

Improving the Legislative Framework of Social Partnership in the Context of New Uzbekistan

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Abstract: This article examines the enhancement of legal frameworks governing social partnership relations in the context of New Uzbekistan. It highlights the significant reforms aimed at fostering collaboration among the state, civil society institutions, and business entities. The study explores the implications of these improvements, including the introduction of new constitutional provisions and legislative measures that promote public engagement, transparency, and the active participation of non-governmental organizations. Additionally, the article delves into the evolving role of mahallas as vital institutions bridging citizens and the state, underscoring their contribution to strengthening public oversight and social capital. The analysis concludes with a discussion of the prospects for advancing social partnership relations, emphasizing the potential benefits of transitioning to a three-party model that includes the business sector, thereby enhancing economic development, social responsibility, and the effectiveness of reforms.

Keywords: social partnership, public-private partnership, dialogue between the state and the people, tripartism, state, civil society institutions, non-governmental non-commercial organizations.

INTRODUCTION

The President of the Republic of Uzbekistan has repeatedly emphasized in his speeches the necessity of citizen participation in state and public affairs. In one of his addresses, the President stated, "It is necessary to clearly establish the obligation of conducting public consultations when making decisions on the most important socio-economic issues of the country that are of particular interest to the population" [1].

Currently, the institutions of civil society are developing dynamically in our country. The number of non-governmental non-profit organizations (NGOs), representing the interests of various segments of the population, is steadily growing. Uzbekistan has established and continues to improve robust legal guarantees for these organizations. Today, they can not only freely carry out their activities but also receive substantial support from both the state and society.

As a result, NGOs take on the responsibility of addressing many socially significant tasks, becoming an important factor in safeguarding democratic values, rights, freedoms, and the legitimate interests of individuals. They also help citizens realize their potential, increase their public, socio-economic activity, and legal awareness, and contribute to maintaining a balance of interests in society.

At the same time, it is evident that the effectiveness of civil society, represented by NGOs or other public associations, is determined not only by their existence and activities but also by their interaction with state authorities to address

socially significant issues. As some researchers note, "Civil society and the state are absolutely interdependent social entities. For their existence, they are equally necessary to each other... However, the relationship between civil society and the state is not merely... interdependence. It is also a relationship of mutual complementarity" [2]. One of the mechanisms of such interdependence or synergy is social partnership.

Uzbekistan has already gained experience in social partnership, with established mechanisms of interaction guaranteed by the country's national legislation. This legislation includes over 100 regulatory legal acts that govern various aspects of the interaction between the state and civil institutions, including sectoral laws on the development of social partnership in areas such as environmental protection [3], healthcare [4], education [5], social protection [6], and others. All these laws, reflecting democratic principles and values, simultaneously align with the mentality of the Uzbek people, particularly the societal tendency to address most issues collectively.

In this context, it is essential to highlight the adoption of the Law of the Republic of Uzbekistan "On Social Partnership" [7], aimed at creating mechanisms to unite society in improving the population's well-being while addressing the interests of the state and various public organizations representing the needs of broad segments of the population.

Amid growing public awareness, the adoption of this law enabled the establishment of a

comprehensive system of interaction and provided legal guarantees for constructive dialogue. It has become a crucial element among the adopted legal acts for effective dialogue between the state and society, facilitating collaboration between non-governmental non-profit organizations and other civil institutions in the development and implementation of key state programs, addressing humanitarian issues, and protecting the rights, freedoms, and interests of various population groups in the country.

Moreover, the adoption of the Law "On Social Partnership," considering advanced international experience and existing legal practices, contributed to further enhancing efficiency and creating a clear organizational and legal mechanism for interaction.

It should be noted that during the development of the law, foreign experiences and modern trends in socio-political development were studied. For instance, in the early 1990s, countries such as France, the United Kingdom, Canada [8], and several other developed democratic states widely practiced partnership agreements between governments and coalitions of non-governmental public organizations. These agreements typically defined principles of cooperation, forms and mechanisms of interaction, and financial aspects. However, such agreements were limited to the term of the incumbent government, meaning they lacked stability in relationships. In these countries, politicians and the public are now actively advocating for legislative regulation of partnership issues to provide them with a stable character, independent of political fluctuations and changes in government.

At the same time, mechanically copying the experience of Western countries is unlikely to be effective. It is necessary to identify the historical, socio-political, and economic prerequisites for social partnership. Only on this basis can a national model of partnership relations be developed.

