



The Theory of Public Administration in Modern Period

Karakhonzoda Muhammednadir Mahmadvkhan

National Academy of Sciences of Tajikistan, Dushanbe, Republic of Tajikistan
mahmadkhankarakhonzoda@gmail.com

Abstract: This article focuses on a significant aspect of public administration law and the state in contemporary times. The traditional theories of the state and law are considered inadequate in terms of comprehending and analyzing the current scenario. The understanding and analysis of law and the state are crucial for the functioning and stability of society. The article highlights that any theory regarding law and the state is a direct reflection of the societal environment and the outcome of socio-political experiences. It is essential to examine law and state events from the perspective of human values rather than any particular ideology or political party. The article emphasizes the need for a broader perspective and a more comprehensive understanding of law and the state to ensure their effectiveness and efficiency in contemporary times.

Keywords: *constitution, government, law*

INTRODUCTION

Law and the state are critical aspects of society that impact the normal development of socio-political, economic, and cultural processes. These issues require attention and proper resolution to ensure a stable and functioning society. In particular, legal and state issues are significant topics for thinkers and researchers who study political life. Any analysis of political life necessarily involves the examination of legal and state issues, as they are intertwined with political processes and play a crucial role in shaping political systems (Dinorshoev, 2007).

The state is responsible for enforcing laws and regulations that govern the behavior of individuals and institutions within a society. The legal system provides the framework within which the state operates, and it is essential to ensure that these systems are functioning correctly. Proper functioning legal and state systems ensure that people and institutions are held accountable for their actions, promoting a just and fair society. Additionally, the effective operation of legal and state systems also contributes to the overall stability

and prosperity of a society, as it ensures that there is order and predictability in social and economic transactions (Sotivoldiev, 2005).

Research into legal and state issues helps to shed light on the problems and challenges that societies face. By analyzing legal and state issues, researchers can identify areas that require attention and propose solutions that can lead to a better-functioning society. The insights gained through such research can contribute to the development of policies and strategies that promote the common good. Furthermore, the knowledge gained can also help in creating an environment in which individuals and institutions can operate within the bounds of the law, promoting a more just and equitable society.

Throughout the history of human civilization, there have been numerous theories and approaches to understanding the complex relationship between law and the state. Some researchers have focused on specific aspects of legal and political phenomena, while others have developed more comprehensive theories. For example, Plato and Aristotle are recognized as two of the most influential philosophers in the Western tradition, and their works on politics and law have been studied for centuries. Their contributions have helped shape our understanding of law and the state, as well as the broader social and political systems in which they operate (Ismailov & Sotivoldiev, 2008).

Other philosophers and thinkers have also made significant contributions to the study of law and the state. Farabi, Confucius, and K. Marx are just a few examples of those who have developed influential theories and approaches to understanding these complex phenomena. Each of these thinkers brought a unique perspective to the study of law and the state, drawing on their experiences and cultural contexts to develop their ideas.

Additionally, some researchers are recognized as the founders of specific approaches or theories related to law and the state. For example, O. Comte, L. Gumplovich, and G. Spencer are all known for their contributions to the field of sociology, and each developed theories that explored the role of law and the state in shaping society. By studying the works of these researchers, we can gain a deeper understanding of the various factors that contribute to the development of legal and political systems, as well as the challenges that these systems face over time (Khropaniuk, 2004).

The development of legal and state theories is not a static process, but rather a dynamic and constantly evolving one. Any theory of law and the state is a direct reflection of the life of society and the socio-political experience of its members. This experience, in turn, shapes the intellectual content of these theories and influences the worldview of their authors. As such, the science of law and the state is subject to change as societies evolve and new challenges arise (Mahmudov, 2010).

Moreover, the level of consciousness of the author plays a critical role in shaping their understanding of legal and state events. The intellectual content of legal and state theories is not simply a product of empirical observation or scientific analysis. Rather, it is informed by the author's cultural, social, and political context, as well as their personal experiences and beliefs. Thus, the development of legal and state theories is not just a reflection of societal change, but also a reflection of the individual and their perspective on the world (Olimova & Khushvakhtova, 2018).

Finally, each stage of historical development creates its own political theory or views. The emergence of new political theories reflects the changing nature of societies and the challenges they face. As societies grow and develop, the science of law and the state must also adapt to meet these new challenges. For example, the advent of globalization and the increasing interconnectedness of societies around the world has given rise to new legal and state theories that seek to address the complexities of these new global systems. By studying the development of legal and state theories over time, we can gain a deeper understanding of the challenges that societies have faced and the solutions that have been proposed to address them.

