanilgan (Korrupsiyaga qarshi kurashish agentligining 2022-yil 5-sentabrdagi 03-07/4002-son dalolatnomasi). Mazkur taklifning joriy etilishi davlat organlari faoliyatining ochiqligini baholash tizimining yaratilishiga xizmat qilgan.

Tadqiqot natijalarining aprotatsiyasi. Mazkur tadqiqot ishining natijalari 8 ta ilmiy anjumanda, jumladan, 2 ta xalqaro, 6 ta respublika miqyosidagi ilmiy-amaliy konferensiya va davra suhbatlari hamda seminarlarda sinovdan o'tkazilgan.

Tadqiqot natijalarining e'lon qilinganligi. Tadqiqot mavzusi bo'yicha jami 20 ta ilmiy ish, jumladan, 1 ta monografiya va dissertatsiyaning asosiy natijalarini chop etishga tavsiya etilgan ilmiy jurnallarda 9 ta (shundan 2 tasi xorijda) maqola va to'plamlar tarkibida 10 ta ilmiy maqola (shundan 3 tasi xorijda) chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya kirish qismi, yettita paragrafni ichiga olgan uchta bob, xulosa, foydalanilgan adabiyotlar va ilovalardan iborat bo'lib, uning hajmi 132 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo'nalishlariga bog'liqligi, mavzu bo'yicha xorijiy ilmiy-tadqiqotlar sharhi, muammoning o'rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta'lim muassasasining ilmiy-tadqiqot ishlari bilan bog'liqligi, uning maqsad va vazifalari, obyekti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprotatsiyasi, natijalarning e'lon qilinganligi, dissertatsiyaning tuzilishi va hajmi haqida ma'lumotlar keltirilgan.

Dissertatsiya ishining birinchi bobi "**Davlat organlari faoliyati ochiqligini ta'minlashning nazariy-huquqiy tahlili**" deb nomlanib, ikki paragrafni o'z ichiga oladi. Ushbu bobda davlat organlari faoliyatining ochiqligini ta'minlash tushunchasi va yuridik tabiati hamda davlat organlari faoliyatining ochiqligini ta'minlash jarayoni va uning xususiyatlari tadqiq etilgan.

Tadqiqotchining fikricha, davlat organlari faoliyatining ochiqligini ta'minlash demokratik huquqiy davlat barpo etishning muhim sharti va har kimning axborotni erkin izlash, olish va uni tarqatishga doir konstitutsiyaviy huquqlarini amalga oshirishning vositasi sifatida e'tirof etiladi.

Shunga ko'ra "davlat organlari faoliyatining ochiqligi", shu jumladan, "ochiqlik", "oshkoralik", "shaffoflik", "transparentlik" tushunchalarining ilmiy-nazariy jihatlari bo'yicha milliy va xorijiy olimlar (I.Xamedov, Sh.Asadov, U.Xusainov, A.Tursunov, F.Primov, Sh.Asyanov, D.Axrarova, A.Yo'ldoshev, E.Sabirov, L.Krivosova, Yu.Nisnevich, I.Juravlyeva, T.Kulakova, M.Lapina O.V.Axrameeva, N.Vlasova, I.Beginina, O.Afanasyeva, I.Damm, F.Belozor, T.Rezer, J.Foks, Don Tapskott,

A.Florini¹⁾ tomonidan bildirilgan fikrlarning tahlili asosida, tadqiqotchi – “davlat organlariga nisbatan “ochiqlik” tushunchasidan foydalanish o‘rinli, deb ta’kidlaydi. “Ochiqlik” axborotdan foydalanuvchilarning davlat organlari faoliyati to‘g‘risida axborot olish huquqining kafolatlarini ta’minlashni nazarda tutsa, “shaffoflik” ochiqlikning tarkibini ifodalab, bu davlat organlarining o‘z faoliyatini amalga oshirishi va qarorlar qabul qilishi bilan bog‘liq barcha jarayonlarning jamoatchilik uchun oshkoraligini bildiradi. “Oshkoralik” tushunchasi sud hokimiyati organlarining faoliyatiga, shuningdek, ommaviy axborot vositalarining axborotni olish va tarqatish kafolatlarini tavsiflashga nisbatan qo‘llaniladi. Xorijiy davlatlarda esa axborotning ochiqligini ifodalash uchun “ochiqlik” va “shaffoflik” tushunchalarining muqobili sifatida “transparent” tushunchasi ishlatiladi”, degan xulosaga kelgan.

Dissertant davlat organlari faoliyatining ochiqligini ta’minlashga qaratilgan huquqiy mexanizmlarni takomillashtirishda, eng avvalo, “davlat organlari faoliyatining ochiqligi” tushunchasining mohiyatini aniqlashtirish, uni qonunchilik hujjatlarida aks ettirish zarurligini ta’kidlaydi. Ushbu tushuncha yuzasidan shakllangan yondashuvlar tahlili asosida unga quyidagicha mualliflik ta’rifini bergan: “davlat organlari faoliyatining ochiqligi – bu davlat organlari tomonidan aholi va tadbirkorlik subyektlari, fuqarolarning o‘zini o‘zi boshqarish organlari, jamoat birlashmalari, nodavlat notijorat tashkilotlari, ommaviy axborot vositalari hamda fuqarolik jamiyatining boshqa institutlari foydalanishi uchun o‘z faoliyati to‘g‘risida ishonchli, aniq va to‘g‘ri axborotlarni izlash, o‘z vaqtida olish hamda tarqatish imkonini beruvchi shart-sharoitlarning yaratilganligidir”.

Muallif bugungi globallasuv sharoitida davlat organlari faoliyatining ochiqligini ta’minlash jarayonlarini chuqur tahlil qilish orqali uning o‘ziga xos xususiyatlarini yoritishga harakat qilgan. Tadqiqotchi ushbu yo‘nalishda ilmiy izlanishlar olib borgan olimlar, jumladan, M.Kirn, T.Rezer, N.Korchenkova, E.Chirkin, N.Anoxin, L.Umek, I.Rakar, M.Trtnik, V.Kostaneves, D.Bevilakva, J.Bremers hamda V.Deleu kabi olimlarning fikrlarini umumlashtirgan holda, “davlat organlari faoliyatining ochiqligini ta’minlash jarayoni – bu axborotdan hammaning foydalanishi uchun qonunda belgilangan tartibda davlat sirlari yoki qonun bilan qo‘riqlanadigan boshqa sirni tashkil etuvchi ma’lumotlar jumlasiga kiritilmagan davlat organlari faoliyati to‘g‘risidagi axborotlarni ushbu organlarning rasmiy nashrlari, davlat organlari rahbarlarining, shuningdek, ushbu organlar tomonidan vakolat berilgan mansabdor shaxslarning chiqishlari va bayonotlari, axborot xizmatlarining xabarlari, rasmiy veb-saytlar hamda ommaviy axborot vositalarining materiallari orqali e’lon qilish (chop etish) bilan bog‘liq xatti-harakatlar majmuidir”, degan xulosaga kelgan.

Muallif tomonidan olimlarning (N.Korchenkova, M.Abrasimov, N.Anoxin, A.Strizoe, I.Damm, E.Oxotskiy va E.Chirkin²⁾) ilmiy qarashlari hamda yondashuvlari tahlili asosida davlat organlari faoliyatining ochiqligini ta’minlash jarayonida fuqarolarning ishtiroki quyidagi uchta darajaga ajratib ko‘rsatilgan:

¹ Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

² Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

1. Ijtimoiy-siyosiy axborotlarga kirish imkoniyati. Axborotning ochiqligi qabul qilingan qarorlarni aks ettiruvchi axborot hujjatlariga ega bo‘lish orqali ta’minlanadigan davlat organlari faoliyati to‘g‘risidagi axborotga kirish imkoniyati bilan belgilanadi.

2. Qarorlar qabul qilish jarayoniga kirish imkoniyati. O‘rta darajadagi ochiqlik. Fuqarolarning qarorlar qabul qilish jarayonida ishtirok etishi ularning sabablari hamda kutilayotgan natijalari xususidagi axborotlardan foydalanish imkoniyatining yaratilganligi bilan belgilanadi.

3. Fuqarolik jamiyati institutlari vakillari, jumladan, alohida tashkilotlar va shaxslar ishtirokida ochiq qarorlar qabul qilish jarayoniga kirish imkoniyati. Bu jarayonda aholining qarorlar qabul qilishdagi savodxonligi, siyosiy munozaralar olib borish madaniyati muhim o‘rin egallaydi.

Dissertant G.Aubakirova, F.Isatayeva, A.Ingrams, S.Piotrovski, D.Berliner, Xardi Keyren, Ye.Kipervar, Ye.Mamay, M.Mizya, J.Ballok, L.O‘tul, S.Kasadi, K.Eriksson va R.Levitt, V.Skott kabi olimlarning davlat boshqaruvida ochiqlikni ta’minlashning zamonaviy modellariga oid fikrlarini ilmiy tahlil qilgan holda, fuqarolar bilan muloqot va ularning qarorlar qabul qilish jarayonlaridagi ishtirokini nazarda tutuvchi ochiqlikni ta’minlashning xalqaro tan olingan “**yangi davlat boshqaruvi**” (“New Rublis Management”) modelini joriy etishni taklif etgan.

Dissertatsiya ishining ikkinchi bobi “**Davlat organlari faoliyati ochiqligini ta’minlashning tashkiliy-huquqiy asoslari**” deb nomlanib, uchta paragrafni o‘z ichiga oladi.

Ushbu bobda tadqiqotchi tomonidan O‘zbekistonda davlat organlari faoliyati ochiqligini ta’minlashning huquqiy asoslari, ularning rivojlanish bosqichlari, ochiqlikni ta’minlash prinsiplari, davlat organlari faoliyati ochiqligini ta’minlashning tashkiliy mexanizmlari hamda uning zamonaviy shakl va usullari ochib berilgan.

Tadqiqotchi O‘zbekistonda davlat organlari faoliyatining ochiqligini ta’minlashga qaratilgan normativ-huquqiy hujjatlarning rivojlanishini quyidagi davrlarga bo‘lishni taklif etgan:

birinchi bosqich – 1991 – 2010-yillarni o‘z ichiga olib, ushbu davrda davlat organlari faoliyatining ochiqligini ta’minlashga oid qonunchilik asoslari shakllandi, mazkur institutni joriy etish bo‘yicha chora-tadbirlar ko‘rildi;

ikkinchi bosqich – 2011 – 2016-yillarni qamrab olib, mazkur davrda davlat organlari faoliyatining ochiqligini ta’minlash, fuqarolarning axborot olish erkinligi kafolatlarini mustahkamlashga qaratilgan maxsus qonunchilik hujjatlari qabul qilindi hamda axborotning va davlat organlari faoliyatining ochiqligini ta’minlashga qaratilgan normalar qonunchilik hujjatlariga singdirila boshlandi;

uchinchi bosqich – 2017-yildan hozirgi vaqtga qadar bo‘lgan davrni o‘z ichiga olib, unda davlat organlari faoliyati ochiqligini ta’minlashning tashkiliy-institutsional asoslari takomillashtirildi va davlat organlari faoliyatining ochiqligini baholash bo‘yicha yaxlit tizim yaratildi.

