

The Legal Framework Of Public-Private Partnership And The Economic Function Of The State In The Context Of The COVID-19 Pandemic: Example Of Uzbekistan

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Abstract: *The concept of state function is one of the most important categories in the science of the theory of state and law. Because the study of issues related to the functions of the state serves to better understand its meaning, its role in society and its social function.*

This article is devoted to some issues of the role and importance of public-private partnership in the implementation of the economic function of the state.

Keywords: *state function, state economic function, public-private partnership, Republic of Uzbekistan*

1. INTRODUCTION

It should be noted that the concept of "state function" has not yet been sufficiently studied in the legal literature, and there is no relative consensus on this issue. However, all experts agree that it represents the function of the state, its meaning, obligations and goals.

In philosophy, a function is an external expression of the properties of any object in a particular system of relations.

A function is an activity that arises from the scope of authority. Because "function" is derived from Latin and means "activity". It varies proportionally according to the power of application. The functions of the state reflect its essence and social orientation, goals and objectives. It should be noted that the function cannot be applied within a state organization, it is applied by influencing social relations in society.

The state is strengthened by the consciousness of its supporters and the ability to take into account various class, national and other social interests, while relying on universal, humane values. No other state can be considered developed.

Thus, in the theory of the state, firstly, there is the category of "functions of the state", which reflects the real process of vital activity, and secondly, from the category of "essence of the state." The essence of the state gradually changes with the development of relations in society, increasing the efficiency and quality of labor, the unification of the population. This is primarily reflected in the change of its functions.

In general, we can emphasize continuity in the study of problems of state functions. However, despite the stability of the relevant theoretical institutions, the study of problems related to the functions of the state does not lose its relevance and is supplemented with new content.

In modern jurisprudence, the functions of the state are analyzed with the help of an activity approach, which allows to have a sufficient understanding of the level of state action, its effectiveness and areas where the use of state resources is not practical.

Any activity, of course, requires certain resources, tools to implement it. Traditionally, in the theory of state functions, when talking about the forms and means of their implementation, researchers consider some forms of activity of state bodies (lawmaking, law enforcement, organizational and ideological activity, etc.) described. However, the activities of modern states show many examples of traditional areas of public activity, carried out with the participation of the private sector, including on the basis of public-private partnership. Moreover, as mentioned above, most states view the partnership not only as a means of performance, but also as a resource to ensure their ability to work in one area or another. In our opinion, today it is possible to speak with sufficient confidence about the public-private partnership in terms of the implementation of public functions.

Given the relevant objectives of the state, in our opinion, it is possible to assess the possibility of using a public-private partnership to perform a specific public function.

2. MAIN BODY

The effectiveness of the ongoing reforms in our country largely depends on the financial and economic capabilities of the state. This issue is especially evident in the current context of globalization and pandemic COVID-19. Much is being done to ensure the stability of the national economy and economic growth. Today, in such conditions, the economic function of the state is more important than ever.

With the intensification of economic trends, the importance of the economic functions of nation-states does not disappear, but rather acquires a new content, in which states try to reconcile national interests with the interests of the international community in defining economic strategies. Because the economic well-being of each state ultimately ensures the well-being of all mankind.

Democracies today are based on a set of economic relations. The fact that the third direction of the Action Strategy for the further development of the Republic of Uzbekistan is devoted to the issues of further development and liberalization of the economy is a clear proof of our opinion [1].

On this basis, it can be said that the economic function of the state is one of the main directions of state activity and plays a priority in the effective implementation of public administration. In this regard, Adelman, in his pamphlet *The Role of the State in Economic Development*, examines the economic function of the state and points out that the state must be a leading and leading reformer, taking into account the history of the economy and current development trends [2].

It should be noted that the economic function of the state is to develop, manage and regulate the main directions of the economy by the state. In addition, it includes the formation of the state budget, the definition of economic development strategies of society, ensuring the equality of various forms of ownership, support for entrepreneurship [3].

Indeed, the economic function is reflected in the development and coordination by the state of strategic directions for the development of the country's economy in the most favorable conditions. In a state governed by the rule of law in a market economy, state regulation of the economy is carried out by economic methods, not by administrative means. Such a state is characterized by the right of the owner to freedom and independence, which ensures the equality and independence of both the creators and consumers of social wealth and material goods [4]. According to the lawyer M. Najimov, the economic function is the development, management and regulation of the main directions of economic development by the state [5].

According to V.A. Ribakov, “The economic function is to form and coordinate the strategic directions of state activity for the development of the country's economy. Due to the country's economic growth, the state budget is growing, which makes a positive contribution to social events in society. The economy creates conditions for the implementation of social activities of the state. At the same time, the well-being of citizens affects their willingness to engage in economic activities” [6].

