

Scientific-Theoretical Approaches to Researching the Legal Bases of Cooperation and Cooperation between the Republics of Uzbekistan and Turkey

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Abstract:

In this article, the author scientifically and theoretically substantiates the concept of cooperation, its essence and trends of origin. The types of cooperation are studied in detail. A systematic study of the concept of legal foundations of cooperation. The views of scientists on the legal bases of cooperation and cooperation between the Republics of Uzbekistan and Turkey were studied and scientific and theoretical conclusions were given.

Keywords: cooperation, legal bases of cooperation, cooperation between the Republics of Uzbekistan and Turkey, international agreements.

The spectrum of social groups and individuals who need to understand the nature of international law and its place in current international relations in an adequate way indicates the extent of the influence of international law on almost all spheres of international and domestic life. From this point of view, the legal basis of cooperation between countries is of great importance.

Before explaining the concept of the legal basis of cooperation, we thought it would be appropriate to dwell on the concept of cooperation. The concept of cooperation is used in economy, trade, finance, law, ecology and various other fields. The concept of cooperation is widely used in the literature of various fields, international agreements, and national legislation. In the legal field, special emphasis is placed on the legal foundations of cooperation and cooperation in human rights, contract law, international economic law, international trade law, international labor law, international criminal law, international security law, international humanitarian law and many other fields.

Based on this, there are different types, forms, and definitions of the concept of cooperation by scientists.

From time immemorial, people, peoples, nations, and states have thought about creating mechanisms for cooperation and conflict resolution, and have tried to use them for their own benefit. It has been used in many areas of human and social life to achieve the goals of a particular person or group of people. Often, such team work has brought effective results in organizations, states, and enterprises in a specific field. The essence of cooperation is actually the process by which interacting parties seek ways to realize common interests without using violence. Mutually beneficial cooperation can be called when one of the parties can achieve their goals only if the other side of the transaction can achieve the same goal. In other words, the goals of the partners should be interconnected. The essence of cooperation is to achieve the common goals of the partners, to expect clear benefits and mutual benefit from the implementation of agreements¹.

Philosophers, politicians, economists, naturalists and representatives of other fields have expressed different opinions on the concept of cooperation. In particular, Harvard University professor, doctor of mathematics and natural sciences Martin Novak and psychologist, economist David G. In Rand's scientific work entitled "Human cooperation" he put forward theories about cooperation and how cooperation is formed. He expresses the following thoughts about cooperation: "One person mutually helps another to gain benefit. In this case, cooperation is beneficial for each person and is built on the basis of mutual interests"²

J.E. Roemer in his scientific article "A theory of cooperation in games with an application to market socialism" emphasized that cooperation is an important element for society, increasing mutual trust between cooperating entities, expanding cooperation in various fields, and leading to prosperous economic freedom.³

The concept of cooperation began to be interpreted in socio-political sciences in the 20s of the 20th century. This issue has been studied alongside the concept of conflict as a means of preventing it. By the 1960s, the intensification of integration processes in the West led to a serious study of cooperation and the formation of new approaches to it. Integration was considered as a form of cooperation.

The concept of "cooperation" is multifaceted in terms of content and essence. Therefore, it can be interpreted differently depending on the field of application. The concept of "cooperation" is interpreted differently in socio-philosophical dictionaries. Partnership is a positive interaction between two or more parties when goals and interests coincide. In this case, the source of cooperation is the purpose and interest, but it is interpreted only in the place of positive activity. However, cooperation is not always positive. After all, terrorist organizations that cast a shadow on the prospects of humanity also strive for mutual cooperation.

E. Milner, a Western scientist who has studied the issue of international cooperation for many years, claims that it is a process and emphasizes that it consists of three elements:

- common goal of partner countries;
- expectation of benefit (interest) from the situation;
- promote mutuality of interest.

¹<https://temidnya.ru/uz/grafika/ponyatie-o-sotrudnichestve-tipy-sotrudnichestva-chto-predstavlyayet-soboi-procedura.html>

² Rand D. G., Nowak M. A. Human cooperation //Trends in cognitive sciences. – 2013. – T. 17. – №. 8. – C. 413-425.

³ Roemer J. E. A theory of cooperation in games with an application to market socialism //Review of Social Economy. – 2019. – T. 77. – №. 1. – C. 1-28.

According to the scientist, the transformation of the above three elements into reality covers a whole process.