Dissertant tomonidan ochiqlikni ta’minlash bo‘yicha ilmiy tadqiqotlar olib borgan K.Melixov, V.Sologub, I.Xashyeva, A.Gryonlund, T.Xoran, J.Guida, M.Krov, R.Hiks, S.Mutula, G.Maiga, T.Fild, E.Myuller, S.Shin, E.Lau, K.Vergez singari olimlarning fikrlari tahlil qilingan holda, davlat organlari faoliyatining ochiqligini

ta'minlash quyidagi asosiy prinsiplarga asoslanishi kerak, degan fikr ilgari surilgan: axborotning ochiqligi va unga to'siqsiz kirish imkoniyati; axborotning ishonchliligi va o'z vaqtida taqdim etilishi; axborotni qonuniy asosda har qanday yo'l bilan izlash, olish, uzatish hamda tarqatish erkinligi; axborot taqdim etishda fuqarolarning shaxsiy daxlsizligi, shaxsiy va oilaviy sirlari, sha'ni va xizmat nufuzini himoya qilish, tashkilotlarning o'z xizmat nufuzini himoya qilish huquqlariga rioya qilish.

Tadqiqotchi tomonidan olib borilgan ilmiy izlanishlar natijasida X.Mamatov, O.Aleksandrova, Ye.Tovanchova, O.Malaxova, V.Suxanova, S.Zolner, V.Kastelnovo, J.Person, V.Delone, V.Golden kabi olimlarning fikrlari tahlili asosida davlat organlari faoliyati ochiqligini ta'minlashning quyidagi tashkiliy-huquqiy muammolariga to'xtalib, ularni bartaraf etish bo'yicha takliflar bildirilgan: 1) davlat organlarining mansabdor shaxslari tomonidan zamonaviy axborot-kommunikatsiya texnologiyalaridan foydalangan holda aholi bilan ochiq muloqotini yo'lga qo'yish; 2) aholiga elektron davlat xizmatlari ko'rsatishni yanada takomillashtirish orqali davlat organlari faoliyatining ochiqligini ta'minlash; 3) ochiqlikni ta'minlash uchun davlat organlari tomonidan joriy etilgan kommunikatsiya texnologiyalarini doimiy takomillashtirib borish; 4) ochiqlikni ta'minlash va jamiyatga axborot taqdim etishda ijtimoiy tarmoqlarning imkoniyatidan to'g'ri foydalanish.

Dissertantning fikricha, ijtimoiy tarmoqlar orqali davlat organlari faoliyati ochiqligini ta'minlashning asosiy yo'nalishlari quyidagilardan iborat bo'lishi zarur: 1) fuqarolarni xabardor qilish: yangiliklar, ijtimoiy ahamiyatga ega ma'lumotlar, foto va videoreportajlar, rasmiy veb-saytga havolalarni e'lon qilish; 2) fuqarolarni jalb qilish: muhokamalar tashkil etish, davlat organlari hujjatlari va tashabbuslarini, hisobotlarini e'lon qilish, korrupsiyaga qarshi kurashish choralari bo'yicha takliflar, fikr va mulohazalarni qabul qilish; 3) davlat organlarining vakolatlari bilan bog'liq masalalar bo'yicha aholiga bepul bilim va maslahatlar berish.

Davlat organlari faoliyati ochiqligini ta'minlash yuzasidan olimlarning (Yu.Nisnevich, D.Mixeev, N.Karkin, M.Yanssen, V.Kastelnovo, T.Xarrison) ilmiy yondashuvlariga tayanilgan holda, tadqiqotchi tomonidan qonunchilikdagi ochiqlikni ta'minlashning 6 ta usuli orqali O'zbekistonda davlat organlari faoliyatining ochiqlik darajasi yoritib berilgan hamda quyidagi idoraviy normativ-huquqiy hujjatlarni qabul qilish taklifi bildirilgan:

“Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni rasmiy nashrlar, rasmiy veb-saytlar, shuningdek, ommaviy axborot vositalari orqali e'lon qilish (chop etish) tartibi”;

“Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni ularning rasmiy veb-saytlariga joylashtirish va yangilab borish tartibi”;

“Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni hamma kirishi mumkin bo'lgan xonalar va joylarga joylashtirish hamda yangilab borish tartibi”;

“Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni axborot-kutubxona va arxiv fondlari orqali taqdim etish tartibi”.

Ikkita paragrafni o'z ichiga olgan uchinchi bob **“Davlat organlari faoliyatining ochiqligini ta'minlashni takomillashtirish istiqbollari”** deb nomlanib, unda davlat organlari faoliyatining ochiqligini ta'minlash sohasidagi xorijiy davlatlar tajribasi va xalqaro standartlar, shuningdek, davlat organlari faoliyatining ochiqligini ta'minlashni takomillashtirish bo'yicha ustuvor yo'nalishlar tahlil qilingan.

Muallif ayrim xorijiy olimlarning “shaxsning axborot olish huquqi kafolatlarini ta’minlashga xizmat qiluvchi qonunchilikning paydo bo’lishi dastlab, Shvetsiyada 1766-yil 2-dekabrda “Matbuot erkinligi to’g’risida”gi Qonunning qabul qilinishi bilan bog’liq”, degan fikrlariga qo’shilmagan holda ushbu huquq undan ham oldinroq, ya’ni 1695-yil 18-aprelda Buyuk Britaniyada “Matbuotni litsenziyalash to’g’risida”gi Qonun o’z kuchini yo’qotishi bilan senzura qo’yilishi hamda 1710-yil 10-aprelda “Mualliflik huquqlari to’g’risida”gi Qonun qabul qilinishi bilan bog’liq. Chunki, 1662-yilda qabul qilingan “Matbuotni litsenziyalash to’g’risida”gi Qonun bilan matbuot erkinligiga senzura o’rnatilgan bo’lgan, degan fikrni ilgari surgan.

Dissertant axborot olish huquqi shaxsning eng muhim huquqlari qatorida bo’lib, 1948-yil 10-dekabrda “Inson huquqlari umumjahon deklaratsiyasi” (19-modda), 1950-yil 4-noyabrda “Inson huquqlari va asosiy erkinliklarini himoya qilish to’g’risidagi konvensiya” (10-modda) hamda 1966-yil 16-dekabrda “Fuqaroviy va siyosiy huquqlar to’g’risidagi xalqaro pakt”da (19-modda) ushbu huquqlarga alohida moddalar ajratilganligini, shuningdek, BMTning **16 ta Barqaror rivojlanish maqsadlaridan (Sustainable Development Goal 16) biri** (10-maqsad) sifatida belgilab qo’yilganligini ta’kidlaydi.

Tadqiqotchi davlat organlari faoliyatining ochiqligini ta’minlash bo’yicha 20 dan ortiq rivojlangan xorijiy mamlakatlar, jumladan, AQSH, Kanada, Norvegiya, Moldova, Litva, Rossiya qonunchiligini alohida o’rgangan. Unga ko’ra, AQSHda fuqarolarga taqdim etiladigan ochiq va foydalanish cheklangan yopiq axborotlarning yagona reyestri tasdiqlangan. Shuningdek, davlat organlari va tashkilotlari har yili kalendar yilning 1-fevralidan kechikmasdan, AQSH Adliya vazirligiga axborotdan foydalanuvchilarga o’tgan yili taqdim etilgan axborotlar, axborot taqdim etishga doir ko’rib chiqib qanoatlantirilgan va rad etilgan so’rovlar soni, ularni ko’rib chiqishga ketgan o’rtacha vaqt, to’lov asosida va to’lovdan ozod qilish tartibida taqdim etilgan axborotlar bo’yicha hisobot taqdim etadi va bu hammaning tanishishi uchun e’lon qilinadi.

Kanada qonunchiligida ham oshkor qilinishi va taqdim etilishi mumkin bo’lmagan axborotlar haqidagi qoidalar belgilangan bo’lib, ularga muvofiq: harbiy-strategik, uchinchi shaxslarga oid yoki shaxsga ziyon yetkazuvchi, ilmiy, siyosiy va iqtisodiy sir hisoblangan axborotlar oshkor qilinishi va taqdim etilishi mumkin emas. Tadqiqotchi Kanadada doimiy yashovchi istalgan shaxsning davlat organlaridan axborot huquqlari ta’minlanishi yuzasidan nazoratni amalga oshiruvchi Komissar “Information Commissioner” lavozimi joriy etilib, u har yili mansabdor shaxslar tomonidan davlat organlari faoliyatining ochiqligini ta’minlash holati yuzasidan Kanada parlamentiga hamda keng jamoatchilikka hisobot berishini qayd etgan.

Dissertant ushbu ijobiy tajriba asosida O’zbekiston Respublikasi Oliy Majlisi palatalari tomonidan O’zbekiston Respublikasi Korrupsiyaga qarshi kurashish agentligi direktorining davlat organlari va tashkilotlari faoliyati ochiqligini ta’minlash holati to’g’risidagi axborotini eshitish tartibini joriy etish taklifini bildirgan.

Shuningdek, tadqiqotchi xorijiy mamlakatlar qonunchiligining o’ziga xos jihatlari to’xtalib, Norvegiyada fuqaroning axborot taqdim etishga doir so’roviga davlat organlari tomonidan qisqa muddatda (uch kun) javob berilishini, Rossiyada

davlat organlari faoliyati ochiqligini ta'minlash sohasidagi qonunchilikni buzganlik uchun mansabdor shaxslar intizomiy, ma'muriy, fuqarolik va jinoiy javobgarlikka tortilishi mumkinligini, Litvada taqdim etilishi cheklab qo'yilgan axborotlarning aniq ro'yxati va jurnalist etikasi bo'yicha Inspektor lavozimi mavjudligini ta'kidlaydi.

Tadqiqotchi tomonidan davlat organlari faoliyatining ochiqlik darajasi bo'yicha O'zbekistonning Jahon odil sudlov loyihasi ("World Justice Project") tashkilotining "Hukumatning ochiqligi" indikatori ("Open Government Factor"), Ochiq ma'lumotlar inventarizatsiyasi ("The Open Data Inventory") reytingi, "Transparency International" tashkilotining Korrupsiyani qabul qilish indeksida ("Corruption Perceptions Index"), Global ma'lumotlar barometri ("The Global Data Barometer"), BMTning Elektron hukumatni rivojlantirish reytingi ("E-Government Survey"), Xalqaro byudjet hamkorligi ("International Budget Partnership") tashkilotining Byudjet ochiqligi indeksi ("Open Budget Index")dagi o'rinlari tahlil qilinib, ularni yanada yaxshilash bo'yicha takliflar ishlab chiqilgan.

