



# **STATE BODIES EXECUTING CONTROL OVER LAW ENFORCEMENT ON THE LEGAL REGULATION OF THE CONSTRUCTION OF MULTI-STORY HOUSES**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> March 21 <sup>st</sup> 2023 <b>Accepted:</b> April 26 <sup>th</sup> 2023 <b>Published:</b> May 26 <sup>th</sup> 2023	This article describes the bodies that carry out public policy and control in the construction industry, their tasks and functions, the role of prosecutor's offices in this area, regulatory and legal foundations, problems that exist in practice today, obligations of state bodies in the examination of entrepreneurial subjects, procedures for providing guidance for verification, the procedure for examining project-estimate documents in construction
<b>Keywords:</b> Examination, construction control, master plan, technical regulations, national building norms, administrative and tax burden, conducting inspections, illegal inspections, regulatory bodies, National Information System "transparent construction", tender Sales, "Risk Analysis" System, risk level assessment, social and production infrastructure development program.	

The construction of multi-storey buildings, which is one of the independent structural branches of the construction industry, is controlled by several bodies, and the structural structures of these bodies are also changing in line with the requirements of the times. At this point, it is necessary to distinguish between the bodies that control the construction of multi-story buildings and the bodies that control the management of multi-story buildings, that is, the bodies involved in the operation of multi-story buildings are not included in the scope of our scientific work. If we analyze these bodies with the latest changes, the decision of the President of the Republic of Uzbekistan "On the fundamental improvement of the quality of construction and assembly works and the improvement of the construction control system" adopted on 05.02.2020 No. PQ-4586 led to the development of many legal documents and the existing bodies was the basis for the creation of new units in the system. This decision was adopted in accordance with the decree No. PF-5577 "On additional measures to improve the state regulation of the construction industry" adopted on 14.11.2018, regarding the issues specified therein. In this decree, starting from December 1, 2018, all construction objects must undergo an expert examination of the estimated part of the projects, except for objects whose construction is carried out at the expense of direct investments, including foreign investments, the acceptance of completed objects into use by the control inspection in the field of construction, cadastral authorities, it was determined to be carried out with the participation of representatives of the customer, contractor (main contractor). In addition, the decree establishes a consortium between contracting organizations and project organizations and assigns

joint responsibility for the quality and timely implementation of the project to the participants of the consortium with the "fast-track" method (simultaneous design, procurement and construction works) "in readiness" to allow the implementation of projects based on the conditions of submission (Engineering Procurement Construction), to recognize certificates and other authorizing documents (licenses) issued by the authorized bodies, organizations, societies and associations of the countries that are members of the Organization for Economic Cooperation and Development for the implementation of design and construction activities, the personal responsibility of the relevant governors was established for the timely and correct allocation of land plots for construction and the implementation of construction and assembly works without reference to the approved master plan or land plot layout schemes (in the absence of a master plan). According to this decree, construction norms and rules are approved by the decision of the Ministry of Construction based on the results of comprehensive expertise, maintaining a single catalog of construction standards, technical regulations, construction norms and rules approved in the prescribed manner, and ensuring easy use of the catalog by publishing and updating it on the official website. The certification of experts in the field of construction, whose qualification is mandatory according to the laws of the Republic of Uzbekistan, is carried out by the Association of Engineers-Consultants of Uzbekistan, the authorship and technical control is mandatory at all stages of the construction of objects, and the author of the project and the customer, respectively, or an expert with a certificate is involved. It was determined that authorship control, technical control and inspection of the objects



under construction should be carried out only by specialists who have received a certificate in the prescribed manner. According to this decree, the proposals of the Ministry of Justice, the Ministry of Construction, the National Agency for Project Management under the President of the Republic of Uzbekistan were approved, and the preparatory period (2019-2021 years) - revision of the current national construction standards, taking into account the geological, natural-climatic, seismological and other characteristics of the Republic of Uzbekistan review, as well as adaptation of foreign regulatory and technical documents related to construction; transitional period (2022 — 2026) — implementation of foreign regulatory and technical documents on construction adapted to national construction norms and rules, implementation of complex measures for the introduction of innovations in the construction industry, assimilation of new technologies, materials, products and constructions; the final period (2027-2028) — based on the generalization of the experience of applying national and adapted foreign construction norms and rules, it was decided to create a single normative base of technical regulation of the construction industry. According to the decree, the Ministry of Finance, in the formation of the State budget of the Republic of Uzbekistan every year, provides for the necessary allocations for financing the works according to the schedule, and establishes strict control over the execution of the schedule in cooperation with the Accounts Chamber of the Republic of Uzbekistan, the Ministry of Justice and the Prosecutor General's Office. According to this decree, the following person (by position) was charged with personal responsibility:

To the First Deputy Prime Minister of the Republic of Uzbekistan - to introduce modern market mechanisms and international standards, advanced technologies and know-how in the construction industry, as well as to develop innovative methodological programs for training, retraining and upgrading the skills of personnel in the sector to the deputy for economic relations issues - to attract funds from international financial institutions, government and non-governmental organizations for the revision of national construction norms and rules, as well as to adapt foreign regulatory and technical standards, to the Minister of Construction of the Republic of Uzbekistan - until the end of 2021, the World Bank's "Doing Business" in the report of the group, improving the indicators of the republic on the indicator of "obtaining building permits" from year to year, defining the republic's entry into the ranks of the 50 most advanced countries of the world as one of the most important indicators of the efficiency of the construction industry, further

improving the regulatory legal framework of this industry based on advanced foreign experience. for improvement and renewal.

It can be seen from this decree that, according to it, tasks are assigned to each sector on the basis of distribution, and those organizations work according to their directions. In this decree, tasks are assigned not only to bodies, but also to certain officials, and network managers are considered responsible persons for the assigned tasks. Decree No. PF-6314 dated September 15, 2021 of the President of the Republic of Uzbekistan "On measures to further reduce the administrative and tax burden for business entities, and to improve the system for protecting the legal interests of business" and "On measures to improve the procedure for coordinating inspections in the activities of business entities" » Resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On additional measures to organize state control over the activities of business entities by supervisory bodies" in order to ensure the implementation of the decision PQ-374 of September 13, 2022, as well as to further improve the system of protection of legal interests of business entities Decision No. 611 of 19.10.2022 was adopted. According to it, the State Control System is the "Uniform State Control" information system, which allows collecting, analyzing and processing a large amount of data related to state control in the field of business; Controlling body - the ministry, office, units in their system and other organizations authorized by the law to control the activities of business entities by the state; An official of a supervisory body is a person who temporarily or by special authority supervises the activities of a business entity, performs legally significant actions in the business entity, and performs these tasks in administrative or judicial bodies; Inspection is defined as a control activity conducted by obtaining the necessary materials, documents or information on their activities and carrying out certain actions to determine the extent to which the legislation regulating the activity is being followed by the business entity. From these concepts, it is possible to understand the concepts of state control over business entities. In this decision, the business entity is also defined, and the business entity is defined as legal and natural persons who have passed the state registration in the prescribed manner and are carrying out business activities. The reason why we present these concepts is also defined as a special book in electronic form in which information about conducted inspections is recorded in the inspection register.

Pursuant to this decision, the purpose of maintaining the Audit Register is to: ensure legality,



impartiality and transparency in the activities of the supervisory body; protection of the rights and legal interests of the business entity; is to put an end to illegal interference in the activity of the business entity. Also, all inspections carried out in the activities of the business entity are included in the State Control System ("Uniform State Control" information system).

The persons who enter relevant information in the register of inspections, the work to be carried out and the stages and terms of the process are listed in it. Control measures carried out in the field of construction are also carried out by an official of the authorized body in this form and are entered into the register in the appropriate manner. The purpose of this is to put an end to illegal inspections and conflicts of interest, to limit any actions that illegally interfere with the freedom of an entrepreneur, thereby guaranteeing the freedom of entrepreneurs, healthy investment the creation of a dog and the correct application of the practice of law. In Annex 2 to the decision of the Cabinet of Ministers mentioned above, there is a regulation on the procedure for attestation of the officials of the Controlling bodies regarding the right to inspect the activities of the business entity. This Regulation defines the procedure for certification of officials of supervisory bodies in connection with granting the right to inspect the activities of business entities. According to this regulation, an authorized body is defined as an organization authorized by the legislation of the Republic of Uzbekistan to coordinate and supervise the verification of the activity of a business entity. Attestation is carried out by the Attestation Commission, which consists of five people and is established on the basis of the order of the head of the supervisory body. The composition of the attestation commission should consist of the chairman of the commission and 4 commission members. The composition of the commission consists of 2 supervisory bodies and 1 authorized body, representatives of the Chamber of Commerce and Industry and business entities. The head of the supervisory body, agreed with the authorized body, approves the list of officials who must undergo the Attestation and issues an order to conduct the Attestation. According to Chapter 4 of this regulation, the electronic register of the officials of the Controlling Body is formed by the controlling body in the State Control System and is maintained by the authorized body. With this decision of the Cabinet of Ministers, the minimum requirements for the "risk analysis" systems of the supervisory bodies were approved. According to him, these minimum requirements determine the minimum requirements for the development of a "risk analysis" system, which provides for the initiation of

