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Eldor Olimovich Khomidov

the Military-Technical Institute of the National Guard,
the Researcher at Republic of Uzbekistan

ORGANIZATIONAL AND LEGAL ASPECTS OF ACTIVITY OF GOVERNMENTAL HIGHER EDUCATION ESTABLISHMENT

Abstract: In this research paper, the author explores the organizational and legal aspects of public higher education institutions, the etymological origins of the word institution, and the laws governing institutions' activities in the Republic of Uzbekistan. It also examines the views of prominent scholars on institutions, foreign legislation.

Key words: institutions, non-profit organizations, higher educational institutions, non-governmental non-profit legal entities, private enterprises, businesses, operational management.

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Introduction

Nowadays, the changes in the socio-economic life, the deepening of the market-economy relations have intensified the participation of institutions in civil-law relations. These include government agencies, law enforcement agencies, educational institutions, hospitals, museums and theaters.

However, public institutions of higher education are more specific and show their economic abilities more clearly, leading to a broader study of its property rights, general and special legal capacity. An institution is an organization established by an owner to carry out functions that are not related to management, social, cultural and (or) business activities. Our legislation clearly specifies that institutions are fully or partially funded by the owner.

Research methods.

As a rule, institutions, founders or founders are established to carry out non-production activities, ie non-production activities, and this type of nonprofit organization is divided into two public and private institutions. As a general rule, government agencies include governing bodies, medical institutions, educational, educational and cultural institutions, law enforcement and judicial bodies. If the founder of these institutions is a state or an authorized body, it is subdivided into private institutions with the

participation of state institutions, non-state legal entities or citizens. These organizations, by their very nature, carry out internal and external functions of the state and their activities are directly related to security, defense, law enforcement, judicial and public administration.

Zakirov believes that, as a legal entity, institutions can carry out non-production activities, such as administrative or public administration, including hospitals, universities, theaters, prosecutors and other organizations. highlights [1, p.46]. By examining the etymological origins of the word institution, we can see that it has a broader understanding of what the laws mean.

In the explanatory dictionary of the Uzbek language, the institution is the Arabic word, which includes notions of enterprises, organizations, institutions. It is understood as an organization that has a well-known staff and administration that manages a particular area of economic business or so on [2, p.14].

If we differentiate the activities of institutions in the Arabic-language sense, then the current institutions (higher education institutions) can be seen not only in non-profit activities, but also in commercial activities. Article 76 of the Civil Code of the Republic of Uzbekistan states that "an institution established by an owner and fully or partially

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financially provided for management, socio-cultural or other non-commercial functions" is an institution. Article 13 of the Law of the Republic of Uzbekistan "On Non-Governmental Non-Profit Organizations" states that "an NGO established by individuals and legal entities to carry out social, cultural and other non-commercial functions shall be recognized as an institution".

Legal analysis of the concepts of the Tax Code of the Organization, Article 17 of the Law of the Republic of Uzbekistan "On NGOs" and Article 76 of the Civil Code shows that there is no uniformity in the notions of institutions. In particular, when comparing the content of these norms, we can see that there are some other rules that exclude each other from institutions. Including:

- Article 17 of the Tax Code states that non-profit organizations are understood as legal entities, which do not make profit as the main purpose of their activities and do not distribute the received income among their participants (members). However, the non-profit organizations are not provided with any information about the owner's property and its legal status, which is transferred on the basis of business or operational management.

- The Civil Code stipulates that institutions are created to carry out administrative, socio-cultural or other non-commercial functions, while the Law on Non-Governmental Organizations is an organization created exclusively for the purposes of social, cultural and other non-commercial functions. - acknowledged. This regulation does not provide for the management functions of a non-profit organization;

- The Civil Code stipulates that the state may be the subject of the establishment of institutions, and the Law of the Republic of Uzbekistan on Non-Governmental Organizations stipulates that the institution be created exclusively by individuals and legal entities;

- The essence of Article 13 of the Law of the Republic of Uzbekistan "On Non-Governmental Non-Profit Organizations" means that if the institution is a non-governmental organization, then it is a public prosecutor, interior, defense, customs, tax, education, and health. misconceptions about whether we can be recognized as an institution.

