

LEGAL ASPECTS OF THE NEW ADMINISTRATIVE REFORMS IN UZBEKISTAN

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Abstract: This article highlights the importance of systematic administrative reforms in Uzbekistan to improve the public administration system. It emphasizes the need for flexibility, efficiency, and transparency in order to achieve the goals outlined in the New Uzbekistan Development Strategy for 2022-2026. The article discusses the establishment of the Republican Commission and working groups to coordinate the development of the Administrative Reform Program. It also emphasizes the need for functional and organizational optimization of public administration structures, as well as the importance of conducting functional analysis to identify areas for improvement. The article concludes by stressing the significance of coordination among various ministries and departments to develop and enhance the e-government system.

Key words: *administrative reform, public administration, Uzbekistan, efficiency, transparency, functional analysis, organizational optimization, coordination, e-government system.*

Systematic work is required to improve the Uzbek public administration system and enhance its flexibility, efficiency, and transparency in order to achieve a qualitative breakthrough. It is very important to understand that without high-quality administrative reforms, it is impossible to fully and qualitatively implement the New Uzbekistan Development Strategy for 2022-2026.

In September 2017, the Presidential decree approved the concept of improving the efficiency of the public administration system and local government. In November last year, the Head of state ordered the establishment of the Republican Commission to coordinate the development of the Administrative Reform Program of the New Uzbekistan for 2022-2023 and working groups to develop proposals on determining the status, improving the structures, and optimizing the staff units of public administration bodies, openness, and public-private partnership in their activities, improving human resources, preventing corruption, etc.

They are charged with ensuring mutually coordinated and efficient activities of public administration bodies; dividing the functions of ministries, state committees, committees, agencies, inspections, centers, and other bodies in the field of state policy implementation, performing control functions, and providing public services to individuals and legal entities; introducing systems of specific indicators and target indicators; ensuring thorough development and introduction of legislative acts about the basics of public administration.

Measures to implement the administrative reform program will be developed at an accelerated pace. The roadmap must be submitted to the President for approval by March 1. I hope that these documents will be adopted taking into account the proposals and recommendations developed earlier by specialists during the preparation of the concept of administrative reform in priority areas. I would like to draw the attention of program developers, specialists and experts to some of them.

Improving functional, institutional efficiency and interagency collaboration

The administrative reform should provide a radical modernization of the functional and organizational structure of public administration, and technologies of interdepartmental interaction, as well as radically improve the mechanism of strategic planning and programming of development.

It is necessary to develop a full-fledged methodological, instructional, and regulatory framework. They require a clear and detailed definition of the goals, objectives, and tools, as well as the procedure for developing, coordinating, executing, and financing the process of implementing development programs.

It also requires careful regulation of the methodology and monitoring of **program execution and evaluation of the results of their implementation**— to determine the need for corrective measures or the development of programs for the next stage. The development of methodological, instructional and regulatory frameworks should **be based on the results of studying international standards and practices in the development and implementation of programs and projects**.

Optimization of functional and organizational structures of public administration

The state administration apparatus needs the necessary and sufficient functions to fulfill the goals and objectives of public administration. How effectively these functions are implemented depends on the organizational structure of government agencies.

They should be built as economically as possible: in the competence of executive and administrative bodies, functions should not be duplicated, redundant or outdated from the point of view of current state policy tasks. In addition, public administration functions should be adequately provided with human and financial resources.

In the modern world, the functions of public administration, as well as its organizational structures, must be systematically reviewed to take into account the changing realities of life: it is constantly necessary to decide which functions need to be improved, which should be abolished, and which should be added.

There is often a need to review the structure and reallocate functions or restructure organizational structures in light of new priorities. It is also necessary to regularly assess the availability of human, financial, and material resources for functions and structures.

The structure and functions of government agencies are changing, but they are still not suitable for implementing new goals.

During the transition period, the organizational structures of public administration in the country underwent major changes. However, the functional basis of their activities has **not been radically revised by the new goals and objectives of state policy and the objective requirements of socio-political and economic reality**.

It is obvious that at the level of individual organizational structures of public administration (executive bodies and organizations) in the course of previous reforms, **there was fragmentation, inconsistency and unsystematic structural** and functional transformations. Therefore, it is difficult to assess the benefits of previous administrative reform measures.

A significant strategic disadvantage of the public administration system is the **lack of a permanent mechanism for structural and functional optimization**. For this reason, administrative reform should primarily address the problems of **organizing research on the current state of affairs and system management of transformations**.

It is important to understand that the intensification and complexity of public life, global integration and competition of national economies impose completely new requirements on the content of public administration and its organizational and legal mechanisms.

The essence of these requirements is that a modern state should be able to effectively organize the development of the economy and society as a whole by its long-term goals in a dynamically changing situation in the world. Accordingly, it is necessary to radically modernize the functional and organizational structures of public administration, primarily in the field of economic development.

Today, the key problem in this area of administrative reform is the lack of a holistic view of the existing functional and organizational structures of public administration. Such a holistic view can provide a full-fledged functional analysis.

Functional analysis as a system diagnostic tool

Foreign experience shows that administrative reform should be preceded by a full-scale functional analysis of the entire state administration apparatus.

