



Theoretical Foundations of the Development of Modern Civil Society Institutions in a Democratic Legal State

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ABSTRACT

The management of the state and society is complex and various management models and forms of management have been developed, the process of building a modern civil society, certain specific features have been analyzed, as well as effective cooperation between non-governmental non-commercial organizations, political parties, self-government bodies and state local authorities. based on increasing the level, development of civil society institutions and ensuring their independence from state bodies, the author's comments on full-fledged management were formed.

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Enter. In the world, modern civil society is, literally, a form of institutionalized self-government. Today, civil society is improving in the form of a specific sphere of social relations and a method of subjective satisfaction of interests that allows personal freedom, free choice of the type and subject of interaction, and on the other hand, an approach to specific events observed in these processes from the point of view of a

unique independent person. is developing as an enabling social system. The development of civil society implies the establishment of the rule of law in every country, the establishment of principles of justice in society, the guarantee of human rights and freedoms, and the creation of wide opportunities for social and political activation of the population. State and community management is a complex process, and various models, management forms and ways have been developed for its organization and management. The idea of building a "progressive state", a "perfect society" has been put forward by mankind for thousands of years.

It is possible to fundamentally change public administration, even to completely change the attitude towards property, but the basic views and values of people cannot be changed quickly.

Today, based on the tasks of development of modern civil society institutions and democratization of state administration, reforms are being implemented to transfer some powers of the central state power to local government bodies. In other words, it is important for regional authorities to be independent and active subjects in the management of the country's political and socio-economic spheres. Civil society institutions remove obstacles between the state and individual citizens and ensure the development of democracy from below.¹ They complement the activities of the state in the management of public affairs, because civil society institutions, due to their scale, mass and flexibility, can identify problems that arise in social life and act effectively in places where the capabilities of state agencies are limited, especially at the local level.²

In order to have an idea about non-governmental non-profit organizations, it is first necessary to study the concept of interest and social interest. In socio-political relations, the importance of taking into account social interests, harmonizing the political needs and interests of different strata and groups, and satisfying them increases as the civil society improves. Interest is a need perceived by society, social groups and individuals, and is consciously formed. As a result of citizens joining non-governmental and non-commercial organizations based on their belonging to a certain social group, interests are aligned. Depending on which individual belongs to which socially important group, which of his interests is of priority and stable importance, he pays more attention to his more important social group membership. Such significant group influence represents the will of social structures. The interests of such groups must always be taken into account by the government.

Interest groups, which take the form of institutionalized social groups, are called by different names in different countries based on their historical experience and traditions.

Non-governmental non-profit organizations can effectively fulfill their goals only when they cover and represent all the interests that exist in society. The society has economic, social, political, spiritual, national, ideological, cultural, ecological, territorial, regional, religious interests, as well as dozens of other areas. Interest groups appear and act as representatives of these interests. In addition to helping to make political decisions, interest groups can also provide information and other information needed by state and government agencies.³

Literature analysis. American political scientist B. Barber made a great contribution to the theory of modern civil society. The NGO - "the third sector chooses the principles of egalitarianism (equalization) and reciprocity from the social sector, and the principles of voluntariness and individual sovereignty from the

¹ Mamatov H.T. Legal culture and problems of formation of civil society in Uzbekistan. -T.: 2009. -B. 202..

² Odilkoriev Kh.T. The dream of a constitution and a perfect society. -T.: Teacher, 2012. -B. 187.

³ Barber B.R. Civil Society: Getting Beyond the Rhetoric. A Framework for Political Understanding //Civic Engagement in the Atlantic Community. Bertelsmann Foundation Publishes Gutersloh, 1999. -P.5-6.

private sector. The third sector does all of them simultaneously. It is this situation that expresses the principles of what I call serious democratic prospects.⁴, puts forward the idea that.

