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LEGAL ASPECTS OF PUBLIC OPINION RESEARCH BY CIVIL SOCIETY INSTITUTIONS IN THE PREVENTION OF CORRUPTION

Abstract

The article examines Uzbekistan's legislation, practices, international standards, and foreign experiences regarding the study of public opinion by civil society institutions in the prevention of corruption. The research aims to improve the legal framework of this process and eliminate existing shortcomings. The study reveals that the concept of "public opinion research" in national legislation requires refinement, noting that its forms and tools are often applied inaccurately. Using analytical, functional, structural, comparative, and formal-legal methods, the author analyzes perspectives, practices, and legislative acts concerning public opinion. As a result, the essence of public opinion and its research methodology are clarified. The author justifies the need to establish general rules for this process within national legislation, including the mandatory disclosure of information to assess the quality and objectivity of such research. Furthermore, the author proposes assigning the development of methodological recommendations for public opinion research to the Association of Sociologists of Uzbekistan and the Central Election Commission, while tasking election commissions with monitoring compliance with these recommendations and legal norms.

Key words: corruption, public control, public participation, public opinion, research methods, prevention, methodological support.

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СЫБАЙЛАС ЖЕМҚОРЛЫҚТЫҢ АЛДЫН АЛУ САЛАСЫНДАҒЫ АЗАМАТТЫҚ ҚОҒАМ ИНСТИТУТТАРЫНЫҢ ҚОҒАМДЫҚ ПІКІРДІ ЗЕРДЕЛЕУІНІҢ ҚҰҚЫҚТЫҚ АСПЕКТІЛЕРІ

Аңдатпа

Мақалада Өзбекстанның сыбайлас жемқорлықты болдырмау саласындағы заңнамасы, практикасы, халықаралық стандарттары және азаматтық қоғам институттарының қоғамдық пікірді зерделеу саласындағы шетелдік тәжірибесі қаралады. Зерттеудің мақсаты осы процестің құқықтық базасын жетілдіру және орын алған кемшіліктерді жою болып табылады. Зерттеу ұлттық заңнамадағы «қоғамдық пікірді зерттеу» тұжырымдамасы нақтылауды талап ететінін көрсетеді, өйткені оның нысандары мен құралдары жиі дұрыс қолданылмайды. Автор талдамалық, функционалдық, құрылымдық, салыстырмалы және формальды-заңдық әдістерді пайдалана отырып, қоғамдық пікірге қатысты перспективаларды, практиканы және заңнамалық актілерді талдайды. Нәтижесінде қоғамдық пікірдің мәні мен оны зерттеудің әдіснамасы анықталады. Автор осындай зерттеулердің сапасы мен объективтілігін бағалау үшін ақпаратты міндетті түрде ашуды қоса алғанда, ұлттық заңнама шеңберінде осы процесс үшін жалпы қағидаларды белгілеу қажеттігін негіздейді. Бұдан басқа, автор Өзбекстан әлеуметтанушылар қауымдастығы мен Орталық сайлау комиссиясына қоғамдық пікірді

зерделеу бойынша әдіснамалық ұсынымдар әзірлеуді, ал сайлау комиссияларына осы ұсынымдар мен құқықтық нормалардың сақталуын бақылауды тапсыруды ұсынады.

Түйін сөздер: сыбайлас жемқорлық, қоғамдық бақылау, жұртшылықтың қатысуы, қоғамдық пікір, зерттеу әдістері, алдын алу, әдіснамалық қамтамасыз ету.

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ПРАВОВЫЕ АСПЕКТЫ ИЗУЧЕНИЯ ОБЩЕСТВЕННОГО МНЕНИЯ ИНСТИТУТАМИ ГРАЖДАНСКОГО ОБЩЕСТВА В ОБЛАСТИ ПРЕДУПРЕЖДЕНИЯ КОРРУПЦИИ

Аннотация

В статье рассматриваются законодательство, практика, международные стандарты и зарубежный опыт Узбекистана в области изучения общественного мнения институтами гражданского общества в области предотвращения коррупции. Целью исследования является совершенствование правовой базы этого процесса и устранение существующих недостатков. Исследование показывает, что концепция "исследования общественного мнения" в национальном законодательстве требует уточнения, поскольку ее формы и инструменты часто применяются неточно. Используя аналитический, функциональный, структурный, сравнительный и формально-юридический методы, автор анализирует перспективы, практику и законодательные акты, касающиеся общественного мнения. В результате проясняется сущность общественного мнения и методология его исследования. Автор обосновывает необходимость установления общих правил для этого процесса в рамках национального законодательства, включая обязательное раскрытие информации для оценки качества и объективности таких исследований. Кроме того, автор предлагает поручить разработку методологических рекомендаций по изучению общественного мнения Ассоциации социологов Узбекистана и Центральной избирательной комиссии, а избирательным комиссиям - контроль за соблюдением этих рекомендаций и правовых норм.

