



# The concept and types of state control in public services delivery

Salieva Shakhsanem Usnatdinovna

Independent Researcher, University of Public Security of the Republic of Uzbekistan

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**Abstract:** This article analyzes the organizational and legal mechanisms for ensuring legality and discipline in the provision of public services in Uzbekistan.

It examines various forms of control (parliamentary, judicial, presidential, governmental, and departmental) and their impact on the quality of public services. Key challenges identified include the absence of comprehensive legislation and the ineffective application of the Law “On Administrative Procedures”. It offers recommendations for improving the regulatory framework and control practices to enhance the transparency and efficiency of the public service system.

**Keywords:** Public services, control, legality, administrative procedures, digitalization, benchmark.

**Introduction:** The quality and volume of public services, along with continuous improvement in international rankings and indices within the “e-Gov” sphere (including public services delivery), significantly depend on organizational and legal mechanisms that ensure legality and state discipline.

This organizational and legal mechanism represents a comprehensive set of measures. These include normative legal regulation, continuous monitoring, control, supervision, prevention, prophylaxis, and accountability enforcement. The mechanism aims to guarantee compliance with established legal norms, high quality standards, and transparency in public service delivery processes. Essentially, it's a system of measures designed to uphold legislative norms and maintain order in the performance of the aforementioned functions. This framework involves the development and implementation of normative legal acts, the organization of a control and oversight system for government bodies and officials, and the creation of procedures and tools for appealing actions or decisions

that may infringe on citizens' rights.

According to L. Beschastnova, three main organizational and legal methods for ensuring legality and state discipline in the activities of entities providing public services under administrative and legal regulation have emerged:

State control;

State supervision;

State control and supervisory activities.

L. Beschastnova clarifies that state control by executive bodies over the proper provision of public services encompasses comprehensive presidential and governmental control, as well as sectoral functional control by federal ministries and agencies at the federal level. At the level of the constituent entities of the Russian Federation, it includes gubernatorial and governmental control, along with functional intra-industry control by ministries and agencies [1].

Furthermore, scientific literature emphasizes that control and supervisory activity represents a system of interaction between controlling and controlled entities, aimed at ensuring compliance with state-established norms and requirements. As O. Minchenko notes, the key goal of this process is protecting public interests, which defines its socio-legal significance. In this context, society is the primary beneficiary of control and supervisory functions, as their implementation contributes to maintaining law and order, minimizing risks, and ensuring legality in regulated areas [2]. Regarding the initiative for interaction, the author points out its dependence on the specifics of the control and supervisory function. In most cases, the initiative comes from the controlling body (e.g., during scheduled inspections). However, within "permissive and licensing procedures," the initiative typically belongs to the controlled entity, which applies to the authorized body for the relevant permission or license. Thus, the nature of interaction varies depending on the type of control and supervisory function, requiring a differentiated approach to their regulation and analysis [2].

S. Shaidurov offers an interesting perspective, noting that the nature of control and supervision activities indicates that the controlling (supervising) body initiates the relationship; the reasons and goals for the controlling (supervising) body's initiative are to prevent negative phenomena or react to negative phenomena or complaints; the controlling (supervising) body possesses relevant authoritative powers, while the controlled (supervised) party complies; the controlling body can bring the controlled (supervised) person to accountability in cases

established by law. Legal relations in control and supervision are formalized into a procedural form, potentially leading to the issuance of a law enforcement act. Control and supervision are carried out by specially authorized state bodies. Controlled entities include not only organizations and citizens but also state and municipal bodies [3].

E.G. Babelyuk stresses the importance of clearly delineating the functions of state control and tasks related to service provision [4]. In her opinion, such a separation is necessary because, within control and supervisory activities, state bodies focus on verifying compliance with established norms and rules. At the same time, when providing services, their primary goal is to facilitate citizens' exercise of their legal rights [4].

The aforementioned positions of researchers are significant for understanding state control mechanisms and can serve as a theoretical basis for further research in administrative law and public administration. However, in our opinion, in addition to the established organizational and legal methods of ensuring legality and state discipline in the activities of entities providing public services in the field of administrative and legal regulation, we can identify parliamentary, judicial, presidential, governmental control, and control by an authorized state body. Let's delve into each of these functions separately.

## **METHODOLOGY**

This study employs a descriptive and analytical methodology to examine the organizational and legal mechanisms of state control in public service provision. The research draws upon a comprehensive review of academic literature from leading scholars in administrative law and public administration, alongside an in-depth analysis of the Constitution, laws, and presidential decrees of the Republic of Uzbekistan. Furthermore, the study incorporates a comparative element by referencing the CIS Model Law "On State and Municipal Services" to identify best practices and potential directions for legislative reform. The findings are based on qualitative analysis of legal norms and expert opinions regarding the practical implementation of control functions.