The study of the views of Mark Labonte in the analysis of the economic function of the state also has a positive effect. In particular, in his book *The Role and Dimensions of the State in Economic Matters*, he explains the interference of the state in the economy, the need for economic function, and the reasons for it, such as consumer protection, job creation and safety, environmental protection, and more [7].

The vitality of state functions is reflected in its implementation. The state performs its functions on behalf of the government, ministries, committees, banks and other government agencies through the relevant branches of government. In particular, the exercise of state functions is public administration, which should be understood not in the administrative sense, but in the broadest sense - as the general activity of all public bodies, including parliament, government, judiciary and other bodies [8].

Public-private partnership in the implementation of economic functions of the state is not only an alternative to administrative regulation in the regulation of any process, but also an example of cooperation between the public and private sectors in the field of public interest.

In G-7 countries, where the level of development is high enough and the priorities for social obligations are clearly defined, public-private partnerships are often used in areas called the social economy. For example, in the UK, 123 out of 352 projects in the health sector and 113 out of 352 projects in the field of education have been implemented. More than half of the public-private partnership projects in Germany, Italy, Canada and France are in the areas of health and education. Nevertheless, in the United States, for example, road construction is a priority for developing public-private partnerships. Among the countries with low levels of economic development, the priorities of public-private partnership include the construction of roads, subways, ports, airports, bridges, tunnels.

In Uzbekistan, today it is planned to solve the following problems through public-private partnership. The first is the formation of economic infrastructure, primarily roads, the absence of which hinders the successful operation of both the public and private sectors.

In accordance with the Decree of the President of the Republic of Uzbekistan dated April 29, 2019 No PK-4300 [9], work is underway to introduce public-private partnership mechanisms in 15 projects in the field of health, energy, transport and utilities.

The Public-Private Partnership Agency - the projects planned to be implemented in cooperation with the Ministries of Energy, Health, Transport, Education, Preschool Education, Culture, Sports, Housing and Communal Services, and khokimiyats - are estimated at 9.65 billion soums. Preparations are underway for 17 projects worth US \$ 1 billion. Of these, 10 are in the energy sector, 2 in the transport sector, 3 in the utilities sector, and 2 in the health and education sectors.

A consulting agreement was signed with the Ministry of Transport and the European Bank for Reconstruction and Development for the implementation of the PPP project on modernization of the Tashkent-Samarkand-Kand highway.

The Ministry of Transport and the World Bank have launched a feasibility study for the Tashkent-Andijan highway modernization project.

Construction of a new toll tunnel on the Takhtakoracha pass and construction of a toll road bypassing the cities of Syrdarya-Bakht in accordance with the Resolution No. PQ-4545 of December 9, 2019 "On measures to further improve the management system of the road

sector"[10] Negotiations are underway with the European Bank for Reconstruction and Development.

In the agricultural sector - in Pakhtakor district, Jizzakh region, Semrug Cluster LLC has developed a project concept for the acquisition of seed clusters on the basis of PPP for 30 years with a project cost of 2.7 billion soums.

The main goal of developing public-private partnerships in the water supply sector is to modernize and reconstruct the utilities sector by attracting investors to the utilities sector. and the use of modern management methods and processes. Therefore, the capacity of Zangiota, Qibray and Tashkent districts of Tashkent region to improve the quality of drinking water supply is 4 million. The concept of the project, consisting of US dollars, was developed and approved.

In addition, a project concept was developed and approved to improve the supply of drinking water in Yangibazar and Yangiarik districts of Khorezm region with a project cost of 15 billion soums and to manage the system on the basis of public-private partnership [11].

The second task of the state, which initiates the implementation of public-private partnership projects, is to intensify economic activity. This task is especially relevant today, when the slowdown in economic growth caused by the COVID-19 pandemic is seen as a threat to the national security of states.

3. CONCLUSION

By concluding public-private partnership agreements, the state initiates certain forms of production activity in a particular area and expects a general positive change in the social situation as a result.

Improving the efficiency of public spending, identified as one of the main priorities of socio-economic development of the modern state of Uzbekistan.

Thus, in modern countries, public-private partnership is a means of solving problems such as the creation of economic infrastructure, increasing the pace of economic development and the efficiency of budget expenditures.

In short, when it comes to the relationship between the economic functions of the state and public-private partnership, the economic activity of the state (as a form of participation in the production, distribution and exchange of any goods) care should be taken not to mechanically separate it from the general system of other spheres of activity. Because its other functions, in particular, are carried out through public-private partnership mechanisms, as well as the participation of the state in economic processes. However, unlike other forms of realization of the economic function of the state (legal and organizational), public-private partnership does not mean the regulatory influence of the state on economic processes, but directly participates in them. In the process of such participation, the state, as well as other participants in public relations, assume the risk of loss as a result of the relevant activity. Recognition of the fact of risk as a sign of a public-private partnership agreement limits the use of appropriate tools in the relevant sectors of the economy that the state considers to constitute the system (ie banking, insurance, innovative production system, etc.)

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