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The Concept Of "Public Council": Essence and Content

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Abstract: This article thoroughly explores the essence and content of the concept of the "public council." In particular, the importance of the public council as a concept, its differences from other councils, its narrow and broad meanings, approaches to the public council, its theoretical and methodological foundations, and scholars' views have been studied. The author's position on the public council is expressed.

Keywords: Public Councils, Advisory Councils, Executive Branch, Assembly, Law, Decision-Making, Council, Expert Boards.

Introduction

The council we are studying has its roots in the collective nature of our people, the virtues of listening to others in decision-making, and the alignment of thoughts, which have evolved into social and political values over a long period. Even during the era when modern democratic institutions became widespread, the importance of the council did not diminish; rather, its forms underwent transformation, while its essence remained tied to the development of well-crafted management decisions. It retained its relevance across all sectors—whether state, non-state, or business. Therefore, it is essential to examine the concepts and views related to the council within a distinct political-theoretical context.

The public council is one form of a council. It is gradually becoming an institution that holds its place within the state governance system. As long as governance exists, the necessity for making well-considered decisions becomes an imperative. Therefore, the historical roots of the public council institution trace back centuries. Both in the East and the West, there is a distinctive trend in the development of theoretical views regarding the public council (consultative councils). Although the ideas within political perspectives have evolved over time and space, gaining unique significance, the general conclusion remains as follows: decisions formed based on collective opinion play a crucial role in governance.

Methodology

There are various definitions of the public council. In normative documents and academic perspectives, the public council is often described very succinctly. The public council is understood as facilitating cooperation between citizens and non-governmental non-profit organizations and state bodies, implementing public oversight, and ensuring that the rights and freedoms of citizens are considered in the decision-making process. The definitions of the public council have not sparked any significant debate. However, some discussions do arise when it comes to interpreting the functions of the public council [4; 182].

As described on the website ru.wikipedia.org, a public council is a structure with an internal formalized framework in which representatives of the public participate. It grants certain powers to state bodies and conducts consultations with them on issues related to the adoption and implementation of government decisions. Its distinctive feature, and what sets it apart from other bodies, is its ability to involve citizens more extensively in the management of legislative, executive, and local government authorities [7]. In this definition from the electronic dictionary, the functions of consultation and participation in governance are emphasized as the primary roles of the public council.

Result

The opinions of several scholars who have conducted research on public councils can be cited. For example, Russian scholars K. Sulimov and T. Grushikova define the public council as follows: "In a broad sense, the public council can be understood as advisory bodies that ensure the participation of various reference groups composed of representatives of society, alongside state authorities and management bodies, including institutions (and in some cases, even without them)" [12]. Reference groups are the active, representative, and expert-capable portion of the population.

The definitions of public councils given by other Russian scholars, E. Dyakova and A. Trachtenberg, are noteworthy: "Public councils are an institution of civil society, functioning on a permanent basis as advisory bodies that ensure public oversight. They enable the establishment of public oversight over the social policies implemented by government bodies and allow for the coordination of the diverse interests of various social classes" [13]. A similar approach is often repeated, where more emphasis is placed on the oversight function of the public council.

Continuing their thoughts, E. Dyakova and A. Trachtenberg argue that, based on the normative model that currently predominates in the scientific literature, advisory bodies should be considered as structures that provide external expertise to the executive authority [10]. Proponents of this approach emphasize the advisory powers of the public council. The expert function is an integral part of the public council's activities, as public councils are also viewed as advisory bodies.

According to the Russian scholar E. Dyakova, "The primary function of public councils is public oversight. To carry this out, they must operate officially based on a normative foundation" [11]. In the provided definition, priority is given to the forms of public oversight. In approaches that consider public councils as an institution of civil

society, public oversight takes precedence. E. Dyakova is one of the researchers who supports the independent activity of public councils. She believes that public councils should organize their activities freely.

According to V. Rudenko, public advisory councils established by government bodies or local communities are public governance bodies that function as management entities. Therefore, public councils can be viewed as one of the structures of governance. The structures organized as separate advisory councils can directly enter into agreements with state bodies on the principle of equality or carry out specific social orders. Public councils are established under government bodies, and their decisions are not legally binding.

F. Vibert looks to the future of advisory bodies within the system of state authority with great confidence. This is because the functions of state authority have become more complex in a globalized world. There is a need for a system that responds to the needs and considers the desires of all citizens. Advisory bodies can become active mechanisms that propose acceptable solutions for broad segments of the population. According to F. Vibert, advisory bodies serve as a foundation for new forms of power division [5].

According to Professor Sh. Yakubov, "The establishment of public councils serves to enable citizens, non-profit organizations, and civil society institutions to objectively evaluate the activities of state bodies and their officials, ensuring the rule of law in their actions"[8; 22]. The author highlights the public council as an institution that objectively assesses the activities of state bodies and their officials and ensures the rule of law.

Professor A. Yuldashev asserts that "in Uzbekistan, an advisory body established under state bodies is called a public council" [6; 117]. He also substantiates the possibility of establishing public councils independently from state organizations. The definition of the public council as an advisory body is significant. Based on this definition, we understand that the public council has a singular function—providing advice. This approach is applied to councils under the executive authority in Europe and the United States.