Dissertant kelgusida axborot olishga bo'lgan talabning ortib borishi, "Ochiq Hukumat" konsepsiyasining rivojlantirilishi bo'yicha olimlarning (V.Kastelnovo, M.Grimli, A.Yansen, D.Tvizeymana, A.Andersson, L.Flak, J.Rouz, J.Persson, L.Xiger, A.Mixan, S.Bouton, S.Tolbert, K.Mossberger) yondashuvlarini tahlil qilgan holda, quyidagilarni davlat organlari faoliyati ochiqligini ta'minlashning ustuvor yo'nalishlari sifatida ajratib ko'rsatadi:

birinchi – davlat organlari tomonidan o'z faoliyati to'g'risida ommaviy hisobotlarni tayyorlash va e'lon qilish (bunday hisobotlarni tarqatish (har chorak va yil davomida) aholining davlat organlari faoliyati to'g'risida xabardorlik darajasini oshiradi; bunday hisobotlar davlat organining reytingini aniqlash mezonini hisoblanib, ular faoliyatining shaffofligini ko'rsatadi);

ikkinchi – ochiqlik mezonlariga ko'ra davlat organlarining faoliyati bo'yicha ochiqlik reytingini e'lon qilib borish (olimlar tomonidan bunday organlarning reytinglarini tuzish tajribasi davlat hokimiyati faoliyatida shaffoflikni ta'minlashni rag'batlantirish shakllaridan biri sifatida juda muvaffaqiyatli sanaladi);

uchinchi – aholi o'rtasida keng ko'lamlı tushuntirish ishlarini olib borish (maqsadlar, imtiyozlar va jamoatchilik ishtiroki to'g'risida axborot olish, so'rov bilan murojaat qilish va boshqalar);

to'rtinchi – qayta aloqa tizimi orqali fuqarolarning nafaqat qarorlar qabul qilish jarayonida hamda qabul qilingan qarorlar samaradorligi bo'yicha fikr-mulohazalarini ochiq muhokama qilish imkoniyatlarini oshirish.

Tadqiqotchi o'tgan davr mobaynida mamlakatimizda fuqarolarning axborot olish huquqi kafolatlarini va davlat organlari faoliyatining ochiqligini ta'minlashga xizmat qiluvchi mustahkam qonunchilik bazasi yaratilganligini, navbatdagi bosqichda jamiyatni axborot bilan ta'minlashga taalluqli boshqa normativ-huquqiy hujjatlarning me'yorlarini unifikatsiyalashtirgan holda, O'zbekiston Respublikasining Axborot kodeksini qabul qilish maqsadga muvofiq, degan xulosaga kelgan. Uning qayd etishicha, Rossiya va Tojikiston davlatlarida bu borada ishlar boshlangan.

Dissertantning ta'kidlashicha, qonunchilik hujjatlarida ayrim davlat organlari (ichki ishlar, mahalliy ijro etuvchi hokimiyat) mansabdor shaxslarining hisobotini eshitish tizimi mavjudligini inobatga olib, quyi bo'g'in adliya, prokuratura va sud

hokimiyati organlari rahbarlarining xalq bilan doimiy manzilli muloqotini yo‘lga qo‘yish maqsadida ularning fuqarolar yig‘inlarida hisobotlarni eshitish tartibini joriy etish zarur.

Shuningdek, tadqiqotchi davlat organlari tomonidan e‘lon qilinayotgan ma‘lumotlarning sifati, foydaliligi va dolzarbligini aholi tomonidan baholash tizimini joriy etish, “ochiqbudget.uz” hamda Ochiq ma‘lumotlar portallarini takomillashtirish, davlat organlari axborot xizmatlarining tezkor ichki axborot almashish mexanizmlarini yaratish, davlat organlarining hay‘at majlislarida har yarim yilda kamida bir marta ochiqlikni ta‘minlash sohasidagi qonunchilik hujjatlarining ijrosini tanqidiy muhokama qilish amaliyotini yo‘lga qo‘yish maqsadga muvofiq, degan fikrni bildirgan.

XULOSA

“Davlat organlari faoliyati ochiqligini ta‘minlashning tashkiliy-huquqiy jihatlari” mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-nazariy hamda qonunchilikni takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar

1. “**Davlat organlari faoliyatining ochiqligi**” tushunchasiga quyidagicha mualliflik ta‘rifi ishlab chiqildi: *“Davlat organlari faoliyatining ochiqligi davlat organlari tomonidan aholi va tadbirkorlik subyektlari, fuqarolarning o‘zini o‘zi boshqarish organlari, jamoat birlashmalari, nodavlat notijorat tashkilotlari, ommaviy axborot vositalari va fuqarolik jamiyatining boshqa institutlarining foydalanishi uchun o‘z faoliyati to‘g‘risida ishonchli, aniq va to‘g‘ri axborotlarni izlash, o‘z vaqtida olish hamda tarqatish imkonini beruvchi shart-sharoitlarning yaratilganligidir”*.

2. Olimlarning ilmiy qarashlari tahlili asosida “**ochiqlik**”, “**shaffoflik**”, “**oshkoralik**” hamda “**transparentlik**” kabi tushunchalarning mazmun-mohiyati, ushbu tushunchalar o‘rtasidagi o‘zaro bog‘liqlik va farqlar bo‘yicha yagona fikr hamda doktrinal yondashuv mavjud emas, degan xulosaga kelindi.

Shuningdek, yuridik adabiyotlarda va milliy qonunchilik hujjatlarida mazkur tushunchalarning aniq ta‘rifi mavjud emasligi sababli davlat organlarining bajaradigan funksiyalariga qarab, ularga nisbatan “ochiqlik” tushunchasidan foydalanish maqsadga muvofiqligi asoslantirildi.

“Ochiqlik” tushunchasi fuqarolarning davlat organlari faoliyati to‘g‘risidagi axborotdan foydalanish imkoniyatini hamda axborot olish huquqining kafolatlarini ta‘minlashni nazarda tutadi.

“Oshkoralik” sud hokimiyati organlarining faoliyatiga hamda ommaviy axborot vositalarining davlat organlarning faoliyati to‘g‘risidagi axborotni olish va uni tarqatish kafolatlarini tavsiflashga nisbatan qo‘llaniladi.

“Shaffoflik” ochiqlikning tarkibini ifodalab, davlat organlari o‘z faoliyatini amalga oshirishini, ular tomonidan qarorlar qabul qilish bilan bog‘liq barcha jarayonlarning jamoatchilik uchun oshkoraligini bildiradi. Xorijiy tajriba tahlili axborotning ochiqligini ifodalash uchun “ochiqlik” va “shaffoflik” tushunchalari o‘rniga “transparentlik” tushunchasidan foydalanilishini ko‘rsatadi.

3. Ilmiy yondashuvlar tahlili asosida **“davlat organlari faoliyatining ochiqligini ta’minlash jarayoni”** tahlil qilinib, u *“axborotdan hammaning foydalanishi uchun qonunda belgilangan tartibda davlat sirlari yoki qonun bilan qo’riqlanadigan boshqa sirni tashkil etuvchi ma’lumotlar jumlasiga kiritilmagan davlat organlari faoliyati to’g’risidagi axborotlarni ushbu organlarning rasmiy nashrlari, davlat organlari rahbarlarining, shuningdek, ushbu organlar tomonidan vakolat berilgan mansabdor shaxslarning chiqishlari va bayonotlari, axborot xizmatlarining xabarlari, rasmiy veb-saytlar hamda ommaviy axborot vositalarining materiallari orqali e’lon qilish (chop etish) bilan bog’liq xatti-harakatlar majmui”*, degan xulosaga kelindi.

4. Olimlarning ilmiy yondashuvlarini umumlashtirgan holda, davlat organlari faoliyatining ochiqligini ta’minlash jarayonida **fuqarolarning ishtiroki quyidagi uchta darajaga** ajratib ko’rsatildi:

a) **Ijtimoiy-siyosiy axborotlarga kirish imkoniyati.** Axborotning ochiqligi qabul qilingan qarorlarni aks ettiruvchi axborot hujjatlariga ega bo’lish orqali ta’minlanadigan davlat organlari faoliyati to’g’risidagi axborotga kirish imkoniyati bilan belgilanadi.

b) **Qaror qabul qilish jarayoniga kirish imkoniyati.** O’rta darajadagi ochiqlik. Fuqarolarning qarorlar qabul qilish jarayonida ishtirok etishi, ularning sabablari va kutilayotgan natijalari xususidagi axborotlardan foydalanish imkoniyatining yaratilganligi bilan belgilanadi.

v) **Fuqarolik jamiyati institutlari vakillari, jumladan, alohida tashkilotlar va shaxslar ishtirokida ochiq qarorlar qabul qilish jarayoniga kirish imkoniyati.** Bu jarayonda aholining qarorlar qabul qilishdagi savodxonligi, siyosiy munozaralar olib borish madaniyati muhim o’rin egallaydi.

5. Davlat organlari faoliyatining ochiqligini ta’minlash borasidagi modellar tahlili asosida fuqarolar bilan ochiq muloqot qilish va ularning qarorlar qabul qilish jarayonidagi ishtirokini nazarda tutuvchi ochiqlikni ta’minlashning xalqaro tan olingan **“yangi davlat boshqaruvi”** (“New Public Management”) **modelini** amalga oshirish taklif etildi.

6. Davlat organlari faoliyatining ochiqligi quyidagi **to’rtta asosiy prinsipga asoslanishi** kerakligi ochib berildi: axborotning ochiqligi va unga to’siqsiz kirish imkoniyati; axborotning ishonchliligi va o’z vaqtida taqdim etilishi; axborotni qonuniy asosda har qanday yo’l bilan izlash, olish, uzatish va tarqatish erkinligi; axborot taqdim etishda fuqarolarning shaxsiy daxlsizligi, shaxsiy va oilaviy sirlari, sha’ni va xizmat nufuzini himoya qilish.

7. Davlat organlari faoliyatining ochiqligini ta’minlashga qaratilgan milliy qonunchilik hujjatlarining rivojlanishini quyidagi **3 ta bosqichga ajratish** taklif etildi:

birinchi bosqich – 1991 – 2010-yillarni o’z ichiga olib, ushbu davrda davlat organlari faoliyatining ochiqligini ta’minlashga oid qonunchilik asoslari shakllandi, mazkur institutni joriy etish bo’yicha chora-tadbirlar ko’rildi;

ikkinchi bosqich – 2011 – 2016-yillarni qamrab olib, mazkur davrda davlat organlari faoliyatining ochiqligini ta’minlash, fuqarolarning axborot olish erkinligi kafolatlarini mustahkamlashga qaratilgan maxsus qonunchilik hujjatlari qabul qilindi hamda axborotning va davlat organlari faoliyatining ochiqligini ta’minlashga qaratilgan normalar qonunchilik hujjatlariga singdirila boshlandi;

uchinchi bosqich – 2017-yildan hozirgi vaqtga qadar bo‘lgan davrni o‘z ichiga olib, unda davlat organlari faoliyati ochiqligini ta‘minlashning tashkiliy-institutsional asoslari takomillashtirildi va davlat organlari faoliyatining ochiqligini baholash bo‘yicha yaxlit tizim yaratildi.