Over the past three decades, significant changes have occurred in the global economy, both in terms of technological progress and organizational changes in enterprise management. Government structures increasingly faced the growing need to secure sustainable funding for the development and maintenance of infrastructure essential to support a growing population and economy.

Under these circumstances, a key theme of Uzbekistan's impressive economic revitalization since 2017 has been accelerating infrastructure development through private sector participation. This led to an ambitious public-private partnership (PPP) program, which included the adoption of the Law "On Public-Private Partnership" [9], the establishment of a dedicated agency for PPP development, and mandates for sectoral agencies to promote PPPs for key projects.

It is noteworthy that the adopted PPP law is the result of years of dialogue between the government, market participants, international consultants, and development financing institutions. It is based on international market standards tailored to a rapidly growing economy and aims to attract foreign investment.

Uzbekistan has made a promising start in integrating PPPs into its infrastructure development program. To elevate the country's ambitious program to a new level, a decisive policy framework and effective project implementation were established.

As a result of these efforts, by 2026, Uzbekistan plans to implement PPP projects worth \$14 billion [10].

The dynamic processes that took place during this period in the socio-political life of the country led to many aspects of democratization and modernization, including the development of civil society, gradually adopting a "bottom-up" trend and embodying the paradigm of "inside-out." Under this paradigm, issues directly related to social development are initiated within society and then transmitted to the state.

A landmark event in the socio-political and socio-economic development of Uzbekistan in this context was the adoption of the *Action Strategy for the Further Development of the Republic of Uzbekistan for 2017–2021* in 2017. This strategy outlines five priority areas for development during the designated period, namely:

1. Improving the system of state and public administration;
2. Ensuring the rule of law and further reforming the judicial and legal system;
3. Developing and liberalizing the economy;
4. Developing the social sphere;
5. Ensuring security, interethnic harmony, and religious tolerance, as well as implementing a

balanced, mutually beneficial, and constructive foreign policy [11].

Within the framework of the first priority area, a special focus was placed on improving the system of public administration, where fundamental strategic tasks were formulated for the development of civil society over the next five years. These tasks include implementing effective mechanisms for dialogue with the population and enhancing the efficiency of social partnership.

An interesting aspect of this process is that even during the drafting phase of the Strategy, the broad public actively participated, and their suggestions and comments were taken into account and reflected in the final version of the document.

The establishment of these institutional and regulatory frameworks, along with the necessary prerequisites, allowed Uzbekistan to transition to a qualitatively new stage in forming a civil society. This civil society serves as a key partner of the state in fostering dialogue with the population, ensuring reliable guarantees for human rights and freedoms, and addressing the goal of increasing citizen engagement in public governance.

The positive trend of expanding citizen participation in various spheres of societal life has necessitated strengthening the legislative framework. Specifically, the *Concept for Improving Legislative Drafting Activity*, adopted in August 2018 [12], envisions further enhancing the influence of public discussions on the legislative process. This is achieved by organizing effective engagement of citizens, civil society institutions, the media, entrepreneurs, and business community representatives.

All legislative acts aimed at increasing the activity of NGOs and other civil society institutions, including during public discussions and public evaluations of draft laws, underscore the relevance and significance of issues related to the formation and development of civil society in Uzbekistan. They also reflect the state's efforts in this area.

Moreover, to expand citizen participation in managing societal and state affairs, ensure transparency in the activities of government bodies, and enhance the viability and effectiveness of adopted laws, the *Mening Fikrim* ("My Opinion") web portal was launched in early 2018. This platform enables Uzbek citizens to submit proposals as electronic collective appeals on pressing societal and state-related issues. If an

appeal receives at least 10,000 votes (in cases where it is addressed to the country's parliament), it is forwarded to the chambers of the Oliy Majlis (Parliament) of the Republic of Uzbekistan for further consideration and discussion.

Thus, for the first time, a unified platform for public initiatives has been created in the country. This platform has the potential to evolve into a legally guaranteed popular legislative initiative, becoming a powerful impetus for the development of civil society as a whole. It will also contribute to enhancing the effectiveness of dialogue between the state and civil society institutions.

Subsequently, Uzbekistan adopted the *New Uzbekistan Development Strategy for 2022–2026* [13]. This strategy envisaged ensuring citizen participation in the life of their *mahalla* (neighborhood community) and establishing direct dialogue between government bodies and *mahallas*. It also focused on further improving mechanisms for open dialogue with the population, expanding the practice of making significant decisions based on public opinion, organizing the effective operation of the Public Chamber, fostering its collaboration with civil society institutions, and actively involving citizens in addressing pressing societal issues.

