



# **SOCIO-LEGAL CRITERIA FOR THE CLASSIFICATION OF CIVIL SOCIETY INSTITUTIONS**

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<b>Article history:</b>	<b>Abstract:</b>
<b>Received:</b> 10 <sup>th</sup> March 2026 <b>Accepted:</b> 8 <sup>th</sup> April 2026	This article provides a comprehensive theoretical and legal analysis of the various socio-legal criteria used to classify civil society institutions. The study explores the multi-dimensional nature of these institutions, categorizing them based on functional domains, legal status, social interests, and their relational dynamics with state authorities. By examining both formal and informal structures, the author highlights how these classifications contribute to a better understanding of the legal framework and the social significance of non-governmental organizations in modern legal systems. The systematic approach used in this research allows for a clearer identification of the role each institute plays in protecting public interests and maintaining social stability.

**Keywords:** Civil society, classification criteria, socio-legal institutions, non-governmental organizations (NGOs), legal status, formalization, social interests, state-society interaction, public control, legal framework.

**INTRODUCTION:** In contemporary legal and sociological science, the concept of civil society (*societas civilis*) is viewed as a complex, dynamically evolving system of horizontal linkages that ensures the realization of private interests and the protection of individual rights against excessive state determinism[1]. The relevance of researching the institutional structure of civil society is driven by the processes of globalization, the digitalization of the public sphere, and the pursuit of unique national models for democratic development.

Within the context of the contemporary politico-legal paradigm, civil society should be interpreted not merely as a collection of non-state institutions, but as an autonomous sphere of self-organization possessing its own foundational value basis. A crucial aspect of its functioning is the establishment of a system of civic oversight, which minimizes the risks of the usurpation of power and ensures transparency in public decision-making[2].

The institutional matrix of contemporary civil society is undergoing a qualitative transformation under the influence of digitalization. The emergence of "digital associations" and networked communities expands the scope of civic participation, allowing for the rapid accumulation of resources to address both local and global challenges. Simultaneously, traditional institutions—such as trade unions, religious organizations, and expert communities—retain their significance, serving as mediators in the dialogue between the individual and the state[3].

The functional potential of civil society is realized through a mechanism of responsibility delegation: it

assumes the role of addressing regulatory deficits within the state in social, environmental, and human rights spheres. Consequently, the level of civil society development serves as an objective indicator of a political regime's legitimacy and the resilience of the legal system against external and internal crises.

The phenomenon of civil society is not homogeneous. As noted by the classics of socio-political thought (G.W.F. Hegel, J. Locke, A. de Tocqueville), it represents a collection of diverse associations, unions, and movements that operate on the principles of voluntarism, self-employment, and self-governance. However, to provide this system with legal certainty and to develop effective mechanisms for interaction with the state apparatus, a clear scientific classification is required[4].

Recognition of the structural heterogeneity of civil society necessitates a profound theoretical reflection on its internal differentiation. Despite its genetic link to the liberal tradition (J. Locke) and the classical philosophy of law (G.W.F. Hegel), the contemporary interpretation of *societas civilis* transcends a mere collection of associations. It emerges as a multi-layered space where the voluntariness of participation and the autonomy of subjects serve as the foundational principles for the legitimation of their activities[5].

The systematization of civil society elements is essential to overcoming the legal amorphousness of this category. Scientific classification allows for the identification of key segments: ranging from formalized institutions (political parties, trade unions, NGOs) to spontaneous civic initiatives and networked movements. Such an approach ensures a transition



from an abstract-philosophical understanding to a pragmatic model of social partnership, in which the state and public institutions act as equal subjects of legal relations.

In conditions of legal certainty, the classification of civil society institutions serves as a foundation for developing specialized regulatory mechanisms. This enables the state apparatus not merely to exercise oversight, but to construct differentiated interaction strategies with various interest groups, thereby ensuring a sustainable balance between private demands and the public good [6].

The problem of the typologization of civil society institutions in modern conditions extends beyond a simple enumeration of organizations. It necessitates a comprehensive approach that accounts for historical traditions, legal families, and the functional purpose of each specific association. In this regard, contemporary comparative legal studies identify several fundamental socio-legal criteria that allow for the structuring of the civil field, based on the specificities of the national legal system of Uzbekistan and international experience.

This process acquires particular significance in the context of Uzbekistan, where the formation of civil society is based on a unique synthesis of universal democratic values and traditional institutions of self-organization, such as the **Mahalla**.

**MATERIALS:** Integrating such institutions into a general classification necessitates a revision of classical Western models. In this context, typologization should be grounded in the criteria of social inclusivity and the capacity of these institutions to act as mediators between the state and the population at the micro-level. In Uzbek legal doctrine (A. G. Muminov, S. A. Asadov, K. T. Azizov), this criterion is substantiated as fundamental. Scholars categorize institutions into:

**Traditional (Organic) Institutions:** The mahalla represents the quintessence of this category. In the works of A. G. Muminov, it is emphasized that the mahalla is not merely a territorial unit, but a historically established socio-legal institution performing functions of self-organization, upbringing, and social support. Unlike Western NGOs, the mahalla possesses deep historical continuity and is constitutionally recognized as the foundation of Uzbekistan's civil society[7].

The *mahalla* serves as a key link in the implementation of the principle of subsidiarity, where the resolution of local issues is delegated to the community level. This reduces the administrative burden on central government authorities and enhances the targeted nature of social policy.

Unlike artificially created administrative units, the *mahalla* is based on neighborhood commonality and

collective responsibility. It functions as a mechanism for the reproduction of cultural codes and moral-ethical norms (such as the traditions of *khashar* and *maslakhat*).

The modern transformation of the *mahalla* is characterized by its integration into the system of public administration while maintaining its status as a non-governmental structure. Within the legal framework of Uzbekistan, the *mahalla* is qualified as a body of citizens' self-government, possessing broad powers ranging from environmental control to mediation (out-of-court dispute resolution).

From a sociological perspective, the *mahalla* acts as a generator of high levels of social trust. The mutual obligations among community members create a system of informal insurance and enhance societal resilience in the face of economic and global challenges. In his works, Sh. A. Asadov emphasizes the legal nature of non-governmental non-profit organizations (NGOs) as key actors within the civil sector. The author substantiates the thesis that the institutionalization of NGOs in Uzbekistan is not a form of state pressure, but rather a mechanism for granting them the official status of a "social partner." His research provides a detailed examination of the legal guarantees governing the activities of public associations and the mechanisms for their interaction with executive authorities in the implementation of state programs[8].

The institutionalization of NGOs is viewed not as a tool for bureaucratic control, but as a process for legitimizing civil initiatives. This facilitates a shift in state-society interaction from a "vertical hierarchy" to a model of horizontal partnership, where NGOs act as equal subjects of legal relations.

A key element of the legal nature of NGOs is their role in executing state social contracts. This transforms these organizations from passive recipients into active operators of social services, capable of responding to the needs of specific target groups more effectively than government structures.

The author emphasizes that obtaining official status provides NGOs with access to the system of state grants, subsidies, and tax incentives. Thus, institutionalization serves as a guarantee of the civil sector's resource sustainability, ensuring its independence through the diversification of funding sources.

The legal nature of NGOs in Uzbekistan is inextricably linked to the function of monitoring the activities of government authorities. Establishing this status at the legislative level transforms public associations into an instrument of checks and balances, contributing to the transparency of administrative decision-making.



In turn, Kh. T. Azizov explores the phenomenon of civil society through the prism of self-governance theory, assigning a central role to the institution of the *mahalla*. The scholar argues that within the legal system of Uzbekistan, the *mahalla* acts as a unique "hybrid" institution that combines the characteristics of a traditional community with those of a modern body of public control. Kh. T. Azizov classifies the *mahalla* as a micro-level mediator capable of effectively accumulating the private interests of citizens and transforming them into an agenda for state structures[9].

A scientifically grounded classification allows for the differentiation of institutions based on their level of legal formalization: ranging from rigidly structured non-governmental non-profit organizations (NGOs) to flexible civil initiatives and volunteer movements. Such a differentiated approach is critically important for international comparative studies (comparative law), as it reveals the viability of national developmental models amidst global digital transformation and the shifting architecture of public authority.

**METHODS: Modernized (Associative)**

**Institutions:** These are contemporary non-governmental non-profit organizations (NGOs) that have emerged during the reform of the political system. This category includes think tanks, environmental movements, business associations, and women's committees. Their activities are regulated by modern legislation aligned with international standards (for example, the Law of the Republic of Uzbekistan "On Non-Governmental Non-Profit Organizations")[10].

The legal foundation for the activities of such institutions in the Republic of Uzbekistan (specifically, the Law "On Non-Governmental Non-Profit Organizations") is oriented toward the implementation of international standards, ensuring the transparency and accountability of the civil sector. However, in contemporary legal scholarship, the issue of the limits of institutionalization remains a subject of debate. Excessive regulatory oversight of the internal structure of NGOs may lead to their "bureaucratization," wherein spontaneous civil activity is superseded by rigidly formalized legal procedures.

Consequently, this classification criterion allows not only for the structuring of civil society actors based on their mode of legitimation but also for the assessment of their degree of actual autonomy. The effectiveness of modernized institutions directly depends on finding an optimal balance between state incentives (via subsidy and grant mechanisms) and the preservation of their independent expert positions, which is critically

important for the formation of a high-quality system of checks and balances.

This criterion allows for the classification of civil society actors based on their mode of legitimation within the legal field and the level of regulatory organization of their internal structure. In contemporary legal science, the issue of institutionalization remains a subject of debate, as it defines the boundary between free civic activity and rigidly regulated legal procedure.

The European School of Law (J. Habermas, C. Offe) emphasizes the degree of organizational structure, dividing the civil field into two qualitative levels:

**Formalized (Institutionalized) Entities:** These include organizations with a clear internal hierarchy, fixed membership, and legal entity status. From the perspective of European law, such structures (political parties, trade unions, registered foundations) serve as "legitimate representatives of private interests in the public sphere." Here, institutionalization acts as a guarantee of stability: the possession of a charter, a bank account, and governing bodies enables these entities to enter into long-term legal relationships with the state, participate in tenders for social service contracts, and bear legal liability for their actions[11].

From the perspective of the European school of law, institutionalization serves the function of stabilizing the legal order. The existence of a charter, governing bodies, and a bank account allows these entities to act as full-fledged participants in civil and administrative relations[12]. This creates a legal basis for implementing the social partnership model: institutionalized NGOs gain the opportunity to participate in the allocation of state social contracts, enter into long-term contractual relationships with authorities, and bear consolidated legal liability for their actions.

However, according to Habermas's theory, excessive institutionalization carries the risk of the "colonization of the lifeworld," where vibrant civic initiative is supplanted by bureaucratic procedures. Thus, formalized entities play a dual role: they ensure predictability and legal certainty in interactions with the state apparatus, yet simultaneously require constant replenishment from informal movements to maintain their representativeness and social legitimacy.

**Informal (Latent) Entities:** This group includes spontaneous initiative groups, civic forums, network communities, and "new social movements." C. Offe emphasizes that the lack of formal registration does not deprive these groups of their status as civil society institutions, as their influence is grounded in "moral legitimacy" and high mobilization potential[13]. In the context of modern digitalization, this category also



includes "digital platforms for civic engagement," which *de facto* influence law-making but *de jure* do not always possess NGO status.

**RESULTS:** In contrast to rigidly structured organizations, informal (latent) entities represent a dynamic segment of the civil sphere, functioning outside the framework of strict legal institutionalization. This group includes spontaneous initiative groups, civic forums, network communities, and "new social movements." According to C. Offe's concept, the lack of formal registration and legal entity status does not deprive these associations of their standing as full-fledged civil society institutions. On the contrary, their agency is based on "moral legitimacy" and high mobilization potential, which allows them to promptly aggregate public opinion around pressing issues[14]. In the context of the total digitalization of public space, the category of latent entities is being transformed into the phenomenon of "digital platforms for civic engagement." Possessing a network architecture, these communities *de facto* exert a significant influence on the processes of law-making and public control, acting as initiators of petitions, crowdfunding projects, and expert discussions. Despite the fact that *de jure* they do not always possess NGO status, their activities create alternative channels of communication between society and the state.

**DISCUSSION:** In legal doctrines, the process of institutionalization is traditionally interpreted through the prism of state registration, which serves not only as a formal bureaucratic act but also as a mechanism for endowing an association of citizens with a "public quality." This approach presupposes that it is precisely state-led legitimation that transforms a private initiative into a full-fledged subject of public-law relations, capable of acting as a consolidated partner in dialogue with the authorities.

From the perspective of legal positivism, the official status of an NGO (non-governmental non-profit organization) serves as a necessary condition for entering the legal field. Registration endows an association with legal personality, allowing it to participate in the implementation of state programs, receive tax preferences, and apply for grant support. In the legal system of Uzbekistan, which follows a path of systematic reform of the civil sector, this process is viewed as a tool for ensuring the transparency and legal accountability of social institutions before society and the state[15].

However, contemporary researchers point to a qualitative evolution of this process: institutionalization

is ceasing to be merely a method of control and is transforming into a procedure of mutual recognition. By registering a civil society institution, the state *de jure* confirms its social significance, while the association itself, by accepting the established legal framework, affirms its readiness to operate in a constructive manner[16]. Thus, the balance between freedom of association and regulatory order becomes the foundation for building a sustainable model of civil accord and legal stability.

In turn, Uzbek scholars, such as Sh. A. Asadov, point to the existence of a "mixed" form of institutionalization. For instance, the *mahalla* in Uzbekistan possesses a unique legal status: on one hand, it is institutionalized at the constitutional level and operates within a clear legislative framework (the Law of the Republic of Uzbekistan "On Citizens' Self-Government Bodies"); on the other hand, it retains the characteristics of an informal, traditional association based on communal ties and customs[17]. Consequently, in Uzbekistan, the formalization of this institution does not eradicate its organic, social nature but merely provides it with a legal shell.

In the legal doctrine of Uzbekistan, such a model is viewed as the harmonization of the formal and the informal. The process of formalizing the *mahalla* does not lead to the erosion of its authentic content; on the contrary, the legal shell endows traditional social ties with the character of a legitimate subject of public administration. This enables the *mahalla* to effectively perform the function of a mediator: on one hand, acting as the primary level of the public administration system (through the implementation of socio-economic programs) and, on the other, remaining an instrument of direct democracy and grassroots self-organization[18].

A logical extension of this model is the endowment of the *mahalla* with functions of public control (*jamoatchilik nazorati*). Within the legal system of Uzbekistan, the *mahalla* does not merely coexist passively with state authorities but is empowered to monitor the local implementation of legislation and the observance of citizens' rights[19]. This transforms the traditional authority of elders into an institutionalized system of checks, where social sanction and civic expertise become effective tools for the prevention of offenses and corruption.

**CONCLUSION:** Ultimately, the *mahalla* as a "mixed" institution addresses a fundamental challenge of modern legal science: it overcomes the alienation of the individual from the state. Through familiar social ties, the citizen is engaged in the management of public



affairs, rendering the legal system more human-centric and resilient to external challenges. This synthesis of traditionalism and legal modernism forms a unique vector for civil society development, in which the legal form serves to preserve and enhance the nation's social capital.

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