II. Davlat organlari faoliyatining ochiqligini ta‘minlashga oid qonunchilik hujjatlarini takomillashtirish bo‘yicha takliflar¹:

8. “Davlat hokimiyati va boshqaruvi organlari faoliyatining ochiqligi to‘g‘risida”, “Axborot olish kafolatlari va erkinligi to‘g‘risida”, “Axborot erkinligi prinsiplari va kafolatlari to‘g‘risida”, “Axborotlashtirish to‘g‘risida”, “Ommaviy axborot vositalari to‘g‘risida”, “Jurnalistik faoliyatini himoya qilish to‘g‘risida”, “Axborot-kutubxona faoliyati to‘g‘risida”, “Bolalarni ularning sog‘lig‘iga zarar etkazuvchi axborotdan himoya qilish to‘g‘risida”gi qonunlarning, shuningdek, jamiyatni axborot bilan ta‘minlashga taalluqli boshqa normativ-huquqiy hujjatlarning normalarini unifikatsiyalashtirgan holda, **O‘zbekiston Respublikasining Axborot kodeksini** qabul qilish maqsadga muvofiqligi asoslab berildi (Kodeks tuzilishining loyihasi dissertatsiyaga ilova qilinadi).

9. Rivojlangan xorijiy mamlakatlarning (AQSh va Kanada) davlat organlari faoliyati ochiqligini ta‘minlash sohasidagi qonunchilik tahlili asosida “O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining Reglamenti to‘g‘risida”, “O‘zbekiston Respublikasi Oliy Majlisi Senatining Reglamenti to‘g‘risida” hamda “Parlament nazorati to‘g‘risida”gi qonunlarga O‘zbekiston Respublikasi Oliy Majlisi palatalari tomonidan **O‘zbekiston Respublikasi Korrupsiyaga qarshi kurashish agentligi direktorining** davlat organlari va tashkilotlari faoliyati ochiqligini ta‘minlash holati to‘g‘risidagi **axborotini eshitish** tartibini nazarda tutuvchi o‘zgartirish va qo‘shimchalarni kiritish maqsadga muvofiqligi asoslantirildi.

10. Davlat organlari mansabdor shaxslarining xalq oldida hisobdorligini yanada kengaytirish maqsadida “Fuqarolarning o‘zini o‘zi boshqarish organlari to‘g‘risida”gi Qonunga fuqarolar yig‘inlari har chorakda tuman (shahar) prokurorlari va adliya bo‘limlari boshliqlarining hamda tumanlararo, tuman (shahar) sudlari raislarining faoliyati bo‘yicha **hisobotlarini** belgilangan tartibda **eshitishini** nazarda tutuvchi o‘zgartirish va qo‘shimchalarni kiritish maqsadga muvofiqligi to‘g‘risida takliflar ishlab chiqildi.

11. Qonunchilik hujjatlaridagi tafovutlarni bartaraf etish hamda mahalliy ijro etuvchi hokimiyat organlari mansabdor shaxslarining davlat organlari faoliyati ochiqligini ta‘minlash borasidagi mas‘uliyatini yanada oshirish maqsadida “Mahalliy davlat hokimiyati to‘g‘risida”gi Qonunga viloyat, tuman, shahar hokimlari har chorakda o‘z faoliyati to‘g‘risida fuqarolarning o‘zini o‘zi boshqarish organlariga hisobot berishini, ularning hisobotlari tegishli hududda joylashgan fuqarolarning o‘zini o‘zi boshqarish organlari, nodavlat notijorat tashkilotlari, siyosiy partiyalar va ommaviy axborot vositalarining vakillari ishtirokida ko‘rib chiqilishini, shuningdek, “Nodavlat notijorat tashkilotlari faoliyatining kafolatlari to‘g‘risida”gi Qonunga

¹ Davlat organlari faoliyatining ochiqligini ta‘minlashga qaratilgan qonunchilik hujjatlarini va huquqni qo‘llash amaliyotini yanada takomillashtirish bo‘yicha ilgari surilgan takliflar asosida “O‘zbekiston Respublikasining ayrim qonun hujjatlariga o‘zgartirish va qo‘shimchalar kiritish to‘g‘risida”gi O‘zbekiston Respublikasining Qonuni loyihasi ishlab chiqilib, dissertatsiya ishiga ilova qilindi.

davlat organlari tomonidan nodavlat notijorat tashkilotlarining faoliyati bo'yicha axborot taqdim etish haqidagi so'roviga javob berish muddatlarini aniqlashtirish bo'yicha o'zgartishlar kiritish taklif etildi.

12. Vazirlar Mahkamasining "Raqamli iqtisodiyot va elektron hukumatning rivojlanish holatini reyting baholash tizimini yanada takomillashtirish chora-tadbirlari to'g'risida" 2021-yil 15-iyundagi 373-son qarorida davlat organlarining rasmiy veb-saytlarida **e'lon qilingan ma'lumotlarning sifati, foydaliligi hamda dolzarbligini baholash** tizimini belgilash taklif etildi. Ushbu tizimning joriy etilishi davlat organlari mansabdor shaxslari tomonidan e'lon qilinayotgan ma'lumotlar bo'yicha ularning mas'uliyatini kuchaytirishga xizmat qiladi.

13. Amaliyotdagi mavjud muammolardan kelib chiqib, davlat organlari va tashkilotlarida axborot xizmatini tashkil etishning aniq tashkiliy shaklini, tizimdagi umumiy xodimlar sonini hisobga olgan holda, axborot xizmatining shtatidagi eng kam xodimlar sonini, ichki axborot almashish va muvofiqlashtirishning aniq mexanizmlarini o'z ichiga oluvchi, shuningdek, "**Mahalliy davlat hokimiyati organlarining axborot xizmatlari faoliyatini tashkil etish tartibi to'g'risidagi namunaviy nizom**"ni va "**Axborot xizmati ofisida mavjud bo'lishi majburiy hisoblanadigan texnik vositalar, aksessuarlar va dasturiy ta'minotlar ro'yxati**"ni tasdiqlashni nazarda tutuvchi Vazirlar Mahkamasining qarorini qabul qilish maqsadga muvofiq.

14. Quyidagi **idoraviy normativ-huquqiy hujjatlarni qabul qilish** maqsadga muvofiqligi asoslantirib berildi:

a) "Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni rasmiy nashrlar, rasmiy veb-saytlar, shuningdek, ommaviy axborot vositalari orqali e'lon qilish (chop etish) tartibi";

b) "Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni ularning rasmiy veb-saytlariga joylashtirish va yangilab borish tartibi";

v) "Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni hamma kirishi mumkin bo'lgan xonalar va joylarga joylashtirish hamda yangilab borish tartibi";

g) "Davlat organlari va tashkilotlarining faoliyati to'g'risidagi axborotni axborot-kutubxona va arxiv fondlari orqali taqdim etish tartibi".

III. Davlat organlari faoliyatining ochiqligini ta'minlashga doir tashkiliy-huquqiy asoslarni takomillashtirish va zamonaviy axborot-kommunikatsiya texnologiyalarini joriy etish bo'yicha tavsiyalar:

15. Davlat organlari rahbarlari va mas'ul xodimlarining fuqarolar hamda tadbirkorlik subyektlari bilan ochiq va to'g'ridan-to'g'ri muloqot qilishini ta'minlash, kelib tushgan so'rovlar va muammoli masalalarni yagona tizimda ro'yxatga olish, ularning o'z vaqtida ko'rib chiqilishini nazorat va monitoring qilib borish, shuningdek, berilgan javoblarni fuqarolar tomonidan baholash imkoniyatiga ega bo'lgan "**Ochiq muloqot**" **platformasini ishlab chiqish** maqsadga muvofiq.

16. Xorijiy mamlakatlar tajribasi va xalqaro standartlar tahlili asosida davlat organlari faoliyati ochiqligini ta'minlash bo'yicha O'zbekiston Respublikasining o'zini va nufuzini yanada yaxshilash maqsadida:

“Hukumatning ochiqligi” indikatorini (“Open Government Factor”) hamda uning subindikatorlari bo‘yicha O‘zbekiston Respublikasining reytingini yaxshilash maqsadida amaliy choralar ko‘rish;

“Ochiq Hukumat hamkorligi” (“Open Government Partnership”) xalqaro tashkilotiga mahalliy miqyosda (Hukumat darajasida) a‘zo bo‘lish masalasini ko‘rib chiqish;

“Xalqaro ochiq ma‘lumotlar xartiyasi” (“International Open Data Charter”) tamoyillarini joriy qilish hamda O‘zbekistonni 15 ta yo‘nalish bo‘yicha Ochiq ma‘lumotlar barometrida (“The Open Data Barometer”) baholashni yo‘lga qo‘yish bo‘yicha harakatlar rejasini tasdiqlash;

“Xalqaro byudjet hamkorligi”ning (“International Budget Partnership”) Byudjet ochiqligi indeksiga (“Open Budget Index”) O‘zbekistonni kiritish bo‘yicha tashkiliy chora-tadbirlarni amalga oshirish;

Ochiq ma‘lumotlar inventarizatsiyasi (“The Open Data Inventory”), **Elektron hukumatni rivojlantirish** reytinglari (“E-Government Survey”), **“Freedom House”** nohukumat tashkiloti, **Global ma‘lumotlar barometridagi** (“The Global Data Barometer”) mamlakatimiz o‘rnini yaxshilashga ta’sir qiluvchi komponentlar bilan ishlash;

xalqaro tashkilotlar va ilmiy tadqiqot muassasalari bilan hamkorlik aloqalarini yanada kuchaytirish hamda milliy mutaxassislarning **xalqaro reytinglar metodologiyasini qo‘llash** amaliyoti bo‘yicha malakasini doimiy ravishda oshirib borish taklif etiladi.

17. Davlat organining ochiq hay‘at majlislarini o‘tkazish vaqti, unda ishtirok etish tartibi to‘g‘risidagi **axborotdan foydalanuvchilarni barvaqt xabardor qilgan holda, ushbu hay‘at majlislarida har yarim yilda kamida bir marta davlat organlari faoliyatining ochiqligini ta‘minlashni o‘z ichiga oluvchi qonunchilik hujjatlari ijrosini tanqidiy muhokama qilish** hamda ushbu muhokamalarda jamoatchilik vakillari va ommaviy axborot vositalari vakillari ishtirokini ta‘minlash maqsadga muvofiq.

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TASHKENT STATE UNIVERSITY OF LAW

RADJAPOV AZAMAT KHUDAYNAZAROVICH

**ORGANIZATIONAL AND LEGAL ASPECTS OF ENSURING OPENNESS
OF THE ACTIVITIES OF STATE BODIES**

12.00.02. – Constitutional law. Administrative law.
Finance and customs law

ABSTRACT
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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under 1145), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone:(998971) 233-66-36).

