

NATIONAL SYSTEM FOR THE PROTECTION OF THE RIGHTS OF ENTREPRENEURS

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Annotation: This article highlights the activities of National Human Rights Institutions, in particular, the role of the representative for the protection of the rights of entrepreneurs under the President (Business ombudsman) in the protection of the rights and interests of business entities.

Keywords: human rights, national institutions, business ombudsman, business entities, officials, guarantees, legitimate interests

INTRODUCTION

Today, the focus is on introducing mechanisms that operate out of court in the protection of Human Rights. One of these mechanics operating in Uzbekistan is the National Human Rights Institutions. Article 56 of the Constitution in the New Edition defines that National Human Rights Institutions complement existing forms and means of protecting human rights and freedoms, promote the development of civil society and the upliftment of human rights culture.

National Human Rights Institutions assist citizens in restoring the violated rights and freedoms of individuals, in addressing public bodies, officials.

METHODS

In this article, methods of systematic, historical, comparative-analytical and logical analysis style were used. The information was taken from articles and books of the Constitution and laws of the Republic of Uzbekistan, Uzbek, Russian, English scientists.

RESULTS

The national system of human rights institutions in Uzbekistan includes the Human Rights representative of the Oliy Majlis of the Republic of Uzbekistan (ombudsman), the representative for the protection of the rights of entrepreneurs under the President (Business ombudsman), the representative for the rights of the child (children's Ombudsman), the institutions of the National Center of the Republic of Uzbekistan. When contacting National Human Rights Institutions, the state duty is not charged, unlike the courts.

The representative for the protection of the rights and legitimate interests of business entities under the President of the Republic of Uzbekistan (Business ombudsman) is an official who provides guarantees for the protection of the rights and legitimate interests of business entities, compliance with these rights and legal interests by state bodies. The law of the Republic of Uzbekistan on the representative for the protection of the rights and legitimate interests of business entities under the President of the Republic of Uzbekistan was adopted on August 29, 2017. According to this law, the representative for the protection of the rights of entrepreneurs is appointed and dismissed by the President of the Republic of Uzbekistan. The main principles of the representative's activities for the protection of the rights of entrepreneurs are the priority of legality, independence, justice, humanity, transparency, openness, rights and legitimate interests of business entities.

The main tasks and directions of the activities of the representative for the protection of the rights of entrepreneurs are as follows:

- participation in the formation and implementation of public policy in the field of development of entrepreneurial activity, protection of rights and legitimate interests of business entities;
- implementation of control over the rights and legal interests of business entities by state bodies;
- legal support of business entities when checking their activities is carried out;
- implementation of coordination of inspections of the activities of business entities and control over the legality of conducting inspections of the activities of business entities by regulatory bodies;
- study of the implementation in practice of the norms and requirements of legislation on guarantees of freedom of entrepreneurial activity;
- assessment of the effectiveness of the impact of adopted regulatory legal acts on the implementation of entrepreneurial activity;
- digital record keeping of check book;
- maintaining an digital register of mandatory requirements, formed on the basis of a list of compliance of the activities of business entities with legislative requirements, presented by state bodies and organizations in the manner established by the areas within their competence;
- preparation of proposals for improving legislation aimed at strengthening the legal guarantees of business entities, promoting their development.

The representative for the protection of the rights of entrepreneurs carries out the task of reviewing the complaints of business entities over the activities, decisions of state bodies and other organizations that violate their rights and legitimate interests, actions (inaction) of their officials.

The issues included in the competence of the courts, bodies carrying out operational-search activities, bodies of investigation, inquiry and punishment are not considered by the representative for the protection of the rights of entrepreneurs.

The representative for the protection of the rights of entrepreneurs within his competence when considering complaints is capable:

- to solve the issue in its essence;
- to show the means and forms that the complainant can use to protect his rights and legitimate interests;
- to send a complaint to an organization or official authorized to resolve it in its essence;
- to acquaint the complainant with documents, decisions and other materials related to his rights and legitimate interests;
- to refuse to consider the complaint, having definitely indicated the reason.

It is guaranteed by the legislation that the person who filed a complaint with the representative for the protection of the rights of entrepreneurs, as well as those who are tasked by the representative for the protection of the rights of entrepreneurs with collecting information and analyzing it or giving an expert assessment, cannot be harassed or otherwise restricted in such actions.

Complaints sent to the name of the representative for the protection of the rights of entrepreneurs in cases of crimes of business entities in the field of entrepreneurial activity by their representatives who are suspected, accused or convicted and are in prison, in penal institutions, as well as complaints of persons who are placed in administrative custody and held

in a special reception, it is also necessary to send to the representative for the protection of the rights of entrepreneurs no later than twenty-four hours. The response of the representative for the protection of the rights of entrepreneurs cannot be ignored, and immediate delivery to the complainant is ensured.

It is necessary that the heads and officials of state bodies and other organizations send a written response to the representative's appeal for the protection of Entrepreneurs' Rights, as well as submit the information, documents and materials requested to the representative for the protection of Entrepreneurs' Rights within no more than ten days from the date of the adoption of the relevant application.

The answer to the appeal of the representative for the protection of the rights of entrepreneurs is sent directly with the signature of the head of that state body or his deputy, whichever state body is addressed to the head.

DEBATE.

The system of legal protection of business entities is one of the decisive factors in the sustainable development of entrepreneurial activity in the country, the provision of economic freedom and the formation of civil society institutions. This system is provided not only through general legal norms, but also through specially established organizational and legal mechanisms and procedural means.

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