The strategy emphasized the broad involvement of public oversight entities in performing certain state functions, conducting social surveys to assess the activities of state bodies, and introducing practices for openly discussing identified shortcomings. Importantly, it aimed to enhance the effectiveness of social partnership and double the volume of state support for non-governmental non-profit organizations (NGOs) and other civil society institutions in the form of subsidies, grants, and social contracts [14].

Building on the experience and outcomes gained during the implementation of the *New Uzbekistan Development Strategy*, as well as public discussions, the *Uzbekistan-2030 Strategy* was approved by a presidential decree issued by President Shavkat Mirziyoyev on September 11, 2023 [15].

The decree emphasized that "under updated constitutional and legal conditions, it is necessary to refine the key directions for the country's development and elevate the ongoing comprehensive reforms to a new stage" [16].

In this context, it is important to highlight the new edition of the Constitution of the Republic of Uzbekistan, adopted following the historic nationwide referendum held on April 30, 2023. This updated Constitution has outlined vectors for the country's further progressive and sustainable socio-economic, political-legal, and cultural-spiritual development.

An indicator of the increased civic engagement of the population, as well as profound and qualitative changes in the political and legal consciousness of people and their sense of involvement in the country's affairs, is the fact that over 220,000 proposals were submitted during the discussion of the draft Constitution. As a result, 65% of the text of the Fundamental Law was updated [17].

It is particularly noteworthy that the new edition of the Constitution demonstrates a trend towards strengthening the role of non-governmental non-profit organizations (NGOs), reinforcing public oversight, and fostering the development of social partnership.

For the first time in Uzbekistan's history, the Constitution includes a new chapter, *Chapter XIII. Institutions of Civil Society*. Article 72 enshrines the state's obligations to support NGOs. It stipulates that:

"The state ensures the observance of the rights and legitimate interests of non-governmental non-profit organizations and creates equal legal opportunities for them to participate in societal life. Interference by state bodies and officials in the activities of non-governmental non-profit organizations, as well as interference by non-governmental non-profit organizations in the activities of state bodies and officials, is not permitted" [18].

In addition, other articles (Articles 36, 49, 56, and 148) of the Constitution significantly strengthen the legal framework for the formation and development of diverse civil society institutions. These articles enhance the role of civil society institutions, reinforce public oversight, promote the free functioning of political parties, support the development of a multiparty system, and secure guarantees for freedom of choice and expression. They affirm the right of every citizen to elect and be elected to representative bodies of power and to participate in managing state and societal affairs [19].

However, despite significant progress in expanding opportunities for civil society institutions and developing social partnerships in Uzbekistan, pressing challenges remain in this area that hinder the establishment of a civilized dialogue between stakeholders. These include:

1. Lack of strong trade unions capable of effectively defending workers' rights and participating in legislative processes.
2. Lack of public awareness about social partnership, leading to a misunderstanding of its significance.
3. Low legal literacy prevents citizens from actively participating in the activities of NGOs.

When discussing the prospects for developing a national model of social partnership, it seems advisable to amend the Law on Social Partnership. These amendments should transition from the current two-party framework to a three-party collaboration involving civil society institutions, business entities, and the state.

Including business entities as a party to social partnership would not only contribute to economic development and the creation of new, highly efficient jobs but also enhance the social responsibility of businesses. This inclusion would facilitate targeted problem-solving, the provision of precise social services, and, ultimately, ensure business accountability for the success of reforms.

It is also important to consider that the policy of social partnership is not limited to economic or socio-labor relations. Its implementation involves the participation of public associations representing the interests of various social groups, strata, government bodies, and self-governing citizen organizations. In Uzbekistan, this role is performed by the *mahalla*, which serves as a stable link between society and the individual.

Contacts with the *mahalla* provide the state with a large-scale source of information about the condition of society, its interests, sentiments, and attitudes toward authority. Reflecting traditionalism, the *mahalla* fulfills functions vital to a democratic society, such as public oversight, self-governance, fostering the development of a conscious and well-rounded individual, supporting private business and entrepreneurship, among others.

Additionally, the *mahalla* is the primary source of what is known as "social capital," characterized by

a high degree of trust and communication within society. This creates favorable conditions for the further development of civil society in Uzbekistan.

In our view, the systematic and broad functionality of the *mahalla*, its genuinely "grassroots" nature and scale, self-governing essence and structure, historical significance, and traditional character highlight its unique position and status within the system of civil society institutions.

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