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INTRODUCTION (abstract of PhD thesis)

The actuality and relevance of the dissertation theme. The increasing demand of the population for information in the conditions of globalization in the world requires a completely new methods to the sphere of providing the openness of the activities of state bodies and the wide introduction of methods, as well as further improvement of legislative acts. In this direction, regularly providing information to the public about the openness of the activities of state bodies in our country, listening to the reports of the officials of these bodies, as well as bringing the attention of public timely information related to the rights and freedoms and legal interests of citizens has been raised to the level of state policy that.

The special attention is paid to the scientific researches dedicated to the improvement of the openness and transparency of the activities of state bodies in the world, the system of accountability of their officials to the people, and the improvement of the legal acts in this regard by providing the rights and freedoms of citizens in the sphere of information, guaranteeing of the free access and distribution of information by a person without any hindrance.

In our country, systematic measures have been implemented to further Strengthening the guarantees of freedom of information for individuals and legal entities, consistently expanding the range of information on the activities of state bodies that the public should be aware of, wide implementing of the “openness index” in the activities of state bodies. In the development strategy of the new Uzbekistan, “introduction of new mechanisms aimed at the insurance of the openness and transparency”¹ in a number of directions is defined as one of the priority tasks, setting among the priorities, it is gaining urgent importance in the development of relevant spheres and strengthening the responsibility and accountability of state bodies and their officials.

In addition, more than ten articles of the new version of the Constitution of the Republic of Uzbekistan, adopted on the basis of the referendum held on April 30, 2023, strengthen the norms that serve to provide the society with information and the openness of the activities of state bodies, which shows that scientific research in this field is one of the important tasks.

This research work contributes to the implementation of the tasks stipulated in the Laws of the Republic of Uzbekistan “On Guarantees and Freedom of Information” (1997), “On Principles and Guarantees of Freedom of Information” (2002), “On Openness of Activities of State Government and Administration Bodies” (2014), “On Electronic Government” (2015), “On Public Control” (2018), and in the Decrees of the President of the Republic of Uzbekistan “On additional measures to provide the openness and transparency of state administration and increase the statistical potential of the country” No. DP–4273, on April 9, 2019, “On additional measures to provide the openness of the activities of state bodies and organizations, as well as effective implementation of public control” No. DP–6247, on June 16, 2021, and “On measures to increase the level of openness of the activities of state bodies and organizations and introduce an evaluation system” No. DP–154, on June 14, 2022 and other normative legal acts related to the research topic.

¹ Decree of the President of the Republic of Uzbekistan “On the development strategy of New Uzbekistan for 2022-2026”, January 28, 2022 No. PF–60 // National database of legislative information, 29.01.2022, No. 06/22/60/0082.

The dependence of the research on the priority areas of development of science and technologies in the country. This research was carried out in the priority direction of the development of science and technology of the republic I. “Formation of innovative economy, development of a democratic and legal society in a spiritual, moral and cultural ways”.

The extent of the study of the research problem. The issues related to the organizational and legal aspects of providing the openness of the activities of state bodies have not been fully studied within the framework of a separate topic, a study by lawyer scholars has been published to reveal one or another aspect of this sphere such as A.A.Azizkhujayev, J.M.Abdullaev, Sh.G.Asadov, Sh.M.Asyanov, M.A.Akhmedshaeva, F.Kh.Bakaeva, R.R.Khakimov, I.A.Khamedov, O.T.Khusanov, U.Sh.Khusainov, Kh.T.Mamatov, M.M.Mirakulov, B.A.Omonov, F.A.Primov, Z.R.Ruziev, E.K.Sabirov, A.Kh.Saidov, A.S.Tursunov and A.E.Yoldashev¹.

Scientific research related to various aspects of providing the openness of the activities of state bodies in the CIS member states have been studied by O.V.Afanaseva, O.A.Aleksandrova, O.V.Akhrameeva, I.A.Beginina, F.I.Belozor, I.A.Damm, I.A.Zhuravleva, D.V.Karpukhin, E.A.Kleimenov, N.Y.Korchenkova, L.A.Krivososova, T.A.Kulakova, K.V.Melikhov, T.M.Reser, N.V.Shedrin, V.A.Sologub, V.A.Sukhanova, E.N.Tovanchova and N.V.Vlasova².

Scientists from foreign countries such as D.Bevilacqua, W.Castelnovo, S.Cassady, C.Dana, D.Dornum, E.Florini, J.Fox, T.Harrison, A.Gomm, H.Gurria, H.Keiren, M.Kinsey, M.Kirn, P.Rhodes, J.Rose, A.Robinson, D.Robinson, F.Schauer, M.Scott, D.Tapscott, S.Tolbert, L.Vilone, A.Jansen and other scholars described the issues related to the openness of the activities of the state bodies in the scientific works³.

The organizational and legal aspects of providing the openness of the activities of state bodies in our country have not been thoroughly researched from the constitutional and legal point of view, taking into account the national legislation and the experience of foreign countries, it is urgent to research this topic in a comprehensive way.

Relation of the dissertation’s theme to the scientific-research work of higher education institution where it was implemented. The theme of the dissertation is included in the plan of research plan of the fundamental project (2017 – 2021) of the Tashkent State University of Law scientific-research work site on the topic “The urgent direction of the development of the state administration in the context of deepening the democratic process”.

The aim of the research is to develop scientifically-theoretical and practical suggestions and recommendations aimed at increasing the effectiveness of providing the openness of the activities of state bodies and improving normative legal acts in this regard.

The tasks of the research. According to the aims of the research, the tasks are defined as follows:

¹ These and other sources are listed in the bibliography of the dissertation.

² These and other sources are listed in the bibliography of the dissertation.

³ These and other sources are listed in the bibliography of the dissertation.

to analyze the notion and legal nature of providing the openness of the activities of state bodies;

to determine the process of providing the openness of the activities of state bodies and its specific features;

to study the normative legal bases of providing the openness of the activities of state bodies and applying law enforcement practice in this sphere;

to analyze the organizational mechanisms of providing the openness of the activities of state bodies;

to research the issues of applying the procedures and methods of providing the openness of the activities of state bodies;

to justify the need to develop new mechanisms for increasing the openness and transparency of the activities of state bodies, to analyze the experience of foreign countries and international standards;

to depict the organizational and legal aspects of providing the openness of the activities of state bodies by researching, the priority directions for improving the process of providing openness.

The object of the research is the system of social relations that occurs in the process of providing the openness of the activities of state bodies.

The subject of the research consists of normative legal acts on providing the openness of the activities of state bodies, law enforcement practice, the legislation of advanced foreign countries and international standards, scientific works dedicated to this topic, statistical and analytical materials, as well as conceptual approaches and scientific-theoretical views in legal science.

Research methods. Methods such as analysis, synthesis, induction, deduction, comparative-legal, analysis of systematic, historical, analysis of statistical data and social survey methods were used in the research.

Scientific novelty of the research is as follows:

it is justified to increase the responsibility of officials for providing the openness of the activities of state bodies and to improve the legal basis for determining their responsibility;

it is justified to introduce of the procedure for electronic reporting of state bodies and organizations to the public on their activities;

it is justified the need to determine the list of information that shall be posted on the official website of state bodies, business associations and local executive authorities;

it is justified the need to join the International Open Data Charter in order to provide the participation of our country in international ratings in the sphere of open data, in particular, “Global Open Data Index” and “Open Data Barometer”;

it is justified to adopt the methodology of monitoring and assessment of the openness of the activities of state bodies and organizations.

The practical results of the research are as follows:

It is justified that the definition of the notion of “openness of the activity of state bodies” is given by the researcher on the basis of scientific analysis, the clarification of differences of concepts such as “openness”, “publicity” and “transparency”, as well as development of the stages of the legislation on providing the openness of the activities of state bodies in our country;

It is justified that the need to implement the internationally recognized “New Public Management” model of providing the openness of the activities of state bodies, which provides for open dialogue with citizens and their participation in the decision-making process, is scientifically and theoretically;

It was developed that the proposals for amendments and additions to the legislation of the Republic of Uzbekistan aimed at improving the transparency of the activities of state bodies, including the accountability of officials to the people;

It was proved that informing users of information and media representatives about the time of public board meetings of state bodies and the procedure for participating in them, the need to critically discuss the implementation of normative legal acts aimed at providing openness in these meetings every six months;

It is justified proposals that according to the international ratings of Uzbekistan, including “Open Government Factor”, “The Open Data Inventory”, “E-Government Development Ratings” (“E-Government Survey”), improvement of position in “The Global Data Barometer”, access to the “Open Budget Index” of the “International Budget Partnership”, membership of the international organization “Open Government Partnership”;

it is justified that urgency of expanding the list of socially important information to be posted as open information, introducing of assessment of the quality, usefulness and relevance of information published by public authorities, as well as, improving open data and “openbudget.uz” portals.

Reliability of research results. The research results are based on national legislation, experience of advanced countries, law enforcement practice, questionnaire, expert assessment forms. Conclusions, suggestions and recommendations were approved and the research results were published in leading national and foreign publications. The obtained results are approved by authorized organizations and implemented.

The scientific and practical significance of the results of the research. The development of the scientific conclusions, suggestions and recommendations as a result of the research, improvement of national legal acts in scientific activities, law enforcement practice, on the issues of providing the openness of the activities of state bodies and can be used in the teaching and scientific and theoretical enrichment of “Constitutional Law”, “Administrative Law”.

The practical significance of the research results is served that their implementation and further improvement of the legal regulatory mechanisms in the sphere of providing the openness of the activities of state bodies, establishing a system of providing timely, accurate and reliable information on the activities of state bodies to the general public by introducing international standards to the sphere.

