

## Scientific and Theoretical Analysis of Openness Activities of State Bodies

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### Annotation

*The article analyzes various aspects of the concepts of openness, publicity and transparency, as well as relations related to ensuring the openness of the activities of state bodies on the basis of scientific and theoretical views. The author scientifically explained that ensuring the openness of the activities of state bodies serves to strengthen the guarantees of the constitutional rights of citizens in the field of free access, use and dissemination of information.*

**Keywords:** *openness, publicity, transparency, accountability, state bodies, openness of power, freedom of information, freedom of speech.*

In recent years, necessary measures have been taken in our country to ensure the openness of the activities of state bodies, to strengthen the guarantees of citizens' rights to seek, receive and disseminate information, and to increase the accountability and responsibility of officials to the population.

The roots of openness go back a long way. The concept of openness and accountability in government appeared in ancient Greece in the 5th century BC. In Athens, there were various institutions that regulated the behavior of officials, one of which was called "Euthyna" (Euthyna) [1].

According to the rules of "Evtina", after the end of their term of office, the officials gave an account to the people about the work they had done during their tenure. In this case, accounting is divided into two parts: issues related to the use of state funds are handled by the "logistai" (accounting) commission consisting of ten people, and issues related to the performance of official duties and actions in office are handled by the "boule" (people's representatives) council, which consists of ten people. reviewed by the council of euthynoi» (correction). Officials who did not successfully pass the "Evtina" exams were sent to court for consideration [2].

The term "openness" was first coined in print in 1957 by Wallace Parks, who was a consultant to the Special Committee on Government Information (Moss Committee) established in the US Congress in 1955, entitled "The Principle of Open Government: Applying the Constitutional Right to Know" [3].

It should be noted that today, creating an opportunity for citizens to freely receive information and ensuring openness is recognized as one of the important signs of democratic government [4]. "Openness" is understood in the meaning of "openness", "clarity", and in the modern language it is used in such meanings as "transparent" (French "transparent"), i.e. "transparent", "clear" [5], and "transparency" means "having an obvious characteristic", transparency" [6] or "the highest level of openness of constitutional and legal procedures and the public's wide awareness of them" [7].

Also, the concept of openness is the ability to obtain reliable and timely information about the activities of state bodies or the private sector [8], an important component of the principle of accountability necessary for democracy and the market economy [9], or the ability of citizens to get to know and evaluate the decisions made by state bodies. and it is interpreted as the goal of public authorities reporting to citizens or greater participation of the public in public administration [10].

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At this point, in our opinion, it is appropriate to dwell on the difference between the concepts of "openness" and "transparency". In particular, according to Yu.A. Nisnevich, "openness is a phenomenon of a communicative nature, the essence of which is the legal penetration and influence of the political, economic and social forces of society on all branches of power, and transparency is the information about the activities of state bodies and institutions by citizens and their independent associations. availability of the possibility of maximum use of various forms of reliable information, strengthened and guaranteed by legislation" [11].

Sociologists L.A. Krivososova and E.A. Kleimenov emphasize that "openness reflects social communicative character, and transparency is a component of openness and the final stage of its formation" [12].

I.A. Zhuravleva in his research work "transparency refers to the convenience of citizens to familiarize themselves with and evaluate the decisions made by state bodies and the direct accountability of state authorities to society, while openness refers to the maximum participation of society in public administration" [13 ] defines as.

According to T.A. Kulakova, "transparency is the ability of citizens to receive reliable and up-to-date information on the activities of state bodies, and openness is the ability of citizens to take into account the opinions of citizens in the development and implementation of government decisions, the ability of the public to participate in decision-making processes, and control the effectiveness of decisions. and implementation guarantee" [14].

E. N. Tovanchova stated that "transparency means systematic coverage of the activities of state bodies, explaining the goals, content and implementation mechanisms of state policy, and openness means that citizens can use information about their activities without hindrance by state bodies and create conditions for them at all stages of the decision-making process. represents" [15].

According to T.M. Reser, "transparency is a regular coverage of the activities of state bodies, with an interpretation of the implementation of state policies, their content, goals and mechanisms, and openness is a condition for citizens to participate in decision-making processes by authorities and receive information about the activities of executive authorities - is expressed by the creation of conditions" [16].