According to the German scientist W. Dettl, "the idea of civil society is nothing more than a concept that is complementary to the market and the state. The idea of civil society is an expression of a new radical political concept, which has never denied the latitudes established by the state and the market, but, at the same time, it goes beyond these latitudes. The concept of civil society requires a balance between the family and other organizations that can ensure mutual equality between them, according to the quality of the roles performed by them."⁵. An important task of social policy is to create spaces for people at the local level, where state and market interests are not involved, where people realize their existence as citizens and engage in useful work for themselves and others. At the same time, a certain part of citizens can achieve the social status of entrepreneur. The priority tasks of politicians should be to create, develop and strengthen these areas. In other words, the government quickly becomes a tool for the implementation of social obligations. If the idea of civil society acquires more spiritual and moral characteristics, it will appear as one of the concepts related to the development of human society. On the basis of such views, it is possible to build a prosperous state.

There are three forms of this development:

- the government does not lose its importance - it can be more important than ever - but there is a need to reassess its place in society. State leaders and officials should not oppose citizens' political social activity, but rather support their participation in political processes;
- there is a need for elements of competition in the social life of the society. Let's say that social exchanges can be effective in improving the life of society, increasing the sphere of service to it;
- economy and socialization of various mutual human units is required.

The tendency of civil society to renew the entire human way of life and human labor relations is clearly visible. The society develops as a result of filling the professional and work culture with modern knowledge. However, the concept of civil society requires a balance between the family and other organizations that can ensure mutual equality between them, according to the quality of the roles performed by them. In such a society, men and women have equal opportunities to achieve success.

According to Yu. Habermas, a German philosopher and sociologist of the 20th century, "the social-public sphere was formed as a result of the emergence of society and its separation from the state. Civil society, in turn, is a sphere of personal autonomy shaped by private laws and the liberal market."⁶. Habermas' work entitled "Structural transformation of the social sphere" written in 1962 brings the concept of "publicity" into scientific treatment in his doctoral dissertation. In it, Habermas analyzed the development of political-philosophical ideas and public institutions in the 18th-19th centuries, and identified several important forms that represent the formation of the public. According to it, the public was initially formed in the space of the pre-political period, that is, in various entertainment institutions, study and debate circles, clubs, where various "public" issues (literary, scientific, artistic, etc.) were discussed.

According to Habermas, as a result of the spread of newspapers and magazines, the public began to become politicized, people began to develop passions for public administration and participation in political life. Public activism first began in England in the 18th century, and it later strongly influenced the formation of a representative

⁴Dettling W. The "Bürgergesellschaft": Scope for Reforming the Welfare State? //Civic Engagement in the Atlantic Community. –Bertelsmann Foundation Publishes Gutersloh, 1999. –P. 3-5.

⁵ In that place.

Habermas Y. To the mind of the public sphere // Ah, Europe. Small political essays. -M. 2012. 27-31, 73, - 127p.

body of government. Social groups have gained experience in coordinating their interests and reaching consensus in politics while participating in parliamentary activities. The public creates conditions for mutual agreements based on the category of law in political life. This situation, in turn, is recognized in public opinion as common and reasonable laws. In this way, the rule of legal law replaces the rule of natural law, which previously strengthened the unity of society, and it also appears as a sign of community formation.

While distinguishing the subjects of the social sphere of modern civil society, Habermas includes entertainment institutions, clubs, newspapers, magazines, representative bodies of the authorities. According to Habermas, the social-public sphere was formed as a result of the emergence of society and its separation from the state. Civil society, in turn, is a sphere of personal autonomy shaped by private laws and the liberal market. Habermas argues that voluntary (voluntary) associations outside the state and economy are the institutional core of civil society, they create opportunities and conditions for citizens to act as a substitute for authority based on traditions and rituals.

However, Habermas negatively evaluates the development prospects of the social sphere in the 20th century. It is typical for him to idealize the institutions of the new era, and these institutions are the conditions for the realization of the public's political and philosophical ideas. In Habermas's later work, citizenship begins to positively evaluate the prospects for self-organization. For example, in his work "Perception of the Social Sphere" published in 2007, he describes the crisis of traditional mass media (newspapers, television) in Germany in terms of profiteering, increasing dependence on advertisements, reduction of free expression, and reduction of independent coverage of realities. With this, he emphasizes the role of the social sphere in the modern state, "its great contribution to the democratic legitimization of state behavior", making political decisions, forming social opinions in competition.