As a rule, in the event of a conflict between documents that are equally legally binding, the most recent document is crucial. It is well-known that the revised Tax Code is adopted after both laws, and it follows that the principles of this law apply to clarification of institutions' understanding.

In our opinion, while the current Law of the Republic of Uzbekistan "On Non-Governmental Organizations" does not dispute the notion that institutions are non-profit organizations, the recognition of them as nongovernmental organizations is quite vague. This makes it even more difficult to determine the legal status of institutions

and what organizations they are. If we consider that the law is intended solely to regulate the activities of non-governmental non-profit organizations, then the law referred to in Article 1 as the purpose of the law must be amended by the legislature.

Naturally, this raises the question of what specific legislation will govern the activities of state-owned nonprofit organizations. Certainly, there is no separate law governing the activities of state-owned non-profit organizations in our country.

Therefore, we propose to find a solution to this problem in the law itself. In this regard, it is expedient to rename the Law of the Republic of Uzbekistan "On Non-Governmental Non-Profit Organizations" and the Law of the Republic of Uzbekistan "On Non-Governmental Nonprofit Organizations". Only then, by separating the non-commercial and non-commercial words with a single comma, and removing the letter "i" at the end of their organizations, we will state that this law applies to both public and non-governmental organizations. It is worth noting that the analysis of the views of institutions is evidence of this. We can see that the laws of these countries have different legal status.

In our view, according to Article 54 of the Civil Code of Azerbaijan, the failure to grant legal status to institutions is unclear, which limits the participation of state bodies in civil law relations. This is because state-owned non-profit organizations are always involved in civil law relations as institutions.

Article 183 of the Civil Code of the Republic of Moldova states that institutions are organized by public law entities and private owners to carry out non-commercial, social, cultural, educational and other non-commercial functions, which are of two types: public and private [6]. In accordance with Article 105 of the Civil Code of the Republic of Kazakhstan, institutions are required to carry out other functions that are not administrative, socio-cultural and commercial. adid muassisshilar highlighted by the organization [7].

Although the foreign jurisdictions where the institutions studied have the status of a legal entity (and not only the legal entity in the Civil Code of the Republic of Azerbaijan), they are non-profit organizations, their legal status is not uniform.

It should be noted that although the legislation of the Republic of Uzbekistan does not provide for the separation of state and private forms, legal literature provides for the interpretation of institutions as public and private. Academician H.Rahmankulov explained this notion, regardless of what form of property it was founded in, but in the same legislation, if the institution was based on private property, it would be used only with the terms "institution" and "state institution". stress is expressed [8]. It is also worth noting that the inconsistent provisions in the institution's law are often misunderstood as long as the

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concept of institutions is not clearly and explicitly stated in civil law.

The state organizes the establishment of higher education institutions in the form of an institution to carry out non-commercial activities, to fulfill its internal functions, as well as to guarantee “the right of everyone to education” as provided for in Article 41 of the Constitution of the Republic of Uzbekistan.

The constituent documents may be a constituent agreement, charter or charter. In practice, the natural question is whether charter and charter are anything or different. In our view, there are differences between the two documents. Although both documents are acts that regulate or regulate the activities of a legal entity, the charter is for commercial legal entities and is registered with the local government (district, city) authorities. The statute is also available to non-commercial legal entities, including public higher education institutions, which is approved by an authorized state body (for example, the charter of political parties that are legal entities is approved by

the Ministry of Justice of the Republic of Uzbekistan). The charters differ in these aspects.

In the legal literature, there is an opinion that the institution is a constituent document, and, as a general rule, it is only its Charter and that certain types of institutions may organize and carry out their activities according to the order of the competent authority [9]. The constituent documents of the institutions may vary depending on the organization's future functions, the goals of its founders, and the type of activity [10].

Conclusion.

In short, public higher education institutions are legal entities that are part of non-profit organizations. Therefore, the institution is provided by the owner with sufficient property, ie operational management, to carry out its activities. The purpose of this is to establish that the founding institutions operate only for the purpose for which they have been established. They can also engage in other activities only if they are statutory and do not interfere with their core activities.

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