Canadian scientist Don Tapscott states that "openness as a means of cooperation helps citizens to find the necessary information and to make the right decision on an issue according to it" [17].

The American scientist J. Fox sees the concept of "transparency" in connection with the concept of "accountability" and tries to prove that transparency creates accountability, and that the truth often leads to justice. He views transparency as the power to forcibly change the behavior of powerful institutions under public control and accountability [18]. .

Another American scientist, A. Flory, sees openness and transparency as a whole, and describes them as "not prohibited in any way, all government documents are open to every citizen who wants to get acquainted with them, and the meetings held are always transparent" [19].

Sh.M.Asyanov, F.Kh.Bakaeva and D.G.Akhrarova, among our national scientists, come to the scientific conclusion that "openness of the government has the form of social awareness, and transparency serves to optimize the management processes in the country" [20].

The results of studies show that scientists have different opinions on the meaning of the concepts of "openness" and "transparency".

From this point of view, we support the following opinions of Russian scientists I.A. Damm, E.A. Akunchenko and N.V. Shedrin: "in most cases, the concept of "openness" is used in relation to state bodies, which is different depending on the functions performed by state bodies and authorial positions. filled with criteria and properties. In this case, the openness of information is only a component of transparency.

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As a general category, openness includes not only the openness of information, but also the involvement of citizens in the activities of state bodies. The concept of "access" is used to indicate the possibility of citizens and other persons obtaining information about the activities of state bodies without hindrance.

The concept of "openness" is applied to the activities of the judicial authorities, as well as to the description of guarantees of mass media receiving and disseminating information about the activities of state and local bodies.

"Transparency" is mainly equated by the authors with access to information about the activities of state bodies, while "transparency" is used in a more socio-political sense, inspired by the influence of foreign researchers.

According to political scientists and sociologists, "transparency" includes openness, transparency and accessibility. Taking into account that this term is literally translated from English as "transparency", it is necessary to divide "transparency" into narrow (access to information about the activities of state bodies) and wide (a socio-political alternative to the concept of "openness") [21 ].

Based on the above, in our opinion, it is appropriate to use the concept of "openness" in relation to state bodies. "Openness" refers to the use of information by users of information about the activities of state bodies and the provision of guarantees of the right to receive information.

"Transparency" represents the structure of openness, it means that all processes related to the implementation of their activities by state bodies and their decision-making are open to the public. In foreign countries, the concept of "transparent" is used as an alternative to the concepts of "openness" and "transparency" to express the openness of information.

The results of the studies and analyzes carried out from the general to the specific by the scientists, in addition to the concepts of "openness" and "transparency", have their author's views on concepts such as "openness of information", "openness of the activities of state bodies", "openness of information of state bodies", "openness of power" from different perspectives. indicates that he tried to convey.

In our opinion, at the heart of all the definitions given to these concepts is the issue of ensuring the constitutional rights of citizens to freely seek and receive information by state bodies.

For example, O.A. Aleksandrova believes that "the openness of information as a legal regime of information is the fulfillment of the obligations of state bodies and local self-government bodies aimed at ensuring the constitutional right of every person to receive information through information systems" [22], E.N. Tovanchova " believes that openness of information mainly consists of its quality, and its transparency is its quantity" and explains that "in the first case, it is about the accuracy, truthfulness, speed, regularity and reliability of information, and in the second case, it is about the increase or decrease of information" [23].

T. M. Reser said that "it is important to clarify that the openness of information should not be a one-way process. Society defends its positions, controls, strives to obtain complete and reliable information about the state and its management bodies - all this should be consistent with the executive power's desire to provide information about its activities" [24].

Ensuring information openness of state bodies is not a unilateral process. The population has the right to receive reliable and complete information about the activities of state bodies, the main thing is that they want it, the active position of control by citizens and public institutions in relation to state bodies is related to the desire of state bodies to inform citizens about their activities [25].

According to O.V.Malakhova and V.A.Sukhanova, "information openness of state bodies is a system of public administration and public control aimed at providing information about the activities of state bodies to society or certain individuals in an established order based on equality of access to information in order to ensure transparency and accountability of state bodies a set of integrated

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measures" [26].

