

THE ROLE OF PUBLIC CONTROL IN ENSURING THE RULE OF LAW IN SOCIETY

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Annotation: This article discusses the problems of ensuring the rule of law in society and its solutions, strengthening public control as one of the main factors of ensuring the rule of law.

Key words: law, right, rule of law, rule of right, society, public control, local self-government

Constitutional legality and responsibility act as a legal principle for the organization and activities of bodies and officials of local self-government; legal condition for the implementation of management at the local level; legal method of implementation local and delegated powers; like a state special legal validity.

The approval of legal principles in the life of society means the elimination of excessive its nationalization. The latter, as a rule, entails the alienation of society from the state and the desire to solve all the affairs of society through the state apparatus. It seems that it is the rule of law, its supremacy (this corresponds to the English-language concept of the relationship between law and the state) that best reveal the role of legal forms and beginnings in the life of society: everything must be subject to law, since it acts as the main guideline and criterion of the legal society and the state.

The regime of "procedural legality and responsibility", which transforms moral values into legal principles and rules, presupposes the presence of: the general nature of the provisions of the legal norm, official publication, no retroactive effect, clarity, consistency, stability, the possibility of execution, the compliance of law enforcement with the content of the goals and means of the legal norm.

Based on the difference between the concepts of law and law, A.B. Vengerov, as the supporting structure of the rule of law, defines the rule of law as the antipode of "that system of discretion, arbitrariness, violence, including state terror, which was inherent in administrative-bureaucratic statehood" [1;4]. Recent experience shows that legal acts were regularly issued in totalitarian states and their strict implementation was ensured, but such legal regulation was not the embodiment of the rule of law.

In a legal democratic state, the rule of law and the rule of law are the fundamental principles of the activities of local authorities. my control. Thanks to the implementation of these principles, through elected and other bodies of local self-

government, provided at the local level stability and sustainability of the rule of law, effective legal regulation and law enforcement.

The rule of law as the theoretical basis of the rule of law takes its toll. origins from ancient times. But to this day in the modern theory of the state and law, research is underway related to the concept of the rule of law as theoretical basis of the rule of law. The idea of the rule of law is enduring humanistic value.

If with regard to the rule of law, more and more or less clear then regarding legality in the field local self-government, as the researchers note, “there are practically no consistent definitions of this concept that allow us to establish its constituent elements”.

As rightly noted in the literature, “the influence of law on the modern state is so it is significant that the latter can only exist as a legal state. How More precisely, law reflects the objective needs of social development, the more it binds the state. Only when bound by law can the state act freely” [2;3].

From the above, it follows that currently time in determining the criteria for legality in the In natural legislation, the formal legal approach has been predominantly used. It provides for matching normative act of the local government law (normative legal act having great force), prevention of violation of competence law-making bodies when adopting and publishing normative legal acts. With this approach legality characterizes only two criteria - the rule of law and actions within their own competence.

The essence of the rule of law is connectedness state law; such a situation is absolutely new for the Russian legal mentality, which has long been characterized by an excessive, unjustified orientation towards the state. power, to the complete subordination of the individual to the state. The principle of the state being bound by law (the rule of law) means that only in relation to law is the true value of the rule of law revealed. Has social value only that state which, by ensuring the law and remaining on the basis of law, serves public benefit.

In order to streamline the criteria-based assessment of legality in the field of local self-government, the author proposes to single out universal criteria for assessing legality and sectoral ones, taking into account the specifics and features of the legal regulation of the organization and activities of municipal authorities.

The idea of the rule of law is focused on the establishment of such a state union in which the relationship between the individual and the state would be built on strict requirements of law and exclude mutual arbitrariness. This concept has always been based on the dualism of state and law, and at the same time it was based on the general philosophical idea of law as the highest value with its own content.

Among the universal criteria of legality in the field of local self-government, identity and legitimacy. Legitimacy is the most important criterion that allows an

objective assessment of the legitimacy of the law-making and law-realization activities of local governments on the basis of their own and delegated competence. Identity is associated with adequate reflection of constitutional ideas and principles, universally recognized norms of international rights in municipal legal acts, completeness normative legal regulation of issues related to the competence of local self-government bodies leniya.

Theoretically, the rule of law is expressed in the fact that it is not just a product of the state will, but is the realization of a legal idea formed by the legal consciousness of individuals with whom the state is in public law relations. In this regard, the remark is accurate that “under conditions of genuine democracy, the connection between law and the state is dependent on and derived from the connection between law and society; the true creator of law is a democratic society, and the state carries out certain actions to issue legal acts and implementation of their execution [3;2].

Based on the concept of the rule of law, the strengthening of the sovereignty of state power and the establishment of the rule of law are two closely related process on the way to legal statehood. All generally binding acts: the Constitution, law, by-laws - must be legal and in order and procedure its acceptance and action.

L.A. Morozova identifies four main features of the rule of law:

1) the legal organization of state power, i.e. the creation and formation of all state structures strictly on the basis of the law;

2) the legal nature of the adopted laws and the rule of law. By laws must be fair in their content, based on natural, inalienable rights and freedom of a person, not to contradict them. Otherwise in the form of the law can be clothed with the arbitrariness of power;

3) the bondage of the state by its own laws, that is, the restriction public authority through law, legal regulations and regulations, determination of legal limits for the activities of the state, its bodies and officials;

4) the supremacy of the Constitution in the system of normative legal acts. It is important that constitutional norms had direct effect, that is, directly were implemented without any mediating acts [4;1].

In our opinion, the rule of law is a form of organization and activity of the state power, which is built in relationships with individuals and their various associations based on the rule of law. At the same time, the law plays a priority role only in if it acts as a measure of the freedom of everyone and everyone, if the acting laws really serve the interests of the people and the state, and their implementation is the embodiment of justice. Developed legislation does not yet indicate presence in the society of legal statehood.

All views available in the theory of state and law on the rule of law as the theoretical basis of the rule of law agree that in the rule of law the law acts as the main,

fundamental regulator of social relations. Those relations that, due to objective conditions, should be in the sphere of legal influence, are regulated, as a rule, by law, it has the highest legal force. By-laws are valid only when any relations are not regulated by law. However, they must be published in strict accordance with the law and on the basis of the law.

In conclusion, it can be said that, the rule of law, the rule of law in sphere of local self-government define the framework availability of own competence, independence, powers, rights and obligations in resolving issues of local importance. As well as the requirement for municipal bodies to correctly apply substantive and procedural norms, strictly and steadily comply with legality in the publication and sale municipal legal acts.

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