In the model regulation on the public council under a state body, approved by the Resolution No. PQ-3837 of the President of the Republic of Uzbekistan on July 4, 2018, "On Measures to Organize the Activities of Public Councils under State Bodies," the public council is defined as follows: "A public council is a permanent advisory council body that operates on a public basis. The public council is established under the central apparatus of a state body, and its activities apply to all territorial divisions and subordinate organizations of the state body. The public council is established by the decision of the head of the state body. The decisions of the public council are of a recommendatory nature" [1].

In the Federal Law of the Russian Federation No. 212-FZ "On Public Oversight in the Russian Federation," public councils are viewed as advisory and public oversight bodies: "Public councils under federal executive bodies and legislative (representative) and executive bodies of the subjects of the Russian Federation perform advisory functions and carry out public oversight in accordance with the Federal legislation, other normative legal acts of the Russian Federation, and the laws and legal acts of the subjects of the Russian Federation, as well as regulations on the activities of public councils" [9].

Continuing with the definitions expressed in normative legal documents, in clause 1.3 of the regulations on the activities of public councils under the federal executive bodies of the Russian Federation, public councils are defined as "an advisory body that ensures public oversight while operating on a permanent basis" [14]. The function of the public council is broader than the oversight function, but as mentioned earlier, without public oversight, the essence of the public council cannot be fully revealed

Discussion

In the Law of the Kyrgyz Republic "On Public Councils of State Bodies" [2] adopted on May 24, 2014, public councils are defined as advisory and oversight bodies voluntarily established by representatives of civil society to interact with ministries, state committees, and administrative agencies, as well as to exercise public oversight over the activities of these executive bodies. Public councils organize their activities independently, transparently, and based on the interests of society. Public councils operate on a permanent basis, and their decisions have an advisory nature.

In the Law of the Republic of Kazakhstan "On Public Councils", [3] adopted on November 2, 2015, public councils are defined as advisory and oversight bodies regarding issues within the executive authority's competence. Public councils express civil society's stance on matters of social importance. They organize discussions at the republican and local levels, take public opinion into account when making decisions, develop cooperation between executive authorities and civil society institutions, ensure the transparency of executive authorities, and carry out public oversight over their activities.

Conclusion

Based on the above, the public council can be defined as follows: A public council is an independent organization composed of voluntarily formed members that participates in ensuring dialogue between the state and citizens, organizing negotiations and discussions with non-governmental non-profit organizations, conducting public oversight over the activities of administrative bodies, and providing suggestions during the development and implementation of socio-economic programs, normative legal documents, and decisions.

References

- Ўзбекистон Республикаси Президентининг 2018 йил 4 июлдаги “Давлат органлари ҳузурида жамоатчилик кенгашлари фаолиятини ташкил этиш чора-тадбирлари тўғрисида”ги ПҚ-3837-сон қарори. <https://lex.uz/docs/3808838>
- Об общественных советах государственных органов. Закон Кыргызской Республики от 24 мая 2014 года № 74. https://www.gov.kg/ru/p/public_council
- Об общественных советах. Закон Республики Казахстан от 2 ноября 2015 года № 383-V ЗРК. <https://adilet.zan.kz/rus/docs/Z1500000383>

Garifullina G.A. Advisory Bodies under Executive Authorities – An Institution for Dialogue with Business? // Business. Society. Power. 2011. –No. 6. –P. 4-5; Dyakova E., Trachtenberg A. Public Councils under Executive Authorities: Experts, Controllers, or Petitioners? // Monitoring of Public Opinion. -No. 6 (154), November – December 2019. –P. 182

Vibert F. (2007) The Rise of the Unelected: Democracy and the New Separation of Powers. Cambridge: Cambridge University Press. <https://doi.org/10.1017/CBO9780511491160>.

Йўлдошев А.Э. Ўзбекистон Республикаси фуқароларининг жамият ва давлат ишларини бошқаришда иштирок этиш истиқболлари [Матн]: монография / А.Э. Йўлдошев. – Тошкент: ТДЮУ нашриёти, 2022. – 117.

Общественный совет. <https://ru.wikipedia.org/wiki/>

Якубов Ш. Давлат органлари ҳузуридаги жамоатчилик кенгашлари: умумийликдан хусусийликка (2016 – 2018 йй. миллий тажрибасидан) // Фуқаролик жамияти. – 2018. –№2 (54). –Б. 22.

<http://op-don.ru/publiccouncils/main/>

<https://cyberleninka.ru/article/n/obschestvennye-sovety-pri-organah-ispolnitelnoy-vlasti-eksperty-kontrolery-ili-mirskie-chelobitchiki/viewer>

<https://cyberleninka.ru/article/n/obschestvennye-sovety-pri-organah-ispolnitelnoi-vlasti-i-protivodei-stvie-korrupsii/viewer>

https://grany-center.org/uploads/files/spravochnik_obshchestvennye_sovety_pri_uchrezhdeniyah_socialnoy_sfery.pdf

<https://justicemaker.ru/view-article.php?id=25&art=5597>

https://static0.minzdrav.gov.ru/system/attachments/attaches/000/023/804/original/Стандарт_деятельности_общественных_советов_при_федеральных_органах_исполнительной_власти.pdf?1423644384