inspections by the supervisory authorities based on the level of risk of violations of the law by business entities. These minimum requirements do not apply to the risk management system used by the customs authorities in the implementation of customs control. As for the concepts, the system of "risk analysis" is defined as a mechanism for determining the level of risk of violation of the law by the business entity in its activities, based on the specific criteria of the relevant control area by the regulatory bodies. It is also noted that these minimum requirements must be taken into account by the supervisory bodies when developing a system of "risk analysis" in the activities of the business entity. According to these requirements, the process of analyzing the level of risk of violation of the law by a business entity must not include actions that imply suspension of the business entity's activities, obstruction or direct interference with the implementation of its activities. Analysis of the level of risk can be carried out based on the study of the following data: administrative data (license, permit and other documents available in state bodies); periodical statistical data, including signs summarizing the business entity, messages and other results of correlational analysis, where cases of violations were previously detected; appeals received from legal entities and individuals; information obtained from mass media or other external sources (social networks, websites); analysis of deficiencies identified based on the results of control procurement; other information that can be obtained from other sources not prohibited by law and from government bodies and other organizations without directly or indirectly affecting the usual activities of the business entity. Assessment of the level of risk is carried out by assessing the compliance of the activity of the business entity with the indicators and criteria formed on the basis of the studied data on the basis of the "point" system. Only the control of business entities carried out on the basis of this decision is legal, and the requirements contained in it are binding for both parties. Enterprises operating in the field of construction are also considered business entities, and inspections conducted against them are also carried out based on these rules. Attached to the aforementioned decision PQ-374, the regulations on the procedure for conducting inspections and preventive measures in the activities of business entities by the supervisory bodies were approved, in which the rights and obligations of the business entities during the inspection process, as well as the rights and obligations of the official of the authorized body, types of inspections, and deadlines, inspection procedures are given. As for the control of the construction sector, the decision of the President of



the Republic of Uzbekistan "On measures for the wide introduction of information and communication technologies in the construction sector" dated 20.09.2019 No. PQ-4464 was adopted. According to this decision, the following are:

a) National Project Management Agency under the President of the Republic of Uzbekistan, the Ministry of Economy and Industry, the Ministry of Finance and the Ministry of Construction: Implementation of the national information system "Transparent construction" in the activities of the Ministry of Construction and its implementation by June 1, 2020 from centralized funding sources in the Tashkent region, including: trial operation during the construction of objects financed by investment projects; based on the results of the experiment, ensure the operation of the national information system "Transparent Construction" in real time in the entire territory of the Republic of Uzbekistan until January 1, 2021;

b) Proposals of the Ministry of Construction of the Republic of Uzbekistan on the development and launch in test mode of the geographic information system (geoportals) of the Republic of Uzbekistan State Urban Development Cadastre, which allows maintaining the state urban planning cadastre and providing urban planning documents and information to the public online until March 1, 2020 approved. The following are the main tasks of the "Transparent construction" national information system: to ensure the formation of the address program of objects, the annual address list of objects developed together with the relevant ministries and agencies, the database is divided into types according to the objects of new construction, reconstruction and capital repair; in the development of project-estimate documents of the objects, implementation of pre-project work by engineering companies of the regional unified customer service, the conclusion of a contract between the customer and the project organization, the allocation of advance funds, and the regular entry and maintenance of accurate and reliable information about the completion of work in the electronic database; creation of an electronic database regarding the contracts concluded between the customer and the expert organization in the examination of the project-estimate documents, the financing of the provided services, and the examination of the completed project-estimate documents; creation of an electronic database of accurate and reliable information on the signing of a contract between the contractor and the customer for the financing of the construction of objects and the payment of advance funds, the monthly reporting of completed works and

the fact that they are financed in proportion to the completed works; collecting information about all contractors and subcontractors participating in the construction of objects, making timely payments based on the volumes of work performed, forming databases on the types of work performed by them; during the control and monitoring of the construction processes in objects, their registration, control inspections carried out by the regional control inspectorates in the field of construction and recording of indicated deficiencies, formation of databases on their elimination. Based on this decision, state control of construction objects, technical control of customer organizations, and internal control of contracting organizations through electronic document exchange and to ensure that all deficiencies identified during control work are entered into the system online together with photos, control processes are automated, and data is stored in a single database. designed information system, "Construction control" information system was created. Nevertheless, it is a pity that a number of practical problems and corrupt situations remain in these fields today. "Transparent Construction" determines the rating of the participating companies by giving points in 6 directions to the organizations participating in the tenders. Today, according to the appeals received by the General Prosecutor's Office of the Republic of Uzbekistan regarding tender sales, reports submitted to tender sales are being falsified, information of the state tax committee is being changed illegally and fraudulently, and as a result, some organizations are getting high points and taking high places in the rating. Based on this, the average salary of employees in the tax committee section of the rating platform was given a maximum of 7 points by the applicants, in the reports submitted by the organizations to the state tax committee, it was directed to 2 or 3 workers by re-reporting the wages for 1 year, and as a result, each worker was paid. It is stated that the salary and taxes are automatically increasing and the amounts are increasing, as a result the organization is getting 6.8-7 points. In order for this process to be fully controlled and studied by the General Prosecutor's Office today, it is necessary to dwell on the normative foundations of the prosecutor's control department over the implementation of legislation on construction, which is part of the prosecutor's control network over the implementation of legislation in the economic sphere. As we mentioned above, this department is the Republic of Uzbekistan. It was established on the basis of the decision of the President of the Republic of Uzbekistan dated December 10, 2021 No. ensuring the quality of construction works, regular control of construction





