APPLICATION OF WORLD EXPERIENCE IN SELF-REGULATION IN THE FIELD OF CONSTRUCTION

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Abstract. *This article is devoted to the issue of technical regulation in construction in the context of the liberalization of the standardization system. The article describes the activities, goals and functions of self-regulatory organizations in the construction industry in developed countries. Possibilities and prospects of applying this experience in Uzbekistan are analyzed.*
Key words: *national standard, voluntary, self-regulation, construction, self-regulatory organization.*

Introduction. On November 3, 2022, at the 33rd plenary session of the Senate of the Oliy Majlis of the Republic of Uzbekistan, a major step was taken in the field of technical regulation, that is, the new version of the Law "On Standardization" was approved. [1] The development of this law and its introduction into legal practice are of great importance for business and real economy sectors and sectors.

First of all, the current law was adopted in 1993, the senators said that it does not meet today's requirements and international documents in the field of standardization. The strict requirements of the state for the products of economic entities are the reason for the decrease in the rate of innovative development. In the new version of the law, the concept of "state standard" is changed to the concept of "national standard" based on foreign experiences, which means that the principle of discretion is introduced in their application. according to the new version of this Law, more than 18,000 of the 30,000 state standards will be changed from mandatory to voluntary. In addition, the application of international, regional and foreign standards in Uzbekistan is facilitated, that is, the possibilities of their direct application are expanded.

This innovation in the legislation will reduce the role of the state in the field of business activity and will lead to a sharp increase in the responsibility of business entities in the field of technical regulation. Now, in order to be able to compete equally in the market, the problem of creating a new system to meet and ensure the quality of the product (work, service) and marketability of market participants will become urgent. In particular, it is important to implement a unified policy of enterprises in ensuring the implementation of standards and norms and regulations related to the construction industry.

The liberalization of the national standardization system in Uzbekistan requires a number of changes in their application, namely: what will be the procedure for creating standards recognized by business entities?

Who guarantees the quality of the product (work, service) in conditions of voluntary application of standards? Who protects the interests of honest entrepreneurs and how? How is the market mechanism of competition used in real sectors of the economy, in particular in construction?

Currently, the management structure of the regional construction complex in Uzbekistan is determined by the Decrees of the President of the Republic of Uzbekistan UP-269 of December 21, 2022, UP-151 of August 28, 2023.

The regulatory bodies in the construction sector are: the Ministry of Construction and Housing and Communal Services and its territorial departments, the Republican Architectural and Urban Planning Council under the Cabinet of Ministers of the Republic of Uzbekistan, the Inspectorate for Control in the Sphere of Construction and Housing and Communal Services under the Ministry of Construction and Housing and Communal Services and its territorial departments.

At the same time, the presence of only vertical management structures in construction significantly reduces the efficiency of using technical regulations. It is necessary to create horizontal structures that would meet the interests of construction organizations on the ground.

Self-regulatory organizations are of great importance in fulfilling this task. Self-regulatory activities include the development and establishment of standards and regulations for business and professional entities, as well as monitoring their implementation and protecting their interests. Its essence is to fulfill the requirements of state standards and increase the effectiveness of standardization activities in the conditions of market mechanisms. The experience of self-regulation shows that self-regulatory organizations (SROs) are organized in the form of non-profit organizations, associations or public associations.

Analysis of literature on the topic. Many scientists have analyzed the scientific and methodological nature of self-regulating organizations in foreign literature. I.A.Kayumov has shown the legal basis of SROs (self-regulating organizations) in Russia, their construction activities and tasks. [2] Researches of Yu.I. Mkhitaryan [3], V.V. Romanova [4] are also devoted to various aspects of this problem.

In order to perfectly organize the activities of self-regulating organizations in the construction sector of the Republic of Uzbekistan, it is an urgent issue to study the world experience, critically analyze it and adapt it to the conditions of our country. In most developed countries, self-regulatory organizations have a long history and are recognized today as the main force driving technical policy in the construction industry.

Research methodology. The analysis of SROs in the field of construction in foreign countries is based not only on the analysis of scientific literature on this issue, but also on the study of the activities of these organizations through their official sites, regulations, organizational structures, and information in mass media. In developed countries, the concept of self-regulation was included in the legal practice from the end of the 19th century to the beginning of the 20th century, and SROs became an integral part of the economy. In this regard, their experience can greatly contribute to the development of non-governmental activities in Uzbekistan. Systematic approach, abstract-logical thinking, grouping, comparison, selective observation methods were used in the research process.

Analysis and results. In the United States, the role of coordination in the field of standardization is played by the American National Standards Institute (ANSI). The Association of American General Contractors (AGC), which unites 26,000 firms in professional associations in the field of construction, the American Institute of Architects (AIA), which unites more than 90,000 members, the National Residential Construction, which has more than 140,000 members association (National Association of Home Builders (NAHB)). Although membership in these organizations is voluntary, the intense competition in the construction market encourages almost

all builders to become members. These non-profit organizations are engaged in introducing modern standards of activity to their members, helping to achieve the highest level of design, increasing the competitiveness of employees through hundreds of training courses every year, and offering innovative cooperation [5].

Each part of the UK has its own building regulations: the Building Act 19846 in England and Wales, the Building Act 20037 in Scotland and the Building Control Act 19908 in Northern Ireland. council (National House Building Council (NHBC). As well as developing and promoting building regulations, this independent organization provides the ten-year Buildmark guarantee, which means that housing is under quality assurance for up to ten years. According to experts, this organization manages to solve up to 15,000 objections per year on houses up to ten years old [6].

The largest non-profit organization of technical regulation in construction in Japan is the Japan Society of Civil Engineers (JSCE). This organization was founded in 1914 and today has more than 39,000 members. [7] In the new century, the main goals of this SRO include offering the ideas of engineers and builders to the future social infrastructure, establishing strong relations with society, developing scientific and technical research, and achieving unity of the parties on relevant standards.

Canada has national building codes, including the National Building Code and the National Fire Code. Canada, like other countries, has large professional associations, such as the Canadian Construction Association (CCA), which unites 20,000 members. It is actively involved not only in the introduction of professional standards, but also in the development of national standards. [8]

Analyzing the experience of the Russian Federation, the rapid development of self-managing organizations in construction is associated with the abolition of the licensing process in the construction sector from January 1, 2010. Reasons such as the low effectiveness of state control in the construction sector, the presence of corruption in the sector, and many bureaucratic obstacles had a great influence on the adoption of this decision. The Council for Self-Regulation of Entrepreneurship and Professional Activities was established under the Chamber of Commerce and Industry, and the activities of SROs in all areas of the country are coordinated. Today, the Association "National Association of Builders" ("NOSTROY"), which is the largest representative of self-regulatory organizations in the construction industry, unites 225 self-regulating organizations. More than 98,000 construction, project and other companies are members of the association, which is more than 50% of companies operating in construction. [9] In our opinion, one of the important aspects of the "NOSTROY" association is the implementation of many professional requirements and norms, along with participation in the development of national standards in the construction industry.

Conclusions and suggestions. The study of the activities of the above self-governing organizations shows several similarities: [10] the general law on self-governing organizations does not exist, but is regulated by sectoral legislation; that self-governing organizations are formed based on market conditions and have no place in connection with state legislation;

Mandatory and voluntary membership models can be used in global experience; In some countries, consumer organizations may be members of self-regulatory organizations along with builders.

It can be said that the legal conditions for the operation of SROs have been created in our country. These include the definition of the types of non-profit organizations in the Civil Code, the

existence of the Laws "On guarantees of the activities of non-profit organizations", "On the Chamber of Commerce and Industry of the Republic of Uzbekistan", and the adoption of many decrees and decisions in the field of technical regulation. Regulatory documents such as "Urban Development Code", "Uniform Construction Regulation" also create conditions for self-regulation in the field of construction.

In the 2021-2025 strategy of modernization, rapid and innovative development of the construction network of the Republic of Uzbekistan, "... harmonization of national documents in the field of technical regulation with foreign regulatory documents, increasing the safety and energy efficiency of buildings and structures, development of regulatory documents in the field of technical regulation aimed at the application of innovative technologies during the life cycle of the object, development of general technical regulations on the safety of buildings and structures" are defined. [11]

In order to achieve the set goals, the formation of SROs in construction and the organization of their activities are of great importance. In our opinion, the evolutionary path of ICT development can be a very difficult and time-consuming process for Uzbekistan. Therefore, it is necessary to speed up the adoption of the law "On Self-Regulation of Entrepreneurship and Professional Activity", the draft of which has been announced. From an organizational point of view, it is an important issue to clarify the initiators in the organization of SROs. We believe that it is necessary to act in several directions at the same time:

- wide use of opportunities of the chamber of commerce and industry. Today, the legal status and resources of this largest non-profit organization uniting business entities are sufficient for this task. The Chamber of Commerce and Industry should lead the formation of SROs in all sectors;

- formation of professional associations of construction organizations. It is required that large construction organizations take the initiative and take responsibility for technical regulation in the field. Today, there are such large construction companies in Uzbekistan, but their level of social responsibility is not sufficiently developed for the purpose of achieving high quality in the field;

- organization of SRO based on the initiative of small business entities in construction. Due to the fact that increased competition in the construction market poses a serious threat to small businesses and micro-firms, they form certain non-commercial organizational structures. In this direction, the essence of the problem lies in the priority of views on quality in small business. Raising the quality policy to the industry level should motivate the enterprises themselves to develop standards and implement them.

We believe that the policy of openness in the construction market of Uzbekistan, the increase of the international competitiveness of local companies, the modernization of the material and technical base of the construction industry, the increase in the potential of human resources and the consistent strategy of the state will be the main factors in the emergence and development of SROs in the near future.

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