## **RESULTS**

### **Parliamentary Control**

Parliamentary control in public services delivery is a mechanism by which the parliament oversees the government's provision of public services to the population. According to Article 4 of the Law of the Republic of Uzbekistan

"On Parliamentary Control" the object of parliamentary control is the activities of state bodies and their officials

in implementing the Constitution and laws of the Republic of Uzbekistan, decisions of the chambers of the Oliy Majlis of the Republic of Uzbekistan and their bodies, state programs, and in fulfilling their assigned tasks and functions. The object of parliamentary control cannot be activities related to the consideration of specific cases and materials in the proceedings of bodies engaged in operational-investigative activities, inquiry and investigation, courts, as well as materials of enforcement proceedings and notary office work.

It is noteworthy that issues of improving and transforming “e-Gov”, enhancing the quality and effectiveness of public services, and introducing mechanisms for public control have been priority tasks from the Action Strategy (2017) to the “Uzbekistan-2030” Strategy (2023), with annual goals in the State Program to achieve better results in this area.

Jakhongir Shirinov, Chairman of the Committee on Combating Corruption and Judicial-Legal Issues of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, emphasizes that parliamentary control is one of his Committee's strategic areas. During the reporting period, over twenty control and analytical measures were conducted to monitor and assess the implementation of legislation in various sectors [5]. Particular attention was paid to analyzing the practical implementation of anti-corruption norms in key areas, including field research events. Several hearings were organized, during which the Minister of Justice, among others, presented his report. Following these hearings, the Committee made specific decisions aimed at improving the fight against corruption in management systems, developing the digitalization of public services, and improving other important areas [5].

Furthermore, H. Khotamov, General Legal Counsel of the Secretariat of the Senate Committee on Judicial-Legal Issues and Combating Corruption, highlights that the Senate's experience in recent years shows that, on average, the Senate annually develops over 10 draft laws on issues identified through parliamentary control and dialogue with the people, which are then submitted to bodies with the right of legislative initiative [6]. We agree with I. Alebastrova, who states: “the most important condition for the effectiveness of parliamentary control is real multi-partyism, creating an environment of political competition, that is, an open and peaceful struggle for mastering the mechanisms of public power. Only in such an environment can a strong motivation for criticizing the government and controlling its activities arise” [7].

### **Judicial Control**

Judicial control in the sphere of public services delivery

plays a crucial role in ensuring the legality, fairness, and effectiveness of executive bodies' work. Its primary goal is to protect the rights and freedoms of citizens and organizations from unlawful actions or inactions by state bodies and their officials in the process of providing such services.

Uzbekistan has established a robust institutional and regulatory framework for judicial protection of citizens' rights and freedoms. According to Article 130 of the Constitution of the Republic of Uzbekistan, justice in the Republic of Uzbekistan is administered solely by the court. The judicial power in the Republic of Uzbekistan operates independently of legislative and executive powers, political parties, and other civil society institutions [8].

However, we must agree with Professor I. Khamedov: “The situation where an existing law, designed to radically improve the position of interested parties in relations with administrative bodies, namely the Law “On Administrative Procedures”, is totally unenforced by administrative bodies and rarely applied even by administrative courts, is completely unacceptable. Meanwhile, administrative courts were specifically called upon to ensure the enforcement of the Law

“On Administrative Procedures” by compelling administrative bodies to comply with new administrative procedures. However, administrative courts are not yet coping with their task, largely due to the general institutional weaknesses of the domestic judicial system” [8].

### **Presidential and Governmental Control**

We agree with L. Beschastnova that state control by executive bodies over the proper public services delivery includes comprehensive presidential and governmental control.

According to Article 105 of the Constitution of the Republic of Uzbekistan, “The President of the Republic of Uzbekistan is the head of state and ensures the coordinated functioning and interaction of state authorities”. Article 110 states: “The President of the Republic of Uzbekistan, based on and in execution of the Constitution and laws of the Republic of Uzbekistan, issues decrees, resolutions, and orders that are binding throughout the republic” [9].

To create an effective system for organizing and monitoring the implementation of legislative acts and to strengthen the personal responsibility of heads of the Cabinet of Ministers, state administration bodies, and regional hokims for achieving the goals outlined in the President's Address to the Oliy Majlis on December 29, 2020, as well as sectoral and regional development programs approved in 2016-2021, the President signed

Decree “On additional measures to strengthen the personal responsibility of heads of state administration bodies and local executive authorities for the effective organization of the implementation of legislative acts” No. UP-6166 on February 10, 2021 [10]. This decree introduced a Unified System of Organizational, Executive, and Control Activities to ensure prompt and operational measures for the thorough development and adoption of legislative acts and directives, their timely dissemination to specific executors, the wider public, and the population, and the deepening of economic and social reforms, as well as the effective implementation of current, medium-term, and long-term tasks.