Functional analysis is a widely used worldwide technology for studying the public administration system, as well as its organizational structures, which allows you to determine the effectiveness of functional and organizational management structures in the light of current goals and priorities of public policy. Functional analysis allows you to answer the following questions:

- **Is the current functional management** structure optimal from the point of view of current goals and priorities of state policy? **How effective are** organizational management structures with this in mind? **How much does it cost the state to** perform this amount of functions at the expense of existing organizational structures with the existing distribution of competencies?
- **What functions are redundant, duplicated, or outdated? What functions are unusual** for the organizational structure that performs them? Accordingly, **which functions should be abolished and which ones should be reallocated?**
- **How effectively are** management functions performed: what are the costs and results of each function?
- **What functions do not have proper organizational**, personnel, material and financial support?
- **What functions need to** be activated or improved?
- **What new functions need** to be developed in the management system as a whole or in its bodies?
- **What functions can be transferred to the public-private partnership mode or** fully privatized?
- **What functions should be decentralized** what advantages will be obtained?

Functional analysis is an indispensable tool for decentralizing public administration. As a general rule, it is recommended that the functions of providing public services should be decentralized, **except those that, by their nature, should be produced and financed by the central government and its authorized bodies**— central public administration bodies.

The latter include for example, minimum amounts of education and health services, pension provision, and other services guaranteed by the Constitution and current legislation. Other public services should be produced locally and be as close as possible to consumers, even if they are financed from the national budget.

Thus, the meaning of functional analysis in the context of administrative reform is that it makes an "accurate diagnosis" of the public administration system, identifies its structural and

functional problems and offers effective solutions in the light of the goals and priorities of development.

The study of foreign experience of administrative reforms shows that the reorganization of public administration bodies **without the use of a full-fledged functional analysis is ineffective**. In most cases, reorganization is carried out only based on studying the functions stipulated in the relevant regulatory legal acts.

However, as a rule, with this approach, the initial success in reducing duplication with other government agencies, reducing costs and reducing staff, **is replaced after a few years by an increase in costs and personnel**. At the same time, the quality of public services provided and management decisions made is not only not improving, but, on the contrary, is greatly deteriorating.

About the reasons for the inefficiency of admin reforms

The reason is that the actual distribution of functions may differ significantly from the normalized one: in practice, one or another administrative body may perform many unusual or additional functions in addition to its main competence, which is explained by the non-optimal organization of the management system, including due to fragmented reforms that did not rely on a full analysis of management functions and their supporting structures.

For example, a pilot functional analysis conducted in Uzbekistan based on the Ministry of Labor and Social Protection of the Population revealed that up to 30% of the personnel resources of this ministry are regularly used to perform non-formally assigned, uncharacteristic functions related to assistance to khokimiyats. A significant personnel deficit was also identified, which caused the main functions of the Ministry to be performed insufficiently effectively. Subsequently, based on these data, it was decided to transfer the portfolio of social protection functions to the Ministry of Health.

Another reason is that the process of reforming the economy and social sphere leads to the emergence of **new tasks that are transformed into new functions**. As a result, the amount of work increases, and the staff of the administrative department that has been reduced cannot **cope with it**. The higher authority has to make decisions about increasing the number of staff and allocating additional funds, but these measures do not always lead to an improvement in the quality of public services, and in some cases negate the positive results of the reorganization.

It is important to understand that the technology of functional analysis, in addition to a thorough study of the regulatory framework, requires a **direct survey of government agencies and organizations using** such methods as questionnaires, in-depth interviews and focus group discussions.

Only such research makes it possible to understand what **the** bodies, structural divisions and individual employees of a particular administrative department do, and what time, labor and financial resources are spent on performing each function. This is a **full-fledged functional analysis**.

Thus, it is clear that institutional and personnel decisions of administrative reform should be preceded by a full-scale functional analysis of the entire state administration apparatus, which would form a complete picture of how **effectively the** functions of public administration are distributed and performed by the diverse organizational structures of its apparatus.

For a high-quality system, systematic functional analysis and subsequent structural and functional optimization of public administration, **it is necessary to create a** special supra-departmental **organizational management structure** that can ensure proper preparation and conduct of functional analysis of the entire public administration system over several years, as

well as consistent targeted implementation of measures developed on its basis to optimize the functions and structures of public administration.

It should be borne in mind that the functional analysis is based on the analysis of the functions stated in the regulations of the state administration body and the actual functions performed, **even if they are not spelled out in regulatory acts.**

The analysis should include function typing, which allows you to identify a mix of tasks and functions, as well as determine the imbalance between functions.

The results of optimization should be evaluated and the organizational and legal support of new functions, structures, mechanisms and procedures of public administration should be improved.

The effectiveness of the transformation's implementation

The most important requirements for implementing transformations should be the following:

- the organizational and legal mechanism of state administration in the economic field should be restructured to take into account the tasks of further liberalization and reduction of state intervention in the economy;
- effective decentralization implies a thorough analysis of the feasibility and likely consequences of transferring the functions of public administration down the vertical of power, as well as the corresponding organizational, financial, material and personnel support for such reforms;
- reintegration is required by all those functions of public administration that need to be centralized, in particular, management of the development of ICT and electronic public services, as well as the management of the civil service;
- internal division of management functions should not undermine the integrity of the administrative department.

As a result of such a large-scale structural and functional optimization of the public administration system, based on a full-fledged functional analysis of the entire public administration apparatus, the efficiency and cost-effectiveness of public administration, its compliance with the requirements of the time and the ability to respond to modern challenges will be ensured. At the same time, the state's costs for implementing management functions can be significantly reduced.

Foreign experience shows that **many functions of public administration can be successfully transferred to the PPP mode**, privatized or completely abolished. In addition, duplication will be eliminated and functions will be reallocated more efficiently. Informal functions will be properly designed or eliminated. New features will be properly supported by freeing up resources.

Thus, the output of the public administration system will remain modernized functional and organizational structures of public administration that meet the goals of administrative reform.

Coordination of the activities of various ministries and departments requires a systematic solution to ensure a unified technological approach and develop strategic directions for further development and improvement of the e-government system.

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