Ключевые слова: коррупция, общественный контроль, участие общественности, общественное мнение, методы исследования, профилактика, методологическое обеспечение.

Introduction

In the process of deepening democratic reforms in Uzbekistan, public opinion research has been established as a specific form of public oversight. This empowerment of public oversight subjects serves to effectively achieve the prevention of corruption and resolve other socio-political issues. However, the relatively passive state of public opinion research indicates a necessity to study its legal frameworks and law enforcement practices, aiming to eliminate identified shortcomings in light of international standards and foreign experience.

Clause 10 of the Decree of the President of the Republic of Uzbekistan No. UP-270, dated December 30, 2025, incorporates public oversight by civil society institutions-including public hearings, monitoring, and public opinion research-into the system of measures implemented within the framework of the corruption prevention system. Consequently, the implementation of these activities has acquired significant relevance.

The right of civil society institutions, namely non-governmental non-profit organizations (NGOs), citizens' self-government bodies (*mahallas*), and the mass media, to conduct public opinion research was granted by Law No. ZRU-474 on April 12, 2018. Nevertheless, the process of public opinion research by both civil society institutions and state bodies remains unregulated in national legislation.

Article 30 of the Law of the Republic of Uzbekistan No. ZRU-419, dated January 3, 2017, stipulates that state bodies, in cooperation with citizens' self-government bodies, NGOs, other organizations, mass media, and citizens, shall conduct sociological and other types of research on a permanent basis to study the state, nature, scale, dynamics, and trends of corruption, as well as the effectiveness of state policy in combating corruption.

Furthermore, taking public opinion into account is one of the fundamental principles of the activities of the Legislative Chamber, the Senate of the Oliy Majlis, and the local Councils. In general, information services of state and economic management bodies are tasked with studying public opinion. Although such information services have been established within the chambers of the Oliy Majlis and other state bodies, the specific procedure for public opinion research is not legally regulated.

In addition to the above, existing norms regarding public opinion research utilize inaccurate terminology. For instance, Article 16 of Law No. ZRU-60, dated October 11, 2006, grants the subject of legislative initiative the right to study public opinion with the participation of representatives of civil society institutions and research institutions before submitting a draft law to the Legislative Chamber. Most importantly, it grants the right to independently determine the procedure and "form" of such research. However, this right has not been realized by subjects of legislative initiative, and legal discourse has overlooked the fact that the concept of "forms of public opinion research" does not exist in scientific theory.

The fifth paragraph of the first part of Article 23 of Law No. ZRU-682, dated April 20, 2021, defines the tools for identifying public opinion rather than its forms. According to this article, when preparing a draft regulatory legal act, the developer summarizes and utilizes proposals from individual citizens, mass media materials, consultations, and recommendations from scientific and other organizations, scientists, and specialists, as well as data from other tools for identifying public opinion.

It is evident from the aforementioned that the forms, tools, and procedures for public opinion research are not detailed in national legislation. Despite this situation being an obstacle to effective public opinion research, it has not been sufficiently explored by national researchers. The need to address these gaps underscores the relevance of this research topic.

In foreign countries, public opinion research is widely established in commerce [1, p.8294], politics [2, p.507-531], and other fields, having been studied across various disciplines. Consequently, international standards for public opinion research in the commercial sector have been developed¹, legal frameworks for conducting social polls in elections have been formed [3], and issues regarding their improvement are being extensively researched [4].

The analysis of these shortcomings, international experience, and theoretical perspectives indicates a need in Uzbekistan to define the subjects, tools, and methods for researching public opinion-not only in the fight against corruption but also regarding other public affairs. It is necessary to develop procedures for evaluating, formalizing, publishing, and reviewing the results of such research.

To justify the necessity of legal regulation for public opinion research, its concept was studied within the framework of public administration, political science, and democratic theories using comparative analysis, logic, formal-legal, structural, systemic, functional, extrapolation, and other methods.