Russian professor P.A. Tsgankov pointed out that cooperation is related to the process, and it is a complex process consisting of negotiation, agreement and adherence to it.⁴

Uzbek scientist R. Alimov also explains that cooperation is a process. He discusses the role of "integration" and "cooperation" in regional studies concepts, noting that they are essentially process.

If we approach the issue from a philosophical point of view, a situation is understood as a situation that has arisen as a result of a certain process. A process is an ongoing change based on certain principles. A state is complete, a process is incomplete and still ongoing. In philosophical dictionaries, the process is interpreted as the duration of the event that took place in a certain period of time. Or, the process is perceived as a philosophical concept that expresses continuity in the development of events.

Or professor S. Otamuratov "the process is a concept that means the continuity of events and phenomena in the life of nature, society and humanity. It is this continuity that constitutes its core essence"⁵ - puts forward the view.

In cooperation, the situation is also a determining factor. Because cooperation is carried out based on the situation or to form it. However, the period from the beginning to the end of the cooperation is related to the process. Based on this, it is appropriate to interpret cooperation as a process.

Based on the above, we can interpret cooperation as a joint practical activity of two or more subjects for common benefit.

Cooperation in various forms, especially according to the field, economic, military, cultural, political; bilateral, multilateral according to participants; international, regional, global in scope; according to the level, it is divided into active and weak cooperation.

We believe that collaboration is the process of two or more entities working or acting together. Cooperation creates a basis for social institutions, organizations and the entire social system, providing social reality. Cooperation is a process of joint activity in any field. It is usually assumed that such interaction is mutually beneficial, and in the process of such joint activity, each participant achieves his own goals. Based on these considerations, if we reveal the essence of the concept of cooperation, cooperation is derived from the Latin language (cooperative, copationis) - it means a set of actions and actions carried out together to achieve a common goal.⁶

Based on this, cooperation is an indicator of interdependence of states and organizations. The development of international relations created systems of social, political, economic, cultural, ecological and scientific cooperation. For example, in recent years, the unsolved problems related to the global problems of humanity have intensified. In this area, it is extremely important to expand international activities that contribute to the solution of world problems. Cooperation is a set of relationships that develop on the basis of mutual exchange. In the conditions of modern reality, international relations are similar to the process of establishing dialogue, comparing interests, reaching consensus, coordination mechanisms in cases of inconsistency of values and conflict situations between regions, countries and organizations.⁷

⁴ Muhammadsidikov M.M. Regional aspects of modern international relations (Textbook) -T: Qaqnus media, 2019. - 207 pages

⁵ Muhammadsidiqov M.M. Xalqaromintaqashunoslik. O'quv qo'llanma. -T.: Barkamol fayz media, 2017, 292 bet

⁶ <https://uz.warbletoncouncil.org/cooperacion-3317>

⁷ <https://temidnya.ru/uz/grafika/ponyatie-o-sotrudnichestve-tipy-sotrudnichestva-cto-predstavlyaet-soboi-procedura.html>

We believe that cooperation is joint or cooperative behavior directed toward a specific goal and with the expectation of common benefit or profit. Cooperation can be voluntary or involuntary, direct or indirect, formal or informal, but there is always a combination of efforts towards a specific goal, in which all participants have real or imagined interests. At higher intellectual levels, cooperation involves the interdependence of intentions as well as the integration of behavior and may even be an end in itself. There is no limit to the potential scope for cooperation; it can be found in small and large groups such as leagues of sovereign nations.

Cooperation can be viewed as a moral norm, a social process, or an institutional structure. Cooperation in ethics and law has been one of the most honorable values throughout human history. Indeed, some philosophers, political scientists, and lawyers have made cooperation synonymous with the whole structure of ethics and politics. Cooperation is emphasized in all the world's major religions and moral systems. It is at the heart of Hinduism and Confucianism, and holds a sacred place even in relatively individualistic religions such as Christianity.

When cooperation is viewed as a process, cooperation is central to species formation and species change. Studies conducted by scientists have shown that it is the same in the human-cultural world as it is in the plant and animal world. Closely related to competition, as noted below, cooperative behavior is one of the central mechanisms of the evolutionary process; should be observed under conditions leading to change as well as stability.

