

Administrative Law and Public Administration

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Abstract:

A clear social attitude is an administrative attitude, and first of all, the relevant state body will definitely participate in it; second, the regulatory effect of administrative law occurs when the public administration body uses the powers granted to it. Almost all measures aimed at improving the effectiveness of the performance and issuing orders of Public Administration bodies are carried out using the norms of administrative law. Administrative law is one of the largest, complex and developed branches of the legal system. This is due to the specific nature of its regulatory subject, the wide range of relationships.

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The administrative and legal norm is a permissible regulatory norm, established by the state and provided for by special state means of execution. The norm of law is a certain rule of conduct in its legal content, the observance of which implies the use of various organizational, educational and incentive tools, as well as measures of legal coercion (disciplinary, administrative, material, criminal liability) in relation to persons who did not comply with them. These features are also characteristic of administrative-legal norms. They determine the main indicators of state-management activity and the relationship to management that occurs in the process of this activity (for example, the legal status of a person, subjects of executive power). The following functions of administrative and legal norms can be distinguished: — regulation of the organizational activities of the system of executive power and some of its branches, as well as ensuring reasonable interaction between them; — to ensure the realization and protection of the rights and freedoms of citizens in the field of Public Administration, as well as public associations; - to determine the options for positive behavior of all persons and citizens directly working in the field of Public Administration and performing its functions in a certain volume (for example, local authorities) or by their actions in one way or another. A positive or necessary level of behavior implies what actions can be performed (permissible), what behaviors should be restrained (prohibitions), what actions should be performed (instructions). In fact, the influence of management on the behavior of the subjects of administrative-legal relations is manifested just like that; — to ensure the effective implementation

of the constitutional function of the mechanism of executive power, that is, the fulfillment of its requirements established in the laws, and thus to demonstrate the essence of the executive branch of the unified state power; — to ensure a solid order of legality and state discipline in social relations arising in the process of state-management activities; — to apply administrative responsibility not only

Administrative law regulates social relations in the process of organizing and implementing public administration, that is, social relations that arise in the activities of state bodies in the implementation and issuance of orders. In its essence, Public Administration covers the most important aspects of social life. In this process, economic, organizational, socio-cultural affairs are carried out, administrative and political issues are solved. The sum of the legal norms that regulate various social relations that arise in the process of organizing public administration and the implementation of management-constitutes a network of administrative law.

The legal regulation of social relations in the field of Public Administration is carried out by strengthening the rules of conduct that are mandatory for all participants in the relationship in the norms of administrative law. By establishing such rules, a certain legal procedure for the implementation of the functions that arise in public administration and in relations associated with it was created. A clear social attitude is an administrative attitude, and first of all, the relevant state body will definitely participate in it; second, the regulatory effect of administrative law occurs when the public administration body uses the powers granted to it. Almost all measures aimed at improving the effectiveness of the performance and issuing orders of Public Administration bodies are carried out using the norms of administrative law. Administrative law is one of the largest, complex and developed branches of the legal system. This is due to the specific nature of its regulatory subject, the wide range of relationships. Since executive power, managerial activity and management itself cover all areas of the life of the state and society, it occupies a fundamental place in the system of administrative law and affects other branches of law, or, conversely, is influenced by them. The norms of administrative law, arising from the norms of Public Law, first of all strengthen the characteristics inherent in public administration and its interaction with other types of public activity (connoisseurship, Court, prosecutor's control), as well as the principalities of Public Administration¹. Administrative law-further clarifies and complements the norms of Public Law, determines the mechanism of implementation of most rights and obligations of citizens through their governing bodies, as well as the protection of these rights from any violations. Administrative law-defines the procedure for the organization, reorganization and liquidation of state bodies, its tasks and goals, powers and other aspects of its legal status, structure and process of activity. Administrative law regulates the communications of managed facilities. These norms strengthen the planning procedure, the distribution of material resources and the determination of wages. Administrative law is of great importance in establishing the legal status of public organizations and public bodies. Administrative law regulates not only management, but also managed activities. Administrative law regulates a certain group of social relations, and this relationship forms its subject. Most scientists of the science of administrative law include in the subject of administrative law the following group of social relations that arise in the process of Public Administration: 1) relations between public administration bodies, one of which is subordinated to the other organizationally (for example, social relations that arise between the departments and departments of the ministry and state committees subordinate to them); 2) relations between non-subordinate public administration bodies (for example, social relations arising between two ministries, ministries and state committees); 3) relations between public administration bodies and subordinate enterprises, institutions and organizations; 4) relations between public administration bodies and public associations; 5) relations between public administration bodies and citizens.

¹ Худойбердиева В.Ж., Хожиев Э.Т. Маъмурий хукук. Ўкув қўлланмаю – Т., 2000. – 35-36-б.

In all recorded social relations, a state body is involved. This is legal, since managerial activity is one of the forms of implementation of state functions. In the field of Public Administration, there cannot be social relations that constitute the subject of administrative law, without the participation of the body acting on behalf of the state and representing its will. Therefore, the relationship that arises between two citizens — administrative-legal relations-is not considered. Relations that arise between economic entities on the basis of contracts are also not part of the subject of administrative law, since they are contractual relations regulated by the norms of civil law. One of the basics of dividing law into branches in the legal system is the method of Legal Regulation. The style of legal regulation consists of the sum of methods, tools and paths that are applied in the influence of law on existing relations in society. Like any branch of law, administrative law has its own regulatory style. Administrative law, implementing the regulatory function, uses a certain set of legal tools or methods that regulate the behavior of participants in relations in the process of Public Administration. In the framework of regulated social relations, that is, on the subject, the branches of current law are often very close to each other, and in some cases even the form is consistent with each other.

In the process of management, relations are regulated, which are under the influence of various norms of law and do not fall within the framework of the subject of administrative law. Thus, the interaction of different branches of the legal system of the Republic of Uzbekistan occurs. The discipline of administrative law is very close to the disciplines of constitutional law and financial law. But at the same time these branches of law differ from each other depending on their subject of regulation (the circle of social relations) and their specifics. The science of constitutional law occupies a special place in the legal system. It expresses the foundations of the social structure of the state and state policy, the interaction between the state and the individual, the national state and administrative-territorial structure, the foundations of the system of state bodies, the basic rights, freedoms and duties of Man and citizens. The subject of constitutional law is wider than the subject of administrative law. In particular, constitutional law defines the principalities of organization and functioning, which are common to all public bodies. The norms of administrative law, on the other hand, regulate their application in public administration, based on the above. Constitutional law defines the rights, freedoms and duties of citizens, while administrative law determines, further clarifies the procedure for their implementation; fills the legal status of citizens with other rights and obligations; determines the management mechanism of the fulfillment of rights, freedoms and obligations by citizens. For example, under the Constitution of the Republic of Uzbekistan, citizens have the right to appeal to the court over the illegal behavior of state bodies and officials.

In summary, administrative and legal norms are understood as the legal norm that regulates relations in the field of Public Administration and of a managerial nature, relations in the internal organizational sphere of executive authorities, the activities of the apparatus of legislative and judicial authorities, as well as in the field of public service implementation.

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