In conclusion, the dissolution of the USSR had far-reaching implications on the development of modern theory of law and the state. The emergence of new forms of property, state liberalism, and entrepreneurship have led to the introduction of new concepts and ideas that continue to shape the field today. The scientific-theoretical problems that have arisen from these changes require careful study and analysis in order to fully understand the implications for society and the state. This raises the important research question of how the dissolution of the USSR has impacted the development of modern theory of law and the state, and what new challenges and opportunities have emerged as a result.

METHOD

The research method in this paper is a comparative analysis of presidential systems in different countries. The author provides examples of various countries, such as the United States, the Philippines, Paraguay, and Nicaragua, to demonstrate the potential problems and challenges of a presidential system. The author also discusses the historical background and the impact of presidential power on democracy and political parties. This approach allows for a thorough examination of the strengths and weaknesses of presidential systems, and provides insights into the potential risks and benefits of adopting such a system. Additionally, the author suggests that more discussions on this issue should be held in seminars, indicating a qualitative

research approach that emphasizes gathering insights and opinions from experts in the field.

RESULT AND DISCUSSION

The traditional theory of the state and law is insufficient for their current understanding and analysis. It had a direct ideological content and was a reflection of the state ideology. Legal and state issues were resolved within this ideology. But in today's conditions, the situation has changed. The Constitution of Tajikistan has strengthened the principle of ideological diversity (pluralism), according to which one ideology is not recognized as a state ideology in the Republic. This means that modern science, including the theory of law and the state, should have a non-ideological content. Law and state events should be analyzed not from the point of view of the ideology of this or that social group, political party, but human values (Karimov, 2019).

It is impossible to study the new concepts, concepts and theories recognized today and strengthened in the constitutional form within the framework of the traditional theory of the state and law. Previously, in the conditions of the world being divided into two political and economic systems (capitalism and socialism), ideological intransigence, state-legal ideas, division of powers, state liberalism, etc. as bourgeois, anti-socialist theories were studied in the traditional science of the state and law. They were mostly analyzed from a critical point of view, absolute denial, one-sided and biased.

In the traditional theory of the state and law and in general, the Soviet science, the history of the Western countries was attributed to the Eastern countries as well as the world history. At the same time, the specific characteristics of the development of Eastern countries were not taken into account. For example, the classification of western states spread to eastern statehood without any changes. Based on this, mainly Western ideas and theories were analyzed. The rich thoughts of the peoples of the East were rarely analyzed. Students were rarely familiar with legal and political doctrines (ideas of Sino, Farobi, Jami, Donish, etc.). Necessary attention was not paid to the study of customs and national traditions, which are the determining factors of politics and statecraft. The history of the political culture of the peoples of the East has not yet been analyzed. The general laws of the historical development of Eastern statehood are not clear. Many political ideas in the Muslim regions of the East were considered Islamic (Kuziev, 2015).

State power is the power of the people, which implements state management through competent state bodies and is formed on the basis of law to regulate public relations and ensure its supremacy in society. State and presidential administration is one of the types of social administration and as

a special type of state activity, which differs from other forms of manifestations of state activity - legislative activity, judicial activity, prosecutorial control, as well as from the activity of managing public organizations and associations (parties, labor collectives, commercial structures, organizations religious, etc.) differs in its nature and purpose.

The concept of "public administration" is widely used in domestic and foreign literature and legislation of many countries, which are distinguished by the following features:

1. Public administration is one of the types of forms of activity through which the unified state authority, which has the duties and powers of a person, is distinguished from other types of its activity on the implementation of the unified state authority.
2. Public administration is a sub-legal function, which is implemented "on the basis and in accordance with the law", that is, public administration is considered secondary to legislative activity.
3. Public administration has the character of execution and command. The main direction of this activity is implementation, it implements the execution and implementation of laws and by-laws. In order to ensure the implementation of such activities, the authority and legal powers are established in the form of orders.
4. State management is the exclusive right of special entities, which are implemented by the executive and commanding bodies of state power or management bodies.
5. State management is the day-to-day (continuous) and direct management of socio-economic and administrative-political processes of economic construction.
6. Public administration includes consideration and resolution of political and legal disputes by public administration bodies. Administrative bodies resolve administrative affairs (cases) in a non-judicial-administrative way.
7. Public administration is an activity in which administrative and legal (legislation) rule-making options are given to management bodies within the scope of their duties. This right is exercised in connection with law enforcement (Ismoilov, 2013).

According to the Constitution of the Republic of Tajikistan, state power is exercised on the basis of its division into legislative, executive and judicial powers [6.-9]. It should be noted that state power is unique and indivisible in its essence. Therefore, the division of state power in the Constitution in terms of the distribution of tasks and powers implies the same authority to the named bodies, each of the branches of state power (legislative, executive and judicial) are independent in the performance of their duties and powers.