According to paragraph 7 of this Decree, the Ministry of Justice was assigned additional tasks: conducting targeted and thematic analytical studies and monitoring the state of affairs at the local level across industries, regions, and agencies to ensure timely, full, and high-quality implementation of legislative acts and directives, including jointly with the Accounts Chamber; organizing and further accelerating work on coverage and discussion in mass media and social networks; developing proposals for identifying problems and factors hindering the practical implementation of legislative acts and directives, reducing tasks and functions not inherent to the sphere, avoiding duplication, and preventing excessive bureaucracy and meetings; providing legal and methodological assistance to state bodies and organizations in implementing legislative acts and directives, participating in training on executive discipline for heads of their respective departments.

In accordance with paragraph 8 of this Decree, a completely new system for controlling the implementation of legislative acts and directives was introduced through the “ljro.gov.uz” system, which involves the Ministry of Justice: controlling the timely implementation of legislative acts and directives through the “ljro.gov.uz” system and managing the “ljro.gov.uz” system itself; entering directives taken under control into the “ljro.gov.uz” system, based on these directives – identifying responsible executors and deadlines, verifying the completeness and accuracy of the data entered, and studying the reasonableness of proposals to extend implementation deadlines established in legislative acts and directives; monthly submitting information on the status of implementation of legislative acts and directives to the Administration of the President of the Republic of Uzbekistan and the Cabinet of Ministers [10]. It is stipulated that untimely entry of necessary data into the “ljro.gov.uz” system or entry of inaccurate information to ensure the implementation

of legislative acts and directives, as well as untimely or improper execution of instructions from the Ministry of Justice, shall serve as grounds for disciplinary, administrative, and other liability in accordance with legislation.

According to Article 115 of the Constitution of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan takes measures to ensure openness and transparency, legality and effectiveness in the work of executive bodies, combat corruption in their activities, and improve the quality and accessibility of public services [9]. The powers of the Cabinet of Ministers in the sphere of information technology and communications development include implementing measures to expand the range of electronic public services and telecommunication services by digitalizing state functions and modernizing telecommunication infrastructure.

#### **Control by the Authorized State Body (Ministry of Justice)**

Notably, the Agency for Public Services under the Ministry of Justice was abolished, and according to paragraph 2 of the Decree of the President of the Republic of Uzbekistan “On measures to further increase the effectiveness of justice bodies and institutions in ensuring the rights and freedoms of citizens, as well as in providing legal services” No. UP-89 of March 17, 2022, the Ministry of Justice was assigned the following additional tasks in the sphere of public services delivery:

- Implementation of a unified state policy in the sphere of providing public services to individuals and legal entities;
- Ensuring fast, convenient, and high-quality provision of public services by eliminating unnecessary administrative procedures;

Exercising control and assessing the effectiveness of state bodies and other organizations in the sphere of public services delivery, including the implementation of relevant information systems, resources, and databases [11].

Also, according to paragraph 9 of this Decree, the Ministry of Justice and its territorial divisions are granted additional powers to apply administrative penalties to officials of state bodies and other organizations for violating legislation in the sphere of public services delivery [11].

Currently, in Uzbekistan, there is no single comprehensive normative legal act that comprehensively regulates the sphere of public service provision. Although Decree No. UP-89 of March 17, 2022, granted powers to the Ministry of Justice of the



Republic of Uzbekistan, in practice, the Law “On Electronic Government” which is a fundamental normative document, does not define the status and powers of the Ministry of Justice at the legislative level. Furthermore, this Law has only been amended and supplemented once in a single article, despite being adopted in 2015. Additionally, there is no single normative legal document that regulates all processes related to public services delivery, monitoring, control, and other powers of the authorized body.

Currently, justice bodies conduct inspections based on administrative regulations regarding violations of legislation in the sphere of public service provision, such as refusal to accept an applicant's appeal, violation of the procedure and deadlines for considering appeals in public service provision, demanding documents not provided for by law, non-compliance with a legal requirement (instruction) of the authorized state body in the sphere of public services delivery. According to Article 2155 of the Code on Administrative Responsibility of the Republic of Uzbekistan, they draw up administrative protocols and impose fines on officials and employees ranging from three to five basic calculation units. The same offense, committed repeatedly within a year after the application of an administrative penalty, entails a fine on officials and employees ranging from five to ten basic calculation units [12].