Implementation of the research results. Based on the scientific results of the research on the organizational and legal aspects of providing the openness of the activities of state bodies:

the proposal to introduce administrative responsibility for violating the legislation on the openness of the activities of state governmental and administration bodies has been submitted in the development of a new article 215⁷ into the Code

of Administrative Responsibility, No. LRU-786, on August 3, 2022 (Reference of the Committee on Innovative Development, Information Policy and Information Technologies of the Legislative Chamber of the Oliy Majlis, on August 31, 2022, No. 04/11-12-60). The introduction of this proposal served to further increase the liability of officials in this sphere;

the proposal to establish the procedure for electronic reporting of public bodies and organizations on their activities of the Cabinet of Ministers “Further improvement of electronical governmental system, has been submitted in the development of section 4 of the Resolution of the Cabinet of Ministers “On measures to further development of the electronic governmental system, as well as introduce the procedure for electronic reporting of state bodies and organizations to the public on their activities” No. 444, on July 16, 2020 (Reference of the Legal Support Department of the Cabinet of Ministers, on August 30, 2022 No. 12/21-64). This proposal served to establish a system of reporting by officials of state bodies through official websites and official pages on social networks;

the proposal to consider the issue of joining the International Open Data Charter in order to provide the participation of our country in international ratings in the sphere of open data, in particular, “Global Open Data Index” and “Open Data Barometer” ratings has been submitted in the development of section 5 of the Resolution of the Cabinet of Ministers “On measures to further development of the sphere of open data in the Republic of Uzbekistan” No. 808, on December 23, 2020 (Reference of the Legal Support Department of the Cabinet of Ministers on August 30, 2022 No. 12/21-64). This proposal served for Uzbekistan to join the “International Open Data Charter”, on January 20, 2021;

the proposal to determine the list of mandatory information to be posted on the official website of state bodies, business associations and local executive authorities has been submitted in the development of section 1 of the Resolution of Approved by Cabinet of Ministers No. 373 on June 15, 2021, taken into account in the development of the main requirements for the official website of State bodies, economic associations and local executive authorities (Reference of the Legal Support Department of the Cabinet of Ministers, on August 30, 2022 No. 12/21-64). The implementation of this proposal served to clearly define the scope of information that shall be posted on official websites;

the proposal that to adopt a methodology for monitoring and evaluating the openness of the activities of state bodies and organizations has been submitted in the development of section 3 of the Decree of the President of the Republic of Uzbekistan “On measures to increase the level of transparency of the activities of state bodies and organizations and introduce an evaluation system” No. DP-154, on June 14, 2022 (Reference of the Anti-Corruption Agency, on September 5, 2022 No. 03-07/4002). The introduction of this proposal served to create a system for assessment of the openness of state bodies.

Approbation of the results of the research. The results of this research have been shared at 8 scientific conferences, including 2 international, 6 national scientific conferences, roundtables and seminars.

Publication of the research results. According to the results of this research, a total of 20 scientific papers, including 1 monograph and 9 articles (including 2 articles in foreign journals) were published in scientific journals recommended for publication of the main results of the dissertation and 11 scientific articles (including 3 articles in foreign journals) were published in the collections.

The structure and volume of the dissertation. The content of the dissertation consists of an introduction, three chapters containing 7 paragraphs, a conclusion, a list of references and appendices. The volume of the dissertation is 132 pages.

THE MAIN CONTENT OF THE DISSERTATION

The **introduction** of the dissertation includes the relevance and necessity of the research theme, the relevance of the research to the main priorities of the national science and technology development, the review of foreign scientific research on the subject, the level of studying the problem, the relation of the dissertation theme to the scientific research work of higher education institution where the dissertation is written, the aim and tasks, object and subject, methods, scientific novelty and results of the research, reliability of the research results, scientific and practical significance of the research results, their implementation, the approbation, publication of the results, structure and the volume of the dissertation.

The first chapter of the dissertation is entitled **“The theoretical and legal analysis of providing the openness of the activities of state bodies”**, this chapter contains two paragraphs. This chapter have been studied that the concept and legal nature of providing the openness of the activities of state bodies and the process of providing the openness of the activities of state bodies and its features.

According to the dissertator, the insurance of the openness of the activities of state bodies is recognized as an important aspect for the establishment of a democratic legal state and a means of exercising the constitutional rights of everyone to freely search, receive and disseminate information.

According to this, national and foreign scientists on the scientific-theoretical aspects of the notions of “openness of the activities of state bodies”, in particular, “openness”, “publicity”, “transparency”, “transparent” (I.Khamedov, Sh.Asadov, U.Khusainov, A.Tursunov, F.Primov, Sh.Asyanov, D.Akhrarova, A.Yoldashev, E.Sabirov, L.Krivososova, Y.Nisnevich, I.Zhuravleva, T.Kulakova, M.Lapina, O.Akhrameyeva, N.Vlasova, I.Beginina, O.Afanaseva, I.Damm, F.Belozor, T.Reser, J.Fox, Don Tapscott, A.Florini¹) based on the analysis of the opinions expressed by the dissertator, it is appropriate to use the notion of “openness” in relation to state bodies. The notion of “openness” refers to guaranteeing the right of information users to receive information on the activities of state bodies, “transparency” represents the structure of openness, which means that all processes related to the implementation of their activities and decision-making by state bodies are open to the public. The notion of “publicity” is applied to the activities of judicial authorities, as well as to the description of the guarantees of obtaining and distributing information by mass media. In foreign countries, the notion of “transparent” is used as an alternative to the notions of “openness” and “transparency” to express the openness of information.

¹ These and other sources are listed in the bibliography of the dissertation.

The dissertator notes that the need to clarify the essence of the notion of “the openness of the activities of state bodies” and to reflect it in legislative acts when improving the legal mechanisms aimed at providing the openness of the activities of state bodies. Based on the analysis of the approaches formed in relation to this notion, the dissertator defined the authorship as follows: “the openness of the activities of state bodies is the creation of conditions by the state bodies that allow population and business entities, self-government bodies of citizens, public associations, non-governmental non-commercial organizations, mass media and other institutions of civil society to search for, receive and distribute reliable, accurate and correct information on their activities for use by all”.

In general, in the conditions of globalization of today, the dissertator tried to illuminate its specific features through an in-depth analysis of the processes of providing the openness of the activities of state bodies. The dissertators, scientists who have conducted scientific research in this direction, in particular, summarizing the opinions of scientists, such as, M.Kirn, T.Reser, N.Y.Korchenkova, E.Chirkin, N.Anokhin, L.Umek, I.Rakar, M.Trtnik, V.Kostanevets, D.Bevilakva, J.Bremers and V.Deleu “the process of providing the openness of the activities of state bodies – for everyone to use this information, information on the activities of state bodies that are not included in the list of information constituting state secrets or other secrets protected by law in the order established by law, official publications of these bodies, speeches and statements of the heads of state bodies, as well as officials authorized by these bodies, information services is a set of actions related to publication (printing) through messages, official websites and mass media materials”, it has been concluded that.

The scientific views and approaches of scientists (N.Korchenkova, M.Abrasimov, N.Anokhin, A.Strizoe, I.Damm, E.Okhotsky and E.Chirkin¹) by the author based on the analysis, the participation of citizens in the process of providing the openness of the activities of state bodies is divided into three level as follows:

1. Access to social and political information. The openness of information is determined by the opportunity of access to information on the activities of state bodies, which is provided by having information documents that reflect the decisions made.

2. Access to decision-making. It is provided by expanding the information provided to identify responsible persons and possible consequences its implementation.

3. Access to an open decision-making process involving representatives of civil society, including individual organizations and individuals. It plays an important role in the literacy of citizens in decision-making and the culture of participation in political debates.

Dissertator have been studied that scientific analysis of the opinions of scientists such as G.Aubakirova, F.Isataeva, A.Ingrams, S.Piotrovsky, D.Berliner, Hardy Keiren, E.Kipervar, E.Mamai, M.Mizya, Dj.Ballok, L.Utul, S.Kasadi, K.Eriksson, R.Levitt, W.Scott regarding modern models of providing the openness in public administration, proposed to the introduction of the internationally recognized “New Public Management” model of providing openness, which implies communication with citizens and their participation in decision-making processes.

¹ These and other sources are listed in the bibliography of the dissertation.

The second chapter of the dissertation is entitled “**The organizational and legal aspects of providing the openness of the activities of state bodies**”, this chapter contains three paragraphs.

In this chapter, it was revealed by dissertator that legal basis for providing the openness of the activities of state bodies in Uzbekistan, stages of their development, principles of providing the openness, organizational mechanisms of providing the openness of state bodies and its modern forms and methods.

The dissertator proposed that the development of normative legal acts aimed at providing the openness of the activities of state bodies in Uzbekistan should be divided into periods as follows:

first stage – the period covering the years 1991-2010, it was formed that the legal basis for providing the openness of the activities of state bodies, the measures were taken to introduce this institution during this period;

second stage – the period covering the years 2011-2016, it was adopted that providing the openness of the activities of state bodies, special normative legal acts aimed at strengthening guarantees of freedom of citizens of information and norms aimed at providing the openness of information and activities of state bodies began to be incorporated into legislative acts;

third stage – the period covering from 2017 to the present, it was improved that the organizational and institutional basis for providing the openness of the activities of state bodies and created a comprehensive system for evaluating the openness of the activities of state bodies.

It is suggested by dissertator that scientist that conducted scientific research on providing openness such as K.Melikhov, V.Sologub, I.Khasheva, A.Gryonlund, T.Khoran, J.Guida, M.Crowe, R.Khicks, S.Mutula, G.Maiga, T.Sphere, E.Muller, S.Shin, E.Lau, K.Verghese, analyzing the opinions of scientists, providing the openness of the activities of state bodies should be based on basic principles as follows: the opportunity of openness of information and barrier-free access to it; reliability and timely delivery of information; freedom to seek, receive, transmit and disseminate information in any lawful manner; protection of privacy of citizens, personal and family secrets, honor and reputation of service when providing information, respecting the rights of organizations to protect their service reputation.

The dissertator carried out as a result of the research work by based on the analysis of the opinions of scientists such as Kh.Mamatov, O.Aleksandrova, E.Tovanchova, O.Malakhova, V.Sukhanova, S.Zollner, V.Castelnovo, J.Person, V.Delone, V.Golden, touching on the following organizational and legal problem of providing the openness of the activities of state bodies, proposals for their elimination are presented: 1) establishing an open communication with the population by the officials of state bodies using modern information and communication technologies; 2) providing the openness of the activities of state bodies by further improving the provision of electronic state services to the population; 3) improving of communication technologies introduced by state bodies to provide openness; 4) proper using of the opportunity of social networks to provide the openness and provide information to society.

According to the dissertator, the main directions of providing the openness of the activities of state bodies through social networks should be as follows: 1) informing citizens: publish news, social information, photo and video reports, links to the official website; 2) engaging citizens: organizing discussions, publishing acts, initiatives, reports of state bodies, accept proposals, opinions and comments on anti-corruption measures; 3) providing free knowledge and advancing to the population on issues related to the powers of state bodies.

The scientific approaches of scientists (Y.Nisnevich, D.Mikheev, N.Karkin, M.Janssen, V.Kastelnovo, T.Kharrison) to provide the openness of the activities of state bodies, the dissertator used 6 methods of providing the openness in legislation in Uzbekistan the degree of openness of the activities of state bodies is highlighted and the proposal to adopt departmental normative legal acts was made as follows:

“The main publication of the information on the activities of the state government and the organization, the main website, also public publication (printing)”;

“The procedure of posting and updating information on the activities of the government and the organization on the official website of the organization”;

“The procedure of posting and updating information on the activities of the government and the organization in a room and place where everyone can see it”;

“The procedure of free presenting of the information on the activities of the state library and transportation library and library fund”.

The third chapter of dissertation is entitled “**The prospects for improving the transparency of the activities of state bodies**”, which contains two paragraphs, it analyzed that the experience and international standards of foreign countries in the sphere of providing the openness of the activities of state bodies, as well as the priority directions for improving the openness of the activities of state bodies.