works carried out on the basis of state programs, prevention of violations, and prevention of damage to the interests of the state and society. Based on the order of the Prosecutor General of the Republic of Uzbekistan "On the approval of the regulation of the department of control over the implementation of legislation in the field of construction of the Prosecutor General's Office of the Republic of Uzbekistan" issued on January 21, 2022, the regulation of this structure was approved and the department operates on the basis of this regulation. The department operates as part of the Department of the General Prosecutor's Office for the supervision of the implementation of legislation in the economic sphere and supervises the implementation of legislation in the construction sector, analyzes the implementation of normative legal documents in this field, organizes organizational-methodical, information-analytical and control measures. This regulation contains a list of the objects that the Department of Supervision over the implementation of legislation in the field of construction carries out supervision and mutual cooperation:

1. Ministry of Construction
12. "TashuyjoyLITI" JSC
2. Control inspection in the field of construction
13. "Ozsuvloyiha" JSC
3. "Uzsanoatkurilishmateriallari" association
14. "Tashgiprogor" JSC
4. "Ozyjiniring" republican design institute
15. "Uzogirsanoatloyiha" JSC
5. "Uzshaharkurilishinvest" LLC
16. "Village construction project" LLC
6. "Kishloqkurilishinvest" LLC
17. "Uzbek communal project construction" LLC
7. "Self-made assembly" JSC
18. "Uztibloyiha" LLC
8. "TashkentboshplanLITI" DUK
19. "Road Project Bureau" LLC
9. "Uzshaharazolit" DUK
20. The Council of Ministers of the Republic of Karakalpakstan, regional and Tashkent city administrations (on issues related to the authority of the department)

10. DUK "Aloqaloyiha" 21. Other enterprises, institutions and organizations related to the field (on issues related to the powers of the department)

11. "UzGASHKLITI" DUK

The organizations mentioned in this list are the objects of direct control, and the control over the implementation of legislation in them is carried out by the construction department of the General Prosecutor's Office. Importantly, these organizations also have the status of a legal entity, and each organization is state registered as a business entity. Based on this, the decision of the Cabinet of Ministers regarding the inspection of the above-mentioned business entities "On additional measures for the organization of state control over the activities of business entities by the supervisory bodies" adopted on 19.10.2022 No. 611 is amended and supplemented in the following form offered:

Within this paragraph, we tried to highlight new forms of control in the field of construction, not limited to state bodies. One of the most basic and important forms of control is the prosecutor's control and its systematic conduct. In this direction, the document that clearly and fluently reflects the powers of the prosecutor, that is, the order of the Prosecutor General No. 255, adopted on 01.21.2022, and the regulation of the Department of Control over the Implementation of Legislation in the Construction Sector of the General Prosecutor's Office of the Republic of Uzbekistan, which was approved by this order, clearly defined the powers of the prosecutor in this area. We will provide full information on these rights and obligations in the next paragraph, i.e. in the paragraphs on ensuring the supervision of the prosecutor in the field of construction. At this point, it is necessary to mention the public control, which serves as the basis for the prosecutor's control and information about violations, and this form of control is regulated by the Law No. ORQ-474 adopted in the Republic of Uzbekistan on 04.13.2018.

#### **LIST OF REFERENCES:**

1. Resolution of the President of the Republic of Uzbekistan No. PQ-4586 adopted on 05.02.2020 "On measures to radically improve the quality of construction and assembly works and improve the construction control system."
2. Decree No. PF-5577 "On additional measures to improve the state regulation of the construction industry" adopted on 14.11.2018.



**World Bulletin of Management and Law (WBML)**  
**Available Online at:** <https://www.scholarexpress.net>  
Volume-22, May -2023  
**ISSN: 2749-3601**

3. Decree No. PF-6314 dated September 15, 2021 of the President of the Republic of Uzbekistan "On measures to further reduce the administrative and tax burden for business entities and improve the system of protection of legal interests of business".
4. Decision No. PQ-374 dated September 13, 2022 "On measures to improve the procedure for coordinating inspections in the activities of business entities."
5. The Cabinet of Ministers of the Republic of Uzbekistan "Entrepreneurial entities by supervisory bodies Decision No. 611 adopted on 19.10.2022 "On additional measures to organize state control over the activities of
6. Law of the Republic of Uzbekistan No. ORQ-474 adopted on 13.04.2018.