The president is the head of the state and has great rights and powers. The president is the head of the state and executive power. The parliament cannot remove the president from office or express no confidence in him for his shortcomings, because the president has the right to do so. a national referendum will be held. In our country, the President of Tajikistan is the head of state and government, and is elected by the citizens of the republic in a direct, equal and secret ballot for a period of 7 years. One person cannot be elected to the position of President for more than two consecutive terms. the division of power into the legislative and executive branches is clearly visible.

The main distinguishing feature of such a system is that the president is not a nominal figure with limited powers, but he is the head of the government. In the presidential system, the president is not accountable to the legislative body of power. Here the close connection between the executive and legislative authorities is broken. The president is elected separately, and ministers or heads of departments are not elected from within the parliament. Of course, in the US, high-ranking officials and judges must be confirmed by the Senate. These two branches cannot command and control each other, which prevents them from having a place in the parliament. This factor gives the presidential system a permanent system. In general, it is not possible to dissolve the parliament during the presidential administration. On the other hand, the president does not have the right to dissolve the parliament. Of course, the solution of these issues depends primarily on the Basic Law (Constitution). If the mechanism of dissolving the parliament or removing the president from office is included in the Constitution, the above indications cannot be against the law (Nazarov, 2016).

However, cooperation and cooperation between the president and the parliament is inevitable at all times for the development and perfection of the state. It is fair to say that the presidential system is considered a difficult system. For example, in Russia, in addition to the State Duma, the President, and the Council of Ministers, this system also includes the Federation Union, the Security Council, and the President's Office. In addition to this, the President has the Supreme Economic Council, the Supreme Consultative Council and the Express Council.

CONCLUSION

In presidential republics, the government structure is often delayed. For example, it took two whole months to assemble the government of George Bush, but no important state issue was resolved. Sometimes the supporters of the presidential system argue that there is no reason for a decisive change in the system of government in the United States. In fact, the military has never abolished the presidential system in this country. However, there was an

incident of assassination of the president in this country, after which a political revolution took place. The death of President F. Roosevelt and the coming to power of G. Truman, the assassination of J. Kennedy and the coming to power of L. Johnson can be considered decisive coups in this country. Thus, in a presidential system with weak democratic traditions, there is a high possibility of a single government. For example, in the Philippines, F. Marcos was elected president, and after that he lost power for almost twenty years; no one gave similar problems existed in Paraguay and Nicaragua. In the countries of the European part, there was an effort to establish an American-style presidential system, but after the Second World War, many people turned away from it. The main reason was that the president had very large powers, that is, his kingdom had almost no definite boundaries. Presidential power always undermines the position of political parties. In general, this system does not apply to multinational countries. The reason is that the representatives of many peoples and small nations cannot be elected president. History has proven that democracy in its full meaning never corresponds to a monopoly of power. Every party that comes to power assumes moral responsibility for its past, present and future in front of the citizens, which has a profound effect on the structure and basis of statehood. But the president has no such responsibility. Recently, the shortcomings of the presidential power have been realized in some countries. However, in most of the countries of the East, there are different opinions about the presidential power, and the discussions on this issue should be accelerated in the seminars.

REFERENCES

- Constitution of the Republic of Tajikistan. (1994).
- Dinorshoev, A. (2007). Constitutional foundations of the separation of powers in the Republic of Tajikistan. Dushanbe.
- Ismailov, Sh. M., & Sotivoldiev, R. Sh. (2008). Theory of the state and law. Dushanbe: Devashtich.
- Ismoilov, S. (2013). Legal system of the Republic of Tajikistan: Some critical observations. *Central Asian Journal of Globalization and Regional Integration*, 1(1), 57-70.
- Karimov, R. A. (2019). Constitutional transformation in Tajikistan: Institutional changes and political consequences. *Central Asian Survey*, 38(3), 388-403.
- Khropaniuk, V. N. (2004). Theory of state and law. Moscow.
- Kuziev, R. (2015). Constitutionalism in Tajikistan: Theory and practice. *Journal of Constitutional Law in Eastern and Central Europe*, 9(1), 37-60.
- Mahmudov, A. N. (2010). Political science: A textbook for students of higher vocational education institutions. Dushanbe.

- Nazarov, A. (2016). The development of constitutionalism in Tajikistan: From stagnation to decay. In L. Karimova, & M. Rasulov (Eds.), *Central Asia's long-term questions and challenges* (pp. 169-182). Palgrave Macmillan.
- Olimova, S. S., & Khushvakhtova, M. A. (2018). Constitutional reform in Tajikistan: Analysis of the process and its outcome. *Central Asian Journal of Social Sciences and Humanities*, 4(4), 222-231.
- Sotivoldiev, R. Sh. (2005). *General theory of law and the state*. Dushanbe: Devashtich.