The author of some foreign scientists, the emergence of legislation that serves to provide the guarantees of the individual right to information, in Sweden, this right was established even earlier, despite the fact that it is related to the adoption of the Law “On Freedom of the Press”, on December 2, 1766, that is, the censorship was put to an end in Great Britain with the repeal of the Press Licensing Act, on April 18, 1695, and related to the adoption of the Law “On Copyrights Law” on April 10, 1710. Because dissertator put forward the opinion that press freedom was censored by the Law “On Licensing the Press” was adopted in 1662.

The dissertator notes that the right to receive information is one of the most important rights of a person, “Universal Declaration of Human Rights” on December 10, 1948 (Article 19), “Convention for the Protection of Human Rights and Fundamental Freedoms”, on November 4, 1950 (Article 10) and “International Covenant on Civil and Political Rights” on December 16, 1966 (Article 19) that separate articles are allocated to these rights, in particular, it is defined as 16 Sustainable Development Goals of the UN.

The dissertator separately studied that the legislation of more than 20 developed foreign countries, such as, the USA, Canada, Norway, Moldova, Lithuania, Russia, on providing the openness of the activities of state bodies. According to it, it has

been approved that a single registry of open and restricted closed information provided to citizens in the United States. In addition, state bodies and organizations every year no later than February 1 of the calendar year, submits a report and this is published for all to know that information provided to the US Ministry of Justice by users of information in the past year, the number of requests for information that were granted and denied, the average time it took to process them, information provided on a fee basis and on a fee-free basis.

The Canadian legislation also has rules about what information cannot be disclosed and provided, according to it: military-strategic, third-party or personally damaging, scientific, political, and economic secret information may not be disclosed or presented. The dissertator noted that the position of Commissioner “Information Commissioner” has been introduced in Canada, which supervises the provision of information rights from public bodies of any person permanently living in this country and he annually reports to the Parliament of Canada and the general public on the state of providing the openness of the activities of public bodies by officials.

The dissertator proposed that on the basis of this positive experience, implementing of the procedure for hearing the information on the situation of providing the openness of the state and organizational activities of Anti-Corruption Agency by the Chambers of the Oliy Majlis of the Republic of Uzbekistan.

Also, the dissertator noted that it is focused on the specific aspects of the legislation of foreign countries, a request of citizen for information will be answered by state authorities in a short period of time (three days) in Norway, the officials may be subject to disciplinary, administrative, civil and criminal responsibility for violating the legislation in the sphere of providing the openness of the activities of state bodies in Russia, the presence of clear list of restricted information and the presence of the position of Inspector of journalistic ethics in Lithuania.

It was analyzed of the level of openness of state bodies by dissertator that “Open Government Factor” of the “World Justice Project”, the rating of the “Open Data Inventory”, the “Corruption Perceptions Index” of “Transparency International”, “The Global Data Barometer”, the “E-Government Development Ranking” of UN, the “International budget partnership” of ranking “Open Budget Index” have been analyzed, proposals for their further improvement have been developed.

In the future, the dissertator examines that the increasing demand for information, the development of the notion of “Open Government” by scientists (V.Castelnovo, M.Grimmsley, A.Jansen, D.Tvizeymana, A.Andersson, L.Flack, J.Rose, J.Persson, L.Khiger, A.Meehan, S.Bouton, S.Tolbert, K.Mossberger) analyzes their approaches and identifies as the priority directions for providing the openness of the activities of state bodies as follows:

firstly, the preparing and publishing of public reports on their activities by state bodies (distribution of such reports (quarterly and annually) increases the level of awareness of the population about the activities of state bodies; such reports are considered as a criterion for determining the rating of the state body and depict the transparency of their activity);

secondly, the announcing of the rating of transparency on the activity of state bodies according to the criteria of openness (the experience of compiling ratings of such bodies by scientists is considered very successful as one of the forms of encouraging transparency in the activity of state power);

thirdly, the carrying out large-scale educational activities among the population (getting information on goals, benefits and public participation, applying with a survey, etc.);

fourthly, the increasing of the opportunities for citizens to openly discuss their opinions not only in the decision-making process, but also on the effectiveness of the decision-making, through the feedback system.

The dissertator concluded that during the past period, a solid legal basis has been created in our country that serves to provide the guarantees of right of citizens to information and the openness of the activities of state bodies, unifying the standards of other legal acts related to the provision of information to the society at this stage, it is appropriate to adopt the Information Code of the Republic of Uzbekistan. According to him, the work has started in this regard in Russia and Tajikistan.

According to the dissertator, taking into account the existence of a system of hearing reports of officials of some state bodies (internal affairs, local executive power) in legislative acts, in order to establish a permanent dialogue with the people of the heads of lower-level department of justice, prosecutor's office and judicial authorities, to introduce the procedure of hearing their questions of citizens at meetings.

Also, it was expressed the opinion that the introducing of a system of assessment by the population of the quality, usefulness and relevance of the information published by the researching state bodies, improving of "ochiqbudjet.uz" and Open Data portals, creating of rapid internal information exchange mechanisms of information services of state bodies, establishing the practice of critically discussing the implementation of legislative acts in the sphere of providing openness at least once every six months at board meetings of state bodies is appropriate.

CONCLUSION

The result of the research on the topic entitled "The organizational and legal aspects of providing the openness of the activities of state bodies", the following suggestions and recommendations for further improvement of the scientific-theoretical and legislation have been developed:

I. Scientific and theoretical conclusions

1. The definition of the notion of openness of the activities of state bodies was developed by researcher as follows: "*Openness of the activities of state bodies is the search for reliable, accurate and correct information on their activities by state bodies for the use of residents and business entities, self-government bodies of citizens, public associations, non-governmental non-commercial organizations, mass media and other institutions of civil society, the creation of conditions that allow timely receipt and distribution*".

2. According to the scientific views of scientists, the content and essence of notions such as “openness”, “transparency”, “publicity” and “transparency” have been analyzed and it was concluded that there is no exactly opinion and doctrinal approach regarding these notions and the interrelationship between them.

In addition, it is justified that there is no clear definition of these notions in legal literature and national legislative acts, the appropriateness of using the notion of “openness” in relation to them, depending on the functions performed by state bodies.

The notion of “openness” applies the opportunity of citizens using information on the activities of state bodies and providing the guarantees of the right to receive information.

The notion of “Publicity” applies to the activities of judicial authorities and to the description of guarantees for the mass media to receive and distribute information on the activities of state bodies.

The notion of “Transparency” represents the structure of openness, it means that all processes related to the implementation of their activities by state bodies and their decision-making are open to the public. The analysis of foreign experience depicts that the notion of “transparent” is used instead of the notions of “openness” and “transparency” to express the openness of information.

3. It is analyzed that based on the analysis of scientific views *“the process of providing the openness of the activities of state bodies”, it is concluded that “in order to make the information available to everyone, the official publications of these bodies, the heads of state bodies and the information on the activities of state bodies, which are not included in the sentence of information constituting state secrets or other secrets protected by law, as well as, a set of actions related to publications and statements of officials authorized by these bodies, messages of information services, publication (printing) through official websites and mass media materials”*.

4. The analysis of scientific approaches, the participation of citizens in the process of providing the openness of the activities of state bodies was divided into three levels as follows:

a) Access to social and political information. The openness of information is determined by the opportunity of access to information on the activities of state bodies, which is provided by having information documents that reflect the decisions made;

b) Access to the decision-making process. The moderately high level of openness. The participation of citizens in the decision-making process is determined by the creation of access to information on their causes and expected results;

c) Access to an open decision-making process involving representatives of civil society, including individual organizations and individuals. In this process, the literacy of population in decision-making, the culture of conducting political debates play an important role.

5. It was proposed that based on the analysis of the models for providing the openness of the activities of state bodies and to introduce the internationally recognized “**New Public Management**” model of providing openness, which implies communication with citizens and their participation in decision-making processes.

6. It was depicted that the openness of the activities of state bodies should be based on the **four main principles** as follows: the openness of information and the opportunity of barrier-free access to it; reliability and timely delivery of information; the freedom to seek, receive, transmit and disseminate information by any legal ways; the protection of privacy of citizens, personal and family secrets, honor and reputation of service when providing information, respecting the rights of organizations to protect their service reputation.

7. It was proposed that to divide the development of national legislation aimed at providing the openness of the activities of state bodies into 3 stages as follows:

the first stage – the period covering the years 1991 – 2010, it was formed that the legal basis for providing the openness of the activities of state bodies, measures were taken to introduce this institution during this period;

the second stage – the period covering the years 2011 – 2016, in this period, it was adopted that special legal acts aimed at providing the openness of the activities of state bodies, strengthening the guarantees of freedom of citizens of information and the norms aimed at providing the openness of information and the activities of state bodies began to be incorporated into legislative acts;

the third stage – the period covering from 2017 to the present, it was formed that the organizational and institutional basis for providing the openness of the activities of state bodies and a comprehensive system for evaluating the openness of the activities of state bodies.

II. Suggestions and recommendations for further improving the openness of the activity of state bodies¹:

8. It was justified that the law of “On the Openness of the Activities of State Governmental and Administrative Bodies”, “On Guarantees and Freedom of Information”, “On Principles and Guarantees of Freedom of Information”, “On Informatization”, “On Mass Media”, “On Protection of Journalistic Activity”, “On information-library activities”, “On Protection of Children from Information Harmful to Their Health”, as well as, the expediency of adopting the **Information Code of the Republic of Uzbekistan**, unifying the standards of other legal acts related to providing information to the society (The structure of the draft code is attached to the dissertation).

9. It is justified that based on the analysis of the legislation of developed foreign countries (USA and Canada) in the sphere of providing the openness of the activities of state bodies, the expediency of introducing amendments and additions by the Chambers of the Oliy Majlis of the Republic of Uzbekistan, which provide for the

¹ On the basis of the proposals put forward to further improve normative legal acts and law enforcement practices aimed at ensuring the openness of the activities of state bodies, a draft of the Law of the Republic of Uzbekistan “On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan” was developed and attached to the dissertation work.

procedure for hearing the information on the issue of providing the openness of the state and organizational activities of the agency of the Republic of Uzbekistan, the Law of the “On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, “On the Regulations of the Senate of the Oliy Majlis of the Republic of Uzbekistan” and “On Parliamentary Control”.

10. The proposals have been developed in order to further expand the accountability of government officials to the people, according to the Law “On Self-Government Bodies of Citizens” meetings are held every quarter by the prosecutors of district (city) and the head of the justice department, as well as, the chairperson of the court of inter-district, district (city) courts on the expediency of including additions that provide for the hearing of the reports on the activity in the prescribed manner.

11. It was proposed to changes that in order to eliminate the discrepancies in the legislative acts and further increase the responsibility of the officials of the local executive authorities to provide the openness of the activities of the state bodies according to the Law “On Local Executive Authorities”, governors of regions, districts and cities should report quarterly on their activities to self-government bodies of citizens, consideration of their reports with the participation of representatives of self-government bodies of citizens, non-governmental non-commercial organizations, political parties and mass media located in the relevant area, as well as, clarification of the deadlines for responding to requests by state bodies to provide information on the activities of non-governmental non-commercial organizations to the Law “On Guarantees of the Activities of Non-Governmental Non-Commercial Organizations.