Significant discussions are ongoing within the scientific community regarding the expediency of adopting a single Law that would regulate relations in the field of public services delivery. However, some argue that the Law of the Republic of Uzbekistan “On Administrative Procedures” adopted in 2018 has not fully functioned in practice. Furthermore, Article 1, Part 4 of the Model Law

“On State and Municipal Services”, adopted by the Inter-Parliamentary Assembly of the Member States of the Commonwealth of Independent States on

October 28, 2022, No. 54-27, stipulates that relations arising in connection with the implementation of administrative procedures are regulated by special national legislation [13]. This Model Law dedicates an entire chapter to state and public control in the sphere of public service provision, defining key principles such as legality, objectivity, impartiality, reliability, comprehensiveness, and transparency [13].

## **DISCUSSION**

The analysis of organizational and legal mechanisms for ensuring legality and state discipline in the provision of public services in Uzbekistan reveals a complex approach involving various forms of control and supervision. The presented opinions of

researchers and the provisions of normative legal acts allow for several important conclusions and points for discussion.

Firstly, the multi-faceted nature of control functions is evident. Beyond the traditional state control, state supervision, and control and supervisory activities identified by L. Beschastnova, the text highlights the significance of parliamentary, judicial, presidential, and governmental control, as well as control by the authorized state body (Ministry of Justice). This reflects a clear aspiration to establish a comprehensive system covering all levels of public administration, indicating a mature understanding of governance complexities.

Secondly, parliamentary control in Uzbekistan plays a substantial role, evidenced by the active engagement of the Committee on Combating Corruption and Judicial-Legal Issues of the Legislative Chamber of the Oliy Majlis and the legislative initiatives of the Senate. However, the effectiveness of parliamentary oversight, as rightly pointed out by I. Alebastrova, is fundamentally contingent on the existence of genuine multipartyism and political competition. This creates a vital environment for constructive criticism and effective monitoring of government activities, fostering accountability.

Thirdly, judicial control is recognized as a pivotal instrument for safeguarding citizens' rights against unlawful actions by state bodies. Despite a robust institutional and normative legal framework at the constitutional level, there are discernible challenges in the practical implementation of the Law “On Administrative Procedures”. As noted by I. Khamidov, these difficulties stem partly from “general institutional weaknesses of the domestic judicial system”. This points to a critical need for strengthening administrative justice to fully empower it in its crucial role.

Fourthly, presidential and governmental control, alongside the control exercised by the authorized state body, constitute central pillars of the system. The Presidential Decree No. UP-6166 of February 10, 2021, which introduced the Unified System of Organizational, Executive, and Control Activities via the “ljro.gov.uz” system, underscores a commitment to enhancing personal accountability among leaders and digitalizing execution processes. The Ministry of Justice has been assigned a particularly significant role, with considerable delegated powers in control, monitoring, and even applying administrative penalties in the public service sector.

Fifthly, a significant challenge lies in the absence of a single, comprehensive normative legal act that comprehensively regulates the entire spectrum of public service provision. While control functions are

vested in the Ministry of Justice, the foundational Law “On Electronic Government” does not explicitly define its status and powers in this domain at the legislative level. This creates legal ambiguities and could impede systematic regulation. While discussions persist regarding the adoption of a unified law, with some arguing that the existing Law

“On Administrative Procedures” hasn’t fully materialized in practice, the CIS Model Law “On State and Municipal Services” offers a valuable benchmark for national legislative development, particularly with its dedicated chapter on state and public control.

## CONCLUSION

To further enhance the quality and volume of public services, and to improve Uzbekistan’s position in international rankings, it is imperative to continue refining the organizational and legal mechanisms for ensuring legality and state discipline. This will, in turn, foster a more effective, transparent, and accountable public services system, ultimately leading to an improved quality of life for citizens and increased trust in governmental bodies.

Key directions for further improvement include:

**Legislative Systematization:** Consider developing and adopting a unified normative legal act that comprehensively regulates all aspects of public service provision, including control, monitoring, and accountability mechanisms. This would ensure legal clarity and address existing gaps.

**Strengthening Judicial Control:** Measures must be taken to reinforce administrative justice, enabling administrative courts to fully perform their function in ensuring compliance with the Law “On Administrative Procedures” and protecting citizens’ rights in public service delivery.

**Enhancing Parliamentary Oversight:** For maximum effectiveness of parliamentary control, it’s crucial to further develop political competition and strengthen civil society institutions that contribute to open and constructive criticism of government activities.

**Further Digitalization and Integration of Control Mechanisms:** The use of the “ljro.gov.uz” system and similar digital platforms should be expanded and enhanced to improve the transparency, responsiveness, and effectiveness of legislative implementation and oversight of state bodies’ activities.

**Clear Delineation of Functions:** It is important to continue working on a clear distinction between the functions of state bodies in providing services and their control and supervisory activities. This will help avoid conflicts of interest and allow each function to focus on

its primary objectives.

Implementing these measures will foster a more efficient, transparent, and accountable public service delivery system, ultimately contributing to an improved quality of life for citizens and greater trust in government institutions.

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