According to Yu.A. Nisnevich, "the openness and transparency of state bodies is the institutional basis of the mechanisms of mutual cooperation and constant interaction between society and state power, feedback and accountability of state power to society" [27].

One can agree with N.Yu. Korchenkova's following comments: "the degree of democracy of state bodies and the entire political system can be assessed based on the freedom of information about their activities for the public. However, the tendency of the state bodies, which have a significant share of powers, to exercise state power in conditions of secrecy at the same time leads to the separation of the subjects of power from the population» [28].

According to I.A. Beginina, "openness of power is the ability to minimize the risks associated with the adoption of administrative decisions of a wide social scope, to be able to accurately predict the probable consequences of their adoption; to give citizens the opportunity to successfully prepare for expected changes in the economic and social situation, to prevent or at least reduce the risk of alienation; not to create contradictions, but to proactively mobilize social forces to solve society's own problems; mutual synchronization of the processes taking place in the center and in the places; "central" is the process of informing local and regional authorities about acceptable directions" [29].

In our opinion, the following opinion of O.V. Afanaseva can be supported in the current conditions: "it is the constitutional duty of every official in the state to ensure citizens' access to official information." The non-fulfillment of this duty by an official is equivalent to encroachment on the foundations of the state, and such a violation should cause equal responsibility not only for the person whose rights to receive information have been violated, but also for the entire nation - for harming its civil state system" [30].

Among our national scientists, legal scientist I.A. Khamedov expresses the opinion that "openness of state administration - ensuring that interested parties receive information about the activities of state structures should be understood as an important principle of law, as well as a legal state, and as a constructive requirement for all management and administrative systems" [31].

According to Sh.G. Asadov, "the openness of the activities of state bodies is the existence of a system of obtaining, distributing and using information about the activities of state authorities and administrative bodies within the framework of the law by citizens and self-governing bodies, other structures (institutions) of civil society" [32].

As U.Sh. Husainov rightly stated, "the openness and transparency of the activities of state authorities and management bodies is an important indicator of their effectiveness and ensures regular communication between state bodies and citizens." After all, the openness of the activities of state bodies serves to ensure the implementation of real and effective public control over the activities of these bodies" [33].

Sh.M. Asyanov, F.Kh. Bakaeva and D.G. Akhrarova, as a logical continuation of this opinion, "openness of information about the activities of the government allows citizens to objectively assess the activities of society and management bodies. This will establish public control over state authorities. It is possible to quote the opinion that the transparency of the activities of the authorities at all levels allows the population to be regularly informed about the decisions and current activities taken by them" [34].

In our opinion, the openness of the activities of state bodies is reliable, clear and accurate information about their activities by state bodies for the use of everyone (residents and business entities, self-government bodies of citizens, public associations, non-governmental non-profit organizations, mass media and other institutions of civil society). It is the creation of conditions that allow searching, receiving and distributing information in a timely manner.

Also, to ensure the openness of the activities of state bodies, to ensure the guarantees of the right of

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individuals and legal entities to receive information about the activities of state bodies, to enable people searching for information to easily find information about the activities of state bodies, as well as to increase the responsibility of state bodies and their officials for the decisions being made serves.

At this point, it should be noted that ensuring the openness of the activities of state bodies - the use of personal information of citizens or the submission of applications, proposals and complaints to state bodies, as well as the provision of information about their activities to other state bodies in connection with the exercise of their powers by state bodies, at the same time, the specific features of its presentation are not applied to certain types of information related to the activities of state bodies provided for by other legal documents.

Summarizing all of the above, it can be said that ensuring the openness of the activities of state bodies includes:

firstly, to create an opportunity to exercise the constitutional right of citizens in the field of information more widely and to strengthen the responsibility of officials of state bodies to improve the quality of the decisions being made;

thirdly, to provide the population, public associations with information about the decisions taken by the state bodies, first of all, the decisions related to the rights and freedoms, legal interests of the citizens;

fourthly, to the development of the openness and transparency of the reforms implemented in our country, the internal and external policies of the state, and the diversity of opinions regarding the events taking place in our country and abroad;

fifth, it serves to establish public control over the activities of state bodies, which is an important component of the formation of a democratic legal state and civil society.

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