12. The Resolution of the Cabinet of Ministers “On measures to further improvement of the rating system for the development of the digital economy and electronic government” on June 15, 2021, No. 373, to establish a system for **assessment of the quality, usefulness and relevance of information published** on the official websites of state bodies have been proposed. The introduction of this system serves to strengthen the responsibility and accountability of public authorities regarding the information published by them.

13. Based on the existing problems in practice, the exact organizational form of the organization of the information service in state bodies and organizations, the minimum number of employees in the state of the information service, taking into account the total number of employees in the system, internal information exchange and containing specific coordination mechanisms, as well as, acceptance of the decision of the Cabinet of Ministers on the approval of the “**Model regulation on the procedure for the organization of information services of local government bodies**” and “**The list of technical tools, accessories and software that are considered mandatory to be available in the information service office**” is appropriate.

14. It was justified that the acceptance of departmental normative legal act as follows:

a) “the regulation of publishing (print) of information on the activities of state and organization by official publication, official web-site and mass media”;

b) “the regulation of posting and updating the information on the activities of governmental agencies and organizations on the official website of the organization”;

c) “the regulation of posting and updating the information on the activities of government and organizations in a room and place where everyone can see it”;

d) “the regulation of presenting the information on the activity of the state library and transport library to the library and archive fund”.

III. Recommendations on the improvement of organizational and legal aspects for providing the openness of the activities of state bodies and the introduction of modern information communications:

15. It is appropriate to **form platform named “Open communication”** that providing open and direct communication of heads and responsible employees of state bodies with citizens and business entities, registering of received requests and problematic issues in a single system, controlling and monitoring the timely review, as well as, assessment of the given answers by citizens.

16. Based on the experience of foreign countries and the analysis of international standards in order to further improvement of the position and authority of the Republic of Uzbekistan in order to provide the openness of the activities of state bodies:

the improvement of the rating of the Republic of Uzbekistan on the indicator “**Open Government Factor**” and its subindicators have been take practical measures;

the consideration of the issue of membership of the international organization “**Open Government Partnership**” at the local government level (at the level of the Government);

the approval of the action plan for implementing the principles of the “**International Open Data Charter**” and assessment of Uzbekistan in 15 directions in “The Open Data Barometer”

the implementation of organizational measures to include Uzbekistan in the “**Open Budget Index**” of the “**International Budget Partnership**”;

the Open Data Inventory, E-Government Development Ratings, “**Freedom House**” Non-Governmental Organization, work with components affecting the improvement of position of our country in the Global Data Barometer;

the further strengthen cooperation with international organizations and scientific research institutions and to constantly improve the skills of national experts in the practice of **applying the methodology of international ratings** have been suggested.

17. It is appropriate that by notifying information users in advance about the **time of public board meetings of the state body, the procedure for participation in it, to critically discuss the implementation of legal acts, which include providing the openness of the activities of state bodies** and to provide the participation of public representatives and mass media representatives in these discussions at least once every six months.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

РАДЖАПОВ АЗАМАТ ХУДАЙНАЗАРОВИЧ

**ОРГАНИЗАЦИОННО-ПРАВОВЫЕ АСПЕКТЫ ОБЕСПЕЧЕНИЯ
ОТКРЫТОСТИ ДЕЯТЕЛЬНОСТИ ГОСУДАРСТВЕННЫХ ОРГАНОВ**

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АВТОРЕФЕРАТ
диссертации доктора философии (PhD) по юридическим наукам

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Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций Республики Узбекистан под номером B2020.4.PhD/Yu269.

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С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована № 1145). (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (998) 71-233-66-36).

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ВВЕДЕНИЕ (Аннотация диссертации доктора философии (PhD))

Целью исследования является разработка научно-теоретических и практических предложений и рекомендаций, направленных на повышение эффективности обеспечения открытости деятельности государственных органов и совершенствование нормативно-правовых актов в этой связи.

Объектом исследования является система общественных отношений, возникающих в процессе обеспечения открытости деятельности государственных органов.

Научная новизна исследования заключается в следующем:

обосновано повышение ответственности должностных лиц за обеспечение открытости деятельности государственных органов и совершенствование правовой базы определения их ответственности;

обосновано введение порядка электронной отчетности государственных органов и организаций перед населением о своей деятельности;

обоснована необходимость определения перечня информации, подлежащей размещению на официальном сайте государственных органов, хозяйственных объединений и органов государственной власти на местах;

обоснована необходимость присоединения к Международной хартии открытых данных для обеспечения участия нашей страны в международных рейтингах в сфере открытых данных, в частности, «Глобальный индекс открытых данных» и «Барометр открытых данных»;

обосновано принятие методики мониторинга и оценки открытости деятельности государственных органов и организаций.

Внедрение результатов исследования. На основании научных результатов исследования организационно-правовых аспектов обеспечения открытости деятельности государственных органов:

предложение о введении административной ответственности за нарушение законодательства об открытости деятельности органов государственной власти и управления использовано в разработке новой статьи 215⁷ в Кодексе об административной ответственности № ЗРУ–786 от 3 августа 2022 года (Справка Комитета по инновационному развитию, информационной политике и информационным технологиям Законодательной палаты Олий Мажлиса от 31 августа 2022 года № 04/11-12-60). Внесение этого предложения послужило дальнейшему повышению ответственности должностных лиц в этой сфере;

предложение об установлении порядка электронной отчетности государственных органов и организаций о своей деятельности использовано в разработке пункта 4 Постановления Постановлении Кабинета Министров «О мерах по дальнейшему развитию системы электронного правительства, а также о введении порядка электронной отчетности государственных органов и организаций перед населением о своей деятельности» № 444 от 16.07.2020 года (Справка Управление юридического обеспечения Кабинета Министров от 30 августа 2022 года № 12/21-64). Данное предложение послужило созданию системы отчетности для должностных лиц государственных органов через официальные сайты и официальные страницы в социальных сетях;

предложение о рассмотрении вопроса о присоединении к Международной хартии открытых данных для обеспечения участия нашей страны в международных рейтингах в сфере открытых данных, в частности рейтингах «Глобальный индекс открытых данных» и «Барометр открытых данных» использовано в разработке пункта 5 Постановления Кабинета Министров «О мерах по дальнейшему развитию сектора открытых данных в республике Узбекистан» № 808 от 23 декабря 2020 года (Справка Управление юридического обеспечения Кабинета Министров от 30 августа 2022 года № 12/21-64). Это предложение послужило присоединению Узбекистана к «Международной хартии открытых данных» 20 января 2021 года;

предложение об определении перечня обязательной информации, подлежащей размещению на официальных сайтах государственных органов, хозяйственных объединений и органов государственной власти на местах, использовано в разработке пункта 1 Постановления Кабинета Министров «О мерах по дальнейшему совершенствованию системы рейтинговой оценки состояния развития цифровой экономики и электронного правительства» № 373 от 15 июня 2021 года (Справка Управление юридического обеспечения Кабинета Министров от 30 августа 2022 года № 12/21-64). Реализация данного предложения послужила четкому определению объема информации, подлежащей размещению на официальных сайтах;

предложение о принятии Методики мониторинга и оценки открытости деятельности государственных органов и организаций использовано в разработке пункта 3 Указа Президента Республики Узбекистан «О мерах по внедрению системы повышения и оценки уровня открытости деятельности государственных органов и организаций» № УП–154 от 14 июня 2022 года (Справка Агентства по противодействию коррупции от 5 сентября 2022 года № 03-07/4002). Внесение этого предложения послужило созданию системы оценки открытости государственных органов.

Структура и объем диссертации. Содержание диссертации состоит из введения, трех глав, содержащих 7 параграфов, заключения, списка литературы и приложений. Объем диссертации составляет 132 страниц.

E'LON QILINGAN ILMIY ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ НАУЧНЫХ РАБОТ
LIST OF PUBLISHED SCIENTIFIC WORKS

I бўлим (I часть; I part)

1. Раджапов А.Х. Давлат органлари фаолияти очиклигини таъминлаш тушунчаси ва унинг юридик табиати // “Хуқуқий тадқиқотлар журналі” – Т.: ТДЮУ 4-махсус сон – 2022. – Б.15-24 (12.00.00; №19);

2. Раджапов А.Х. Давлат органлари фаолияти очиклигини таъминлаш соҳасидаги халқаро стандартлар ва хорижий мамлакатлар тажрибаси таҳлили // Ўзбекистон Республикаси ИИВ Академиясининг ахборотномаси. 2022 йил – № 1 (52), – Б.150-158 (12.00.00; №12);

3. Раджапов А.Х. Давлат органлари фаолиятининг очиклигини таъминлаш усуллари ва уларни такомиллаштиришнинг айрим масалалари // Ўзбекистон Республикаси Жамоат хавфсизлиги университетининг “Жамоат хавфсизлиги илмий-амалий журналі”. 2022 йил 3-сон, – Б.144-150 (12.00.00; №18);

4. Radjapov A.X. Scientific and Theoretical Analysis of Openness Activities of State Bodies // MIDDLE EUROPEAN SCIENTIFIC BULLETIN / (Impact Factor: SJIF Impact Factor: 5.985) Volume 28. 2022. – pp.60-66;

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6. Раджапов А.Х. Вопросы совершенствования процесса обеспечения открытости деятельности государственных органов // Herald pedagogiki. Nauka i praktika (wydanie specjalne) (Impact Factor: SJIF Impact Factor:4.471) Volume 2, №6 . – pp.49-58;

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8. Radjapov A.X. Theoretical and legal foundations for ensuring publicity of the activities of state bodies // “Демократлаштириш ва инсон ҳуқуқлари журналі” – Тошкент, 4(96) – 2022. – Б.64-68 (12.00.00; №5);

9. Раджапов А.Х. Вопросы совершенствования процесса обеспечения открытости деятельности государственных органов // “Ижтимоий фикр. Инсон ҳуқуқлари” – № 4 (100), 2022. – Б.42-49 (12.00.00; №7);

II бўлим (II часть; II part)

10. Radjapov A.X. Development of legislation aimed at ensuring the openness of the activities of state bodies in Uzbekistan // International journal of conference series on education and social sciences. (Online) ISSN 2717-7076 (Vol 2. No.6), August 2022. – pp.63-67;

11. Раджапов А.Х. Давлат органлари фаолиятининг очиклигини таъминлашда замонавий ахборот-коммуникация технологияларининг ўрни ва роли // International journal of conference series on education and social sciences. (online) ISSN 2717-7076 (Vol 2. No.6), 2022. – pp.104-107;
12. Раджапов А.Х. Давлат органлари фаолиятининг очиклигини таъминлашда оммавий ахборот воситаларининг иштироки // Using innovative technologies in improving the efficiency of education: problems and solution (online). Scientific and international conference. (Vol 2. No.1), 2022, – pp.110-113;
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