



QUESTIONS OF CORRELATION OF LEGAL CATEGORIES OF LOBBYING AND POLITICAL INFLUENCE ON THE EXERCISE OF POWER

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Abstract: Corruption can be expressed in such processes as lobbying the interests of specific social groups and organizations, which raises in theory and in practice the question of the need to distinguish between the concepts of lobbying and corruption, the definition of the legal framework for the activities of lobbyists, the possible limits of their interference in the activities of state bodies and legal entities. However, if the concept of corruption is defined at the legal level and is formed, then the concept of lobbying and lobbying activity is in the process of formation.

Keywords: lobbying, socio-political phenomenon, manifestations of corruption, interests of an economic, political, legal, cultural nature.

Аннотация: Коррупция может быть выражена в таких процессах, как лоббирование интересов конкретных социальных групп и организаций, что ставит в теории и на практике вопрос о необходимости разграничения понятий лоббизма и коррупции, определение правовой базы деятельности лоббистов, возможные пределы их вмешательства в деятельность государственных органов и юридических лиц. Однако если понятие коррупции определено на легальном уровне и является сформированным, то понятие лоббизма и лоббистской деятельности находится в процессе становления.

Ключевые слова: лоббизм, социально-политическое явление, проявления коррупции, интересы экономического, политического, правового, культурного характера.

Currently, in Uzbekistan, the issues of combating corruption as a negative phenomenon inherent in the management activities of state structures, as well as the process of forming the democratic foundations of civil society, are very acute and problematic.

Corruption moments have various manifestations and are often closely related to other socio-political aspects of the dynamics of the development of our state. In accordance with the Anti-Corruption Law, corruption is "abuse of official position, giving a bribe, receiving a bribe, abuse of authority, commercial bribery or other illegal use by an individual of his official position contrary to the





legitimate interests of society and the state in order to obtain benefits in the form of money, valuables, other property or property services, other property rights for themselves or for third parties or the illegal provision of such benefits to the specified person by other individuals", as well as similar acts committed on behalf of or in the interests of a legal entity¹.

There are several approaches to the definition of lobbying as a socio-political phenomenon characteristic of the present stage of development of society. Lobbying can be interpreted as the psychological influence of certain representatives of social groups on officials, which are representatives of state authorities and local self-government. On the other hand, lobbying is defined as one of the activities peculiar to the system of institutions of political power, which creates communication links within the framework of the functioning of public administration in a specific period of time. Some researchers suggest evaluating lobbying as a set of certain ways to influence the processes taking place within the framework of the state system of political power, through which the interests of narrow social groups are "pushed through"².

It is possible to define lobbying as a set of corporate methods of influencing the functioning of state authorities by influential social communities with significant financial and material resources characteristic of the current stage of society's development. There are other detailed scientific approaches to the problem of formulating lobbying as a complex socio-political phenomenon, interwoven into the implementation of the functions of state power.

In our opinion, lobbying is a multifaceted factor influencing the exercise of authority by the public administration system of society, which can have a destructive and positive impact on the achievement of concrete significant results in various spheres of public life, accelerate solutions to pressing problems relevant to various social structures, or exacerbate acute contradictions that arise between certain segments of the population in a certain period of time.

The question of the correlation between lobbying and corruption, and the limits of legislative support for lobbying activities in Uzbekistan remains open. In official documents, lobbying is considered as part of the fight against corruption, on the basis of which the state executive authorities have repeatedly tried to develop a set of effective techniques and methods to combat corruption in the last period of time.

¹ Lobbyist Handbook. Minnesota Campaign Finance and Public Disclosure Board, 2014.

² Handbook for Lobbyist and Lobbying in Arizona [Elektronnyiy resurs] // An Election Services Division Publication, 2013.





However, given that to date there is no clear and unambiguous definition of the concept of "lobbying", it is impossible to objectively separate corruption processes from lobbying the interests of individual groups within the framework of public administration, which have a positive legal character. Therefore, the acuteness of the problems of legal regulation of lobbying activities does not decrease in the conditions of the development of Uzbek statehood. This issue somehow affects the implementation of the functions of State power and local self-government within the State.

It should be noted that lobbying takes various forms — this is characteristic of the further development of society based on the postulates of democratization of the processes of transformation of various spheres of public activity of the population. Lobbying combines the interests of economic, political, legal, cultural nature of both individual influential representatives of different strata and groups of society, and representatives of state structures designed to exercise authority.

It seems to us that lobbying very often takes the form of political corruption. The problem of the impact directly on the implementation of the functions of public administration reflects the political peculiarity of the development of the state at the end of the twentieth century and the beginning of the XXI century. lobbying penetrates into various elements of the state mechanism and thereby exposes the objective danger of the exercise by state authorities and local self-government of those powers that are inherent in accordance with the current legislation. Lobbying allows specific public structures to influence the development of decisions that significantly determine the main ways of further development of the state management system in our country.

The deformational impact of lobbying procedures on the resolution of important tasks facing the state in the early decades of the twenty-first century is manifested in the divergence and lack of synchronization of the concrete implementation of the functions of state power when problems arise affecting a wide range of public interests.

In theory, there is also an opinion about the combination of corruption and modern lobbying in Uzbekistan. In our opinion, there are possible approaches to assessing the relationship between lobbying and corruption, which consider corruption manifestations and lobbying processes in modern society from different positions. Probably, this correlation of the concepts of corruption and lobbying is characteristic of the democratization of public life and embodies the processes of building a civil society in the state, taking into account the rich





range of issues inherent in the contradictory tendencies of further improvement of legal regulation of such complex phenomena as corruption and lobbying³.

In this regard, it seems relevant that the adoption of the law "On lobbying activities" can serve as a basis for the legalization of various forms of corruption to varying degrees.

If we consider lobbying as one of the manifestations of political corruption, then a more unambiguous definition of lobbying activity is possible in legal acts that should be developed and approved by the highest legislative authorities in the near future.

A clear formulation of the main signs of lobbying in federal legislation will allow distinguishing between the positive manifestation of the realization of group interests at the highest level and the negative aspects of corrupt forms of individual and public influence on the activities of state authorities and local self-government. It is possible that the definition of clear essential aspects of lobbying activities will allow at the legal level to distinguish the corrupt influence on the exercise of public administration functions from lobbying. According to a number of researchers, it is the legality of the defended interest that distinguishes lobbying from corruption.

Based on the above, it seems essential to evaluate lobbying from the point of view of the normal functioning of the relationships between public structures and authorities, local self-government as an objectively expressed system of channels of influence through which the interests of specific social communities and the state as a whole are realized. Along with corruption lobbying, there is lobbying that does not carry a corruption component. In this connection, lobbying activity can be associated with one of the positive ways to defend the pressing aspirations of specific public formations, which is perceived as a legitimate legal institution.

At the same time, the legitimacy of lobbying reflects the use of legitimate techniques and methods for realizing the interests of various representatives of society within the boundaries of the existing legal system formed after the adoption of fundamental normative legal acts regulating the most important relations inherent in the modern stage of state development.

The institutional legal approach to the regulation of lobbying makes it possible to define and clearly formulate objective criteria for evaluating various interrelations between civil society structures and public administration bodies within the framework of the system of state legislation. Based on the

³ Lobbyist Handbook. Minnesota Campaign Finance and Public Disclosure Board, 2014.





fundamental provision of the Constitution of Uzbekistan on the consistent formation of the rule of law, it is necessary to identify the most characteristic features of lobbying activities, which, being reflected in the norms of administrative law, will allow creating a system of effective legal regulation of such a complex ambiguous phenomenon.

At the same time, there is a tendency to counter corruption lobbying. These factors are aimed at ensuring the security of the state, the individual and national security. In the political sphere, it is relevant to create closely related elements of the society's management system, which would include various options for the implementation of relationships between state power structures and social entities, which allows state administrative bodies to respond faster and more effectively to the changing needs of various social groups.

The legal regulation of these political processes creates objective prerequisites for taking into account all the interests of public formations in the exercise of public administration functions and makes it possible to introduce the necessary elements of novelty into the structure of political ties formed in our country as part of the implementation of programs for the social, political, economic, cultural development of society.

At the same time, lobbying as a form of political corruption cannot disappear. There are always interests of representatives of individual social formations in society, which are fundamentally incompatible with the basic legal and political attitudes of a particular state in a given period of time. Uzbekistan, going through the most difficult stage of its historical development, is implementing a number of reforms affecting the basic foundations of both the political and social system of society. Therefore, there are acute problems of corruption influence on the activities of state management structures, which in one way or another are embodied in specific elements of political corruption, including lobbying of illegal narrow-group aspirations.

Political lobbying can, oddly enough, have a positive impact on the processes of transformation taking place in the political sphere, indicating the moments of objective lack of expression of the interests of certain representatives of society in the field of the implementation of the functions of the state.

This circumstance affects the consideration of the interests of all groups and strata of the population of Uzbekistan in the process of exercising the powers of the state in relation to society. At the same time, it points to the most acute and topical problems that arise at a specific historical stage of the existence of our





state, and creates prerequisites for the formation of effective mechanisms in the political sphere for the timely development of legal methods of legal regulation. It should be said that lobbying in the political field is often manifested in the fact that public authorities, under the pressure of the lobbying process, solve issues related to the competence of a certain level of public administration not in the interests of the majority of voters, but based on the degree of influence on a specific link of federal or regional authorities.

At the same time, the objectively most significant and productive ways of exercising the powers to provide tangible preferences to certain lobbying groups are ignored, regardless of whether these steps will bring tangible public benefits to the development of the democratic foundations of the political system of society or, conversely, tangible harm to public relations.

Political lobbying affects a fairly broad layer of managerial relations and can affect the prospects for political changes in public administration. Lobbying as a form of political corruption has a real opportunity to destabilize the foundations of the political system of society. In addition, the impact of lobbying has such a characteristic feature as the intensification of negative processes in a temporary retrospective, which leads to an imbalance in the system of activities of state bodies and leads to an increase in distrust among the general population of any steps by management structures to resolve the most acute problems affecting the vast field of public life. Political lobbying is often implemented within the framework of personnel appointments that have a significant impact on any aspect of the functioning of the system of public administration and local self-government. As a rule, political lobbying affecting the personnel of the highest authorities or authorities of the republic is carried out during the end of the election campaigns.

At this time, lobbying in the field of political activity is aimed at appointing key positions in the state and municipal administration apparatus. For individual social entities, timely promotion to specific official positions in various structures of state power or local self-government is significant, which can subsequently bring significant dividends in the economic, social, national, political sphere of the life of the population of Uzbekistan.

This approach can be observed in the formation of executive authorities in certain regions after the conduct of election procedures, which determine for a long period of time the political prospects of specific parties and public associations in the sphere of exercising the functions of state power.





However, it cannot be excluded that political lobbying carried out at the most important moments of certain processes of changes in the structures of state authorities and local self-government leads to very significant positive phenomena in terms of appointing persons with high professional qualities to key positions in the state administration apparatus, which is why the resolution of the most important issues and problems, the tasks facing individual regions or the country as a whole will be carried out on the basis of a highly productive approach on the part of these persons, which has the most positive effect on solving problems affecting the interests of the broad masses of the population. Such approaches, although not regulated by the norms of law, can take place in accordance with the prevailing moral attitudes and moral principles in society, which has a very positive effect on the effectiveness of the processes of building a truly civil society in Uzbekistan in the twenty-first century. Lobbying can be considered a tool for defending legitimate interests and a channel for the implementation of public activities that are difficult to completely eliminate and in the way of which it is impossible to put regulatory barriers prohibiting the dialogue of citizens with the authorities. Through lobbying activities, it is advisable to express interests that cannot be considered in public-governmental decisions in other ways. Lobbying implies a dialogue between the government and civil society, therefore it is considered as a tool to protect the interests of citizens. In our country, the insufficiency, and most likely, the almost complete absence of a developed legal mechanism for regulating lobbying activities is acutely felt. Probably, one of the pressing problems of improving the political system of society is the formation of conceptually expressed sufficiently effective legal mechanisms that would allow initiative-oriented public aspirations to be expressed in specific legislative acts.