Public opinion on public affairs expresses the will of the people and performs the function of mobilizing the population to resolve specific issues. Therefore, there is a need for legal regulation of its study concerning corruption prevention and other matters, especially regarding the publication of results. This necessity is also visible in the example of the legal regulation of public opinion research during elections, including the conduct of exit polls and social surveys. The study found that the definition of public opinion research currently provided in Uzbekistan is controversial. Through

¹ ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics // https://www.esomar.org/uploads/pdf/professional-standards/ICCESOMAR_Code_English_.pdf.

logical analysis, it is argued that "forms" of public opinion research do not exist, and elements previously referred to as "tools"-such as referendums and citizen appeals-are, in fact, the subject of the research. The author proposes approving standards for public opinion research, establishing general rules in legislation, and entrusting the Central and regional election commissions with monitoring the implementation of these rules.

Materials and Methods

The legal frameworks for conducting social surveys during the electoral process were examined using comparative analysis and formal-legal methods. Within this process, the significance of other methods of public opinion research was elucidated, providing a basis for the necessity of their legal regulation. By applying the extrapolation method, specific proposals were developed to integrate the rules of conducting social surveys in elections into the fields of combating corruption and other public sectors.

Results and discussion

For the first time in Uzbekistan, a definition of public opinion research was provided in Article 13 of Law No. ZRU-474, dated April 12, 2018. According to this article, it consists of collecting, summarizing, and analyzing information to assess the opinions of various social groups regarding draft regulatory legal acts, as well as the activities of state bodies and their officials concerning compliance with legislative requirements and ensuring the rights and legitimate interests of citizens, legal entities, and society.

The study identified the need for certain corrections to this definition. First, the listed issues constitute societal, i.e., public interests. Second, public affairs are managed not only by state bodies and officials but also by other entities. Third, it is the state of the subject of research that is evaluated, rather than the public opinion itself.

Taking these shortcomings into account, it is appropriate to define public opinion research as the collection, summarizing, and analysis of information to identify the views of various social groups regarding legislative norms, the rights and legitimate interests of citizens and legal entities, and other public affairs. This definition more objectively reflects its essence.

It is evident from the definition that public opinion research covers all forms of activity related to the realization of public interests. However, one cannot agree with legislative norms that classify referendums, public discussions, and other forms of public participation as "tools" or "forms" of public opinion research.

It is well known that "forms" of research do not exist; research is conducted using specific methods. Research is carried out through material tools (including equipment), as well as mathematical, linguistic, and other instruments. From this perspective, referendums, citizen appeals, public discussions, and other forms of public participation cannot be considered "tools" for researching public opinion [5, p.231].

Public opinion manifests in facts that are: (1) objectified in people's activities and (2) directly present in consciousness. Observation, document analysis, and practical activity analysis have been established to study the first set of facts, while survey methods are used for the second [6, p.64-65]. These methods are classified into survey and non-survey methods.

Non-survey methods, including the analysis of practical activities, are used to study both the leaders of non-governmental organizations and collective activities such as referendums, elections, public discussions, and rallies. Thus, referendums and other forms of public participation are the subject of research, not the tools for conducting it.

Since there are many facts (opinions) within consciousness that need to be identified, survey methods are employed. Survey and non-survey methods are classified based on various criteria [7, p.223-231]. For instance, they are divided into qualitative research (in-depth interviews, focus groups, document analysis) and quantitative research (questionnaires, interviews, including telephone

surveys) [8, p.79]. There is a pressing need to develop standards for applying these methods [9] and to establish legal regulations for them.

Due to the diversity and continuous evolution of public opinion research methods, establishing their rules within legislative acts is a complex task. Therefore, it is advisable for these rules to be developed as a Code of Ethics/Practice by the Association of Sociologists of Uzbekistan and approved by the Central Election Commission [10]. A similar code has already been adopted in Kazakhstan [11]. To date, several methodological manuals on public opinion research methods have been published [12, p.56].

Furthermore, it is noted that public opinion is studied by state bodies alongside NGOs, citizens' self-government bodies, and the mass media. While this is a right granted to subjects of public oversight, it is a mandatory obligation for state bodies. This obligation stems from the accountability of state bodies and officials to society and serves the effective organization of public administration.

Thus, according to current legislation, state bodies and public oversight subjects can study public opinion independently or jointly. It is appropriate to solidify this in legislation and develop general rules and standards for public opinion research.

Search results on the Internet primarily reveal information about surveys conducted by the "Ijtimoiy Fikr" Center, the "Yuksalish" National Movement, the "U-Report" portal, and the "KUN.UZ" online publication. Among these, the only information regarding state bodies is a single survey conducted by the Anti-Corruption Agency in cooperation with "U-Report" [13].