J. Habermas' view of the social sphere of civil society was explained by the US political scientist Gene Cohen and sociologist Andrew Arato in their work entitled "Civil Society and Political Theory" where "civil society" is defined as the family, associations (especially voluntary), social movements that act between the economy and the state. and understands the sphere of mutual social influence consisting of various forms of mass communication.

Cohen and Arato do not equate social life with civil society, but contrast it with "political community", i.e. parties and parliament, and "economic community". Accordingly, non-political voluntary associations appear as the basis of civil society. Civil society is an expression of indispensable conditions for the repeated creation of civil society, such as "forming associations and life in associations", self-movement and institutionalization under the influence of self-creation.

The American scientist M. Warren defines the civil society as "a field of social organization in which the mutual relations of voluntary associations are organized." Such a definition excludes relations between friends and family from the description of civil society, because these relations are private rather than civil. Furthermore, according to this description, "civil society is a field in which associational affiliation (as distinct from state or market affiliation) prevails."⁷ In his research in 2000, US scientist Mark Warren tried to systematically study the main institution of civil society - non-governmental organizations. Warren looked at various groups of associations from a specific point of view: he sought answers to the questions of how much the associations increase the citizen's inclination to political dialogues, the organization of public institutions, and can increase their activity in the market economy. At the same time, Warren tried to identify the negative aspects of voluntary associations. According to him, the unity achieved within the associations can be weakened and weakened as a result of conflicting thoughts and controversial situations within it.

Warren, who set out to create the concept of associations, believed that it would help to create the concept of civil society. He defines the civil society as a field of social organization in which the mutual relations of voluntary

⁷ Warren M. Democracy and Association. –PrincetonUniv. Press, 2001. –P. 56-58.

associations are organized in its structure. Such a definition excludes relations between friends or families from the description of civil society, because these relations are private rather than civil. In addition, this description was that relations within civil society are not political, but they are aimed at achieving socially useful goals. Furthermore, according to this description, civil society is a domain in which associational affiliation (as distinct from state or market affiliation) prevails. Warren interpreted the civil society as consisting of associations built on associational relations, at the same time, he emphasized the importance of "pure" associations and the problems of the relationship between the state and the market for social and political theories.

Professor M. Howard of Georgetown University evaluates civil society as "an important part of the social sector, which includes various voluntary associations of citizens and stands between the state and the family." These associations protect the interests of citizens in the areas of peace and human rights protection, as well as environmental, sports, recreational clubs, women, elderly, youth, disabled, and mutual aid. In his view, only institutions and their reform will ensure change in the development of self-organization of citizenship.⁸

Mark M. Howard emphasizes the importance of the role of civil society in democratizing society and activating the participation of society members, expressing the following opinion: "the more people learn the norms, values and skills of social and political participation, the more people participate in civil society organizations, as a result of which the democratic government is effective." the conditions will be created for strengthening its institutions". In the context of a democratic political regime, civil society organizations prevent the state from adopting laws that conflict with the organized interests of citizens. Public institutions have a positive effect on law-making, as well as by informing the legislators themselves about the mood of society. "pressure".

Howard evaluates civil society as an important part of the social sector, which includes various voluntary associations of citizens and stands between the state and the family. These associations protect the interests of citizens in the fields of peace and human rights protection, as well as environmental, sports, recreational clubs, women, the elderly, youth, disabled, animals, and mutual aid. evaluates as official organizations as a factor influencing human behavior within the framework of power and authority. According to Howard, only institutions and their reform will ensure that citizenship can change the development of self-organization. At the same time, there are demands for institutions to be effective, reputable and continuously functioning, always relevant, and in accordance with social needs, traditions or culture of the society.

In general, in countries transitioning from totalitarianism and authoritarianism to democracy, civil society cannot appear in isolation from the state and its organs, as well as from economic and political life, moreover, all of them are parts of a whole.

Analysis and results

Modern Western theorists recognize that the model of civil society consists of the following institutions and areas: first, pluralism: the presence of pluralism in social areas, society, non-governmental non-profit organizations (NGOs) in it, various social strata and groups;

secondly, freedom of life: various socio-cultural and communication institutions;

thirdly, the inviolability of personal life: the existence of conditions for the development of the individual, the existence of freedom of choice of moral qualities in citizens;

fourth, legality: adoption of universal laws in order to allow diversity of opinions and worldviews to pass within the framework of the law, the independence of a person in his activities from the influence of state bodies, the existence

⁸ See: *In the same place*. -B. 33-34, 53.

of conditions for him to be inviolable in economic relations. The joint and harmonious interaction of these factors and institutions, and the fact that they require each other, means that the civil society is alive.⁹

- the adoption of political decisions related to state management on the basis of populist and democratic values is a unique criterion of the level of development of the civil society in the country. In the period before the adoption of political decisions, there are opportunities to form their projects by the lower bodies of the parties, taking into account the will and wishes of citizens, as well as on the basis of the interests and needs of ordinary citizens. Therefore, parties are a means of democratic legitimization of political decisions that must be fulfilled, and ensuring recognition by society; parties are a factor in forming power through elections at different levels, legitimizing the management personnel system, as well as ensuring its recognition by citizens.

Political parties not only express the political interests of social strata, but also take an active part in the formation of these interests. Because if the party does not engage in educational activities to form the political views of the class, which is its social base, then the political views and political interests of the citizens will not find their essence, at least, these interests cannot rise to the level of group interests. Examples of traditional party values in socio-political life, such as a sensitive approach to the demands and needs of the population by political parties, making decisions regarding the most important interests of citizens with the participation of parties, making practical and critical corrections to the government's policy, implementing democratic control over the activities of the political elite, etc. It is possible to cite. Self-governing bodies have gone through a long historical development path from a political organization that performed the lower local government functions of the state a few centuries ago to becoming an institution of civil society by the 20th century. According to Western political scientists, the concept of "self-governance" is related to the formation of the independence of citizen communities in relation to the state.

Since the 70s of the 20th century, the concept of municipal management in the USA and Europe has changed significantly. In advanced developed countries, methods of forming municipal bodies have also developed. Article 3 of the "European Charter of Local Self-Government" adopted by the European Union on October 15, 1985 defines this concept as follows: "Local self-government is the state under the responsibility of local self-government bodies, based on the interests of local residents, within the framework of laws. is said to be able to manage most of the work and be able to do it realistically. These rights are exercised by councils or assemblies consisting of members elected in free, secret, equal, direct general elections. Councils or assemblies may have executive or reporting bodies."

The system of self-government in advanced foreign countries was formed in several hundred years, and it began to acquire a democratic character by the 20th century. Formation of self-governing bodies in developed countries through elections, financing of their activities, participation of citizens in self-governance, political decision-making processes, the role of these bodies in improving the socio-economic condition of the population has been elevated to a high status. The formation of civil society took place in connection with the emergence and development of non-governmental non-profit organizations (NGOs). Civil society also improved as NGOs became organized and multiplied. NGO appeared as the main institution in the structure of civil society. Since the society is a civil unit consisting of many social strata and groups, each of them felt the need to create a specific NGO in order to organize and live in the society.

He had the opportunity to express and satisfy his interests through the NGO. The essence of civil society is to satisfy his existing legitimate interests, not to strive to achieve the goals set by individuals based on their personal needs, independently of the "common interests", while obeying their personal wishes. The structure of civil society on the example of developed countries mainly consists of the following: the main unit of society is a person who is free from political dependence and able to use his rights; NGOs, public organizations and actions formed based on the

⁹ Coen JL, Arato E. Civil Society and Political Theory. Per. from English. –M.: Ves Mir, 2003. –WITH. 458.

need to express various interests and implement them; non-state socio-economic relations and institutions (private property, labor, entrepreneurship, etc.); producers independent of the state (private firms, etc.); voter associations, various clubs and circles; municipal, i.e. self-governing bodies; non-state sector of education and training; non-state mass media; various lobby organizations that connect civil society with the state around political parties, legislative and representative bodies; family; entrepreneurs, farmers' organizations, trade unions, consumer associations, scientific, cultural and religious organizations, sports societies, etc.

The purpose of non-governmental non-profit organizations (NGOs) is to represent and protect social interests. This concept was developed by the World Bank and is widely used in the field of development cooperation. In the operational directive of the World Bank No. 14.70, a non-governmental organization is defined as "a public organization engaged in activities aimed at helping the poor, alleviating their difficulties, protecting the environment, providing basic social services, and encouraging the development of communities." Broadly speaking, this term refers to any non-profit (non-profit) organization that is independent of the government.

According to the World Bank, non-governmental organizations are organizations "based on the social values of the organization, acting on the basis of donations in full or in part, working on a public basis"; "altruism and voluntariness remain their main principle". If national and international organizations are engaged in mediation in the fields of service for others, collective organizations are associations of individuals protecting their personal interests; they include women's groups, mutual aid funds, youth clubs, cooperatives, farmers' associations, etc. Another function of NGOs is to model new socio-political structures, search for and test new non-traditional forms of social relations. Since voluntary associations are adapted to social and self-organization of their activities, they tend to conduct social experiments, search for and implement forms of self-management of social activity of the population.

Summary. In a democratic legal state, based on the tasks of developing modern civil society institutions and democratizing state administration, reforms are being implemented to transfer some powers of the central state power to local government bodies. The formation of civil society is taking place in connection with the emergence and development of non-governmental non-profit organizations (NGOs). Modern civil society has improved as NGOs have been organized and multiplied. NGO appeared as the main institution in the structure of civil society. Since the society is a human unit consisting of many social strata and groups, each of them felt the need to create a specific NGO in order to organize and live in the society, and had the opportunity to express and satisfy their interests through the NGO. The institutions and structures of the civil society ensure its manifestation as a whole society, at the same time it performs the functions of this society, establishes relations between the society and its members, integrates all people as a whole society. To support non-governmental non-profit organizations and other institutions of civil society in all developed countries of the world, create facilities for them, guarantee freedom of activity, strengthen social partnership between state bodies and them, as well as protect the rights and legal interests of individuals and legal entities, democratic values of the activities of non-governmental non-profit organizations it occupies an important place in achieving social, cultural and educational goals. All its subjects, in particular, the state, non-state, non-commercial and commercial sectors, are equally interested in social partnership. Through partnership, the state can achieve high efficiency by spending less effort in ensuring the implementation of certain programs of local importance. Institutions of civil society can rationally use the institution of social partnership to get material funds from the state budget for the realization of their program goals, to increase their image and influence in the political field. And for the commercial network, the main goal of profit and income is social partnership. In this case, the state is the customer, the non-governmental organization is the executor, and the business sector is the material supporter. Through this action, the

commercial organization obtains special tax benefits or certain preferences. Among the above entities, society and the general population are also interested in the effective organization of social partnership. They can have opportunities arising from partnership, protection of their rights and freedoms, comfortable living conditions. Of course, the implementation of such tasks is not easy. Because social partnership involves taking into account not only the interests of a particular party, but also the wishes of equal partners.

This requires mutual concessions and compromises from the parties. At the same time, reaching such an agreement of interests leads to positive results, that is, to the resolution of conflicts in society, to the activity of all participants in the creative process, and to the strengthening of political and social stability. This creates the basis for the comprehensive development of the country. Professor M.Kirgizboev noted that one of the important tasks is to strengthen the organizational and legal foundations of the modern civil society, to further increase its role in the life of the society. In general, if the interpretations of political science of civil society of modern democratic countries are combined, then this society is expressed as follows:

- first of all, it includes non-compulsory, but rather voluntary NGOs in all areas of society;
- human and social institutions in all spheres of society are a complex of mutual relations;
- is a society that is protected by legal norms from the effects of the intervention of state authorities and the formation of independent individuals, NGOs formed by self-selected and non-compulsory individuals and citizens¹⁰.

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