In the case of social structure, cooperation manifests itself in countless organizations created specifically by humans to work together toward a specific goal. Such structures vary from primitive hunting groups, subjects of international law, on the one hand, to international organizations, on the other. They are social, political and cultural in nature as well as economic. The fact that the modern renewal of interest in cooperation as a process and structure occurred in the nineteenth century, a century preoccupied with the effects of laissez-faire capitalism on social order, may explain the sad trend of social scientists even today. Cooperation and competition can be thought of primarily as processes of economic importance.

There are different theories about the types of cooperation and the emergence of cooperation. These are:

1. Masiver and Page divided cooperation into two main types:

- ✓ Direct cooperation
- ✓ Indirect cooperation

Direct cooperation - can include all activities where people like things together. For example, working together, developing projects, helping each other or supporting each other. The main feature of such cooperation is that people perform the same task, which they can also perform separately. This type of partnership is voluntary, for example, the partnership between husband and wife, teacher and student, master and servant.

Indirect cooperation includes activities in which people perform dissimilar tasks towards a common goal. For example, when nations, states and international organizations cooperate to achieve a common goal. This cooperation is based on the principle of division of labor. In it, subjects perform different functions to achieve a common goal. In the modern technological age, specialization of skills and functions is more required, for which indirect cooperation is rapidly replacing direct cooperation.

2. A. V. Green divided cooperation into three main categories:

- ✓ Primary cooperation
- ✓ Secondary cooperation

✓ Tertiary cooperation.

Primary cooperation - this type of cooperation is found in primary groups such as family. In this form, there is a uniqueness of interests between individuals and groups. Achieving the interests of the group involves realizing the interests of the individual.

Secondary cooperation - found in secondary groups such as government, industry, trade union and church. For example, in industry, everyone can cooperate with others for their salary, promotion, profit, and in some cases, prestige and power. In this form of cooperation, there is a disparity of interests between individuals.

Tertiary cooperation - this type of cooperation is based on the interaction of various large and small groups to meet a specific situation. The attitude of the cooperating parties is purely opportunistic; the organization of their cooperation is both soft and weak. For example, two political parties with different ideologies may unite to defeat a rival party in an election.

Scientists' opinions show that the role of cooperation in the current globalization process is very important. Cooperation is the most elementary form of social process, without which society cannot exist. According to Kropotkin, it is so important in human life that it is difficult to live without it.

Cooperation is the basis of our social life. Cooperation helps the development of society. Progress is best achieved by working together. Great achievements in the fields of science and technology, agriculture and industry, transport and communication can be realized without cooperation.

All the achievements of mankind in various fields should be attributed to the spirit of cooperation of peoples. Collaboration is the urgent need of today's world. It is necessary not only among individuals and groups, but also among nations. It solves many international problems and disputes.⁸

Based on the above facts, it is appropriate to divide cooperation and its types into separate types in each field. In our opinion, cooperation can be divided into social, economic, political and cultural types according to its content. According to the subjects of cooperation, it can be divided into international, regional and interstate cooperation.

The importance of cooperation is particularly evident in the implementation of the activities of nations, states, organizations and other various associations, positive problem solving, and mutual humanitarian assistance. This type of cooperation is international cooperation.

International cooperation is mutual cooperation of two or more countries in various fields: social, political, cultural, science, education, tourism, healthcare, military-industrial complex, etc. This could be joint or mutually agreed production, mutual guarantee of security and investment attraction, mutual recognition of educational diplomas and Covid vaccination certificates, etc.

In any case, international cooperation is the mutual cooperation of two or more countries that is useful and appropriate for any reason.

Main types of international cooperation: Political cooperation. Economic cooperation. Scientific and technical cooperation. Cooperation in the field of education. Cooperation in the field of medicine and health care. Cooperation in the field of culture and art. Cooperation in the field of information, communication and telecommunications. Cooperation in the field of ecology and nature protection. Cooperation in the fight against crime. Cooperation in the military sphere and others.

Cooperation can be carried out within the framework of existing structures, development and the emergence of new governing bodies. For example, the United Nations (UN) was created to promote cooperation between nations in maintaining peace and preventing wars. Initially, it included 51

⁸ <https://article1000.com/types-cooperation-role-cooperation/>

countries that were members of the anti-Hitler coalition, and later it united almost all the countries of the world recognized by the UN.⁹

Since peacekeeping and war prevention is a multifaceted process, appropriate organizational structures are necessary to achieve this goal. That is why the UN has such main bodies as the General Assembly, the Security Council, and the UN Secretariat.

In addition to the UN, there are many organizations whose main purpose is international cooperation. These are the Commonwealth of Independent States (CIS), the Organization for Economic Co-operation and Development (OECD), the Red Cross, the Organization of Islamic Cooperation (OIC) and the Organization of Turkic States.

Regardless of the above, international cooperation does not necessarily rely only on organizations, but also on strategic alliances between countries, companies, Non-Governmental Organizations (NGOs) and others that seek to support each other.

The purpose of international cooperation is to bring benefits to humanity by ensuring mutual trust and solidarity among these entities.

International cooperation can have various goals, among the most common of which are:

- ✓ Humanitarian aid to citizens of poor or conflict-affected countries.
- ✓ Support economic and social development of countries.
- ✓ Protect citizens who are discriminated against on the basis of race, creed, origin, etc.
- ✓ Peacekeeping and protection.
- ✓ Protection of human rights.
- ✓ Strengthen and protect democracy and freedom of expression¹⁰.

In particular, this process is taking place in our region in a unique way. In such conditions, it is important to study, analyze, and put into practice the theoretical and practical aspects of regional cooperation.

Regional cooperation refers to the political and institutional mechanisms developed by countries in a common geographic region to find and strengthen common interests, as well as to advance their national interests through mutual cooperation and dialogue.

Interstate cooperation is a reciprocal relationship of social, economic, political, cultural and other types of cooperation between two countries, which is carried out based on the interests of the parties.¹¹

In general, international relations theory has various definitions of interstate cooperation, which are based on the general formula that interstate cooperation is viewed as "a situation in which, through a process of mutual policy coordination, some actors regulate their behavior in accordance with actual or expected preferences"¹².

Thus, according to this definition, interstate cooperation includes the interaction of states within the framework of coordinating their policies in accordance with the goal that unites them. At the same time, an important parameter in their interaction is the possibility of mutual benefit from the cooperation process. Likewise, the failure of one of the partner countries to receive benefits calls

⁹ <https://www.un.org/ru/about-us/member-states>

¹⁰ <https://economy-pedia.com/11037984-international-cooperation>

¹¹ Graefrath MS, Jahn M. Conceptualizing interstate cooperation. *International Theory*. 2023;15(1):24-52. doi:10.1017/S1752971921000208

¹² Abbott, Kenneth W. 1989. "Modern International Relations Theory: A Prospectus for International Lawyers." *Yale Journal of International Law* 14: 335-411. Google Scholar

into question the possibility of the cooperation process itself. In this regard, it should be noted that cooperation is always, at least, bilateral, where the parties try to take into account the interests of the other party and avoid negative consequences for each of the parties.

Accordingly, interstate cooperation is described in the categories of obligations undertaken by states within the framework of established general rules of action. An international agreement is a form of description of general rules and obligations of states within the framework of cooperation. According to V. Vezhnovets and A. Borodich, the international agreement “as the main source of international law plays a key role in the development of interstate cooperation in both bilateral and multilateral formats across the entire spectrum of international relations”.¹³

As we mentioned above, cooperation is important in today's globalized era. From this point of view, creation, improvement and development of the legal basis of cooperation is a primary task for all countries, international and regional organizations.

The legal basis of cooperation is that various agreements are different in form and content, and they can be in different forms: contract, agreement, pact, treaty, convention, declaration, protocol. These types of transactions certainly create legal consequences and create legal bases for cooperation.

In our opinion, the legal basis of cooperation is the establishment of economic, social, cultural-educational, political-legal, touristic relations between these countries and the strengthening of such relations legally on the basis of normative legal documents.

The history of the concept of cooperation and its legal basis goes back to the distant past. The idea of comprehensive cooperation is expressed in the UN Charter. The concept of cooperation was formulated as a principle in the 1970 Declaration of Principles of International Law. This principle obliges states to cooperate with each other regardless of differences in their political, economic and social structures. The main directions of cooperation are as follows:

first, to promote peace and security;

secondly, comprehensive protection of human rights;

thirdly, implementation of international relations in the economic, social, cultural, science, tourism, technical and trade spheres in accordance with the principles of sovereign equality and non-interference;

fourth, to cooperate with the UN and apply the measures provided for in its Charter;

fifth, to promote economic growth worldwide, especially in developing countries.

The idea of comprehensive cooperation is included in the UN Charter (Article 1, Clause 3), as stated: “The United Nations pursues the goal of international cooperation in solving economic, social, cultural and humanitarian international problems. Such cooperation is the duty of all countries to maintain international peace and security”.¹⁴

The principle of cooperation as a legal category derives from other provisions of the Charter, in particular, provisions of Articles 55 and 56. For example, the content of Article 55 shows that there are two types of obligations of the UN bodies: the obligation of states to cooperate with each other in order to achieve the goals stipulated in the Charter, and their obligation to cooperate with the UN to achieve the same goals.

These principles, reinforced in the Declaration of Principles of International Law, are the main criteria for creating the legal basis of cooperation and cooperation between states. It can be seen that the legal basis of cooperation and cooperation between states is reflected in agreements

¹³ Vezhnovets V., Borodich A. An international negotiation process. - Moscow: Liters Publishing House, 2016. - P. 339

¹⁴ Каранг: Бирлашган Миллатлар Ташкилотининг Низоми // Инсон ҳуқуқлари буйича халқаро шартномалар // Масъул муҳаррир А.Х. Саидов. - Т., 2004.-3-б.

between states, international organizations and peoples. The Law of Treaties Like other areas of international law in the 19th century, the field of interstate international contract law began to develop rapidly. By this time, the formation and development of various fields of international law, such as international humanitarian law, in turn, laid the foundation for the formation of the law of international treaties. Because now interstate relations from various directions are based mainly on international agreements. At the same time, certain forms and requirements of international agreements began to become uniform.

By the first half of the 19th century, the need to conclude multilateral agreements arose for the first time. For example, in 1815, nine European countries adopted the Vienna Regulation on diplomatic ranks. The problem of legal regulation of the activities of international transport and means of communication was waiting for a firm solution. In 1856, in accordance with the Paris Declaration, the mode of movement of merchant ships during the war was established. Free movement of trade ships along international rivers - Rhine, Danube, Elbe in Europe, Mississippi and St. Lawrence in America, Congo and Niger in Africa.

In 1874, the signing of the act on the establishment of the Universal Postal Union was the basis for the establishment of a procedure for the free transit of letters and parcels from the territory of its member states. In 1875, the Convention on the Telegraph Union was adopted. In 1890, the Multilateral Convention on Railways was signed, because the development of international economic relations required the activation of legal regulation in this area. Later, many international agreements in the form of conventions and declarations began to be concluded. The largest of these was the United Nations Conference in San Francisco in June 1945, which adopted the UN Charter, an important document that laid the foundation for modern international law.

Socially, the UN Charter embodies universal interests and the belief that peace and prosperity can be ensured through the joint efforts of states. Politically, the principle of cooperation has become the basis of international law. The Charter put an end to the legalization of the colonial policy inherent in classical international law.

The UN Charter defined general goals and principles specific to modern international law, among which *pacta sunt servanda*, that is, the principle of conscientious fulfillment of obligations arising from international agreements, was noted as one of the main principles of international law.

By the present time, **firstly**, in interstate relations, in addition to bilateral international agreements, attention to the multilateral contractual obligations of states has increased by developing and adopting multilateral international agreements. **Secondly**, along with the form and structure of international agreements, special attention was paid to their legal force. This is particularly important in multilateral international agreements. **Thirdly**, international agreements developed and accepted through diplomatic conferences began to be given special importance. **Fourthly**, in the development and adoption of international agreements, special attention has been paid to the activity of international organizations creating norms. **Fifth**, the international mechanisms for the implementation of international agreements have been formed and are being improved.

So, to sum up, the law of international treaties has been formed as a separate independent field of international law, which regulates relations regarding the procedures for concluding, applying and canceling international treaties, and thereby creates the legal basis of cooperation.

As a full-fledged subject of international law, the Republic of Uzbekistan is currently developing cooperative relations with other subjects of the international community through bilateral and multilateral international agreements.

During the past period, along with the development of the international contractual base of Uzbekistan, its national legislation regulating its international contractual relations was also improved. First of all, in the preamble of the Constitution of Uzbekistan, the loyalty of the country

to the generally recognized principles and norms of international law was shown, and in the relevant constitutional norms, the subjects authorized to sign and ratify international agreements on behalf of the Republic of Uzbekistan were determined to comply with the principles of international law in the implementation of its foreign policy. On the basis of these legal norms, in order to further strengthen the legal foundations of Uzbekistan-Turkey cooperation, the governments, ministries and agencies of our countries have signed documents related to economy, trade, transport-logistics, industry, science, education, tourism and other fields.

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