This situation necessitates the use of other research methods alongside surveys and the regulation of this process. Presenting the opinions of a few citizens as "public opinion" allows for undue influence on the activities of state bodies and the behavior of citizens. In addressing this task, the legal regulation of social surveys in foreign elections can serve as a model.

Most countries have established rules for researching and publishing results, with special bodies created to monitor compliance [14]. Although Uzbekistan has established administrative liability for violating the procedure for publishing results of public opinion polls or election/referendum forecasts², such a procedure has not yet been formally established.

Currently, Article 103 of the Electoral Code of Uzbekistan is limited to prohibiting the publication of public opinion poll results, election forecasts, and other research related to the elections on election day and one day prior. In referendums, even this prohibition does not exist.

Law No. 77-808 of France, adopted on July 19, 1977, which regulates the publication and distribution of public opinion research results in elections, is noteworthy [15]. A Commission on Public Opinion Research was established to monitor this law. No one can conduct a survey without submitting a written declaration to the Commission, otherwise, the publication and distribution of results are prohibited.

Entities conducting surveys related to elections and referendums must submit the published materials to the Commission, along with a memorandum specifying: the respondent selection method, the sample size and composition, the conditions of the survey, the full text of questions, the number of non-respondents, the limits of data processing, and any indirect methods used to obtain the results. Similar commissions exist in other countries³.

The need for legal regulation is also evident from the development of the ICC/ESOMAR International Code on Market, Opinion and Social Research and Data Analytics [3]. This code, approved by the International Chamber of Commerce and ESOMAR in 1977 and updated in 2007, consists of 12 articles. It establishes core principles, data collection and protection norms, transparency requirements, and professional/legal obligations.

² Ўзбекистон Республикасининг Маъмурий жавобгарлик тўғрисидаги кодексининг 51⁹-моддаси // <https://lex.uz/docs/97664>.

³ Положение о Комиссии по опросам общественного мнения при Национальной академии наук Беларуси. Утверждено Постановлением Совета Министров Республики Беларусь от 31 мая 2002 г. за № 707 // <https://pravo.by/document/?guid=3871&p0=C20200707>.

A key principle of the ICC/ESOMAR Code is that researchers must always act ethically and avoid any action that could damage the reputation of social research or raise doubts about its objectivity. According to Article 8, sufficient information must be provided to the public to assess the quality and accuracy of the results [3]. Applying these rules not only to the economy but also to public administration would prevent political manipulation and other negative outcomes.

International standards and the legal mechanisms for conducting surveys during elections have proven effective. This suggests the feasibility of applying these rules to other methods of studying public opinion regarding public affairs, including the prevention of corruption, and assigning the monitoring of these rules to election commissions.

Although public opinion is recognized as a controversial concept [16, p.243-245], its inherent substance underscores the necessity of legal regulation for its research. Public opinion has been defined in various ways: as an expression of citizens' beliefs, ideologies, and moods regarding human behavior [17, p.129-133]; as reflections, observations, and views expressed by the people for the sake of the country's prosperity and future [18, p.71]; as collective consciousness [19, p.44]; and as the opinions of private individuals that a government finds it advisable to heed [20, p.193-196]. Generally, public opinion signifies the view of the majority, focusing on vital life issues, and can be classified by community, region, citizen group, age, gender, and other parameters [21, p.150-151].

Given the above, it is logical to highlight its capacity to emerge from societal needs and interests and to exert an active and direct influence on the development of socio-political processes [22, p.122]. Public opinion is expressed by public organizations, including political institutions such as parties, the mass media, and others. In this regard, mass media and communications, which represent diverse interests and provide comprehensive coverage of events, play a leading role [23, p/240]. By uniting society around common interests, they endow public opinion with the power of social compulsion.

To grasp the essence of public opinion, it is necessary to study its structure. Philosophers and sociologists identify three core elements within public opinion: (1) social evaluation, (2) emotional, and (3) volitional elements [24, p.122]. Analysis of these elements reveals that public opinion performs expressive, advisory, and decisive functions; according to its content, it serves evaluative, analytical, and constructive functions; and overall, it fulfills regulatory and mobilization functions.

It is noteworthy that the functions of public opinion are not mutually exclusive but are interconnected. For instance, a telephone survey revealed that "citizens believe that under the leadership of the President of Uzbekistan, measures taken to develop Uzbekistan... including education and healthcare, open new opportunities for realizing citizen potential and broadly involving Uzbeks in efforts related to national prosperity and well-being"⁴. This opinion not only evaluates the policy pursued by the Head of State but also mobilizes citizens to support it.

The concept of public opinion emerged during the strengthening of democracy and is based on the view that "government should rule by the consent of the governed" [25]. The expression of public opinion is considered a form of political participation [26, p.427]. This allows NGOs, mass media, and citizens' self-government bodies to justify the correctness of their actions through majority support.

Public administration is a two-way process consisting of direct information flows from public authorities to the governed and feedback loops (reverse information flows) [27, p.98]. The effectiveness of public administration depends on establishing these feedback mechanisms to obtain objective, complete, and useful information [28, p.238-239]. Since public opinion consolidates and expresses majority interests, it constitutes valuable information; thus, studying and accounting for it is a fundamental requirement of effective management and democracy [29, p.149].

While public opinion is considered the basis for political decision-making abroad [30, p.74], national researchers propose understanding it as the "people's approach" or "people's perspective"

⁴ *Ўзбекистон фуқаролари “мамлакат Президентининг Олий Мажлисга мурожаатномаси” тўғрисида // <https://ijtimoiyfiqr.uz/iadqiqotlar/zhamiyat/ozbekiston-fuqarolari-mamlakat-prezidentining-oliy-majlisga-murojatnomasi-togrisida.htm/>*

[31, 5]. In turn, publishing the results of public opinion research is one of the most powerful ways to shape it. Shaping public opinion in a specific direction is termed political manipulation [32, p.66], which can have direct or indirect objectives.

In the competition for control and influence, elites are known to use their resources to shape public opinion and manipulate the masses [33, p.117]. Because public opinion reacts swiftly to external influences, politicians are often the first to take steps to direct it [34, p/188]. In this context, preventing the misuse of public opinion for populism, nationalism, or skewed agendas is a pressing issue [35, p.15].

Furthermore, while some researchers attempt to argue that poll results do not influence citizen choice, the majority have proven the opposite [36]. Consequently, public opinion polling is being legally regulated; for example, several countries prohibit publishing results long before election day. This blackout period is 14 days in Bulgaria and Ukraine, 8 days in Albania and Hungary, and 5 days in Russia [37, p.7].

Many countries have additional requirements for publishing research results. In Russia, for example, publications of surveys related to elections or referendums must specify the organization that conducted the survey, the timing, the number of respondents, the data collection method, the region, the exact wording of questions, the statistical margin of error, the client who commissioned the survey, and the entity that paid for the publication⁵. Such requirements ensure objectivity and increase the accountability of those publishing the results.

Public opinion, as an independent and socially significant institution, can only manifest where there is transparency (glasnost) and a genuine diversity of individual views [38, p.61]. Considering this, regulating the study of public opinion-not only in elections but also in the prevention of corruption and other public affairs-becomes a matter of vital importance [39, p.145].

Conclusions

As a result of the research conducted on public opinion research by civil society institutions in the prevention of corruption in Uzbekistan, the following conclusions were reached:

Since public opinion influences citizen choice and serves as a basis for government decision-making, the legal regulation of its research methods becomes a matter of vital importance. Otherwise, the failure to objectively study public opinion or its falsification creates opportunities to exert undue influence on the activities of state bodies and the behavior of citizens.

In order to regulate public opinion research, it is advisable to adopt Article 13 of the Law of the Republic of Uzbekistan No. ZRU-474, "On Public Oversight," dated April 12, 2018, in the following edition:

"Public opinion research consists of collecting, summarizing, and analyzing information to identify the views of various social groups regarding legislative norms, the rights and legitimate interests of citizens and legal entities, and other public affairs.

Public opinion may be researched by non-governmental non-profit organizations, citizens' self-government bodies, the mass media, and state bodies in accordance with the law. Methodological support for public opinion research shall be provided by the Central Election Commission of the Republic of Uzbekistan.

Along with the results of the research, the organization conducting the survey shall publish the following information necessary to assess their objectivity and accuracy: the name of the organization; the full name of the person who fully or partially financed the survey, as well as the full name of the person who received the survey results; the number and composition of the participants; the date of the survey; the justification for the chosen research method; the full text of the question(s) asked; the sampling method for participants; the justification for the sampling method; the stages of

⁵Пункт 2 статьи 46 Закона Российской Федерации от 12 июня 2002 года за № 67-ФЗ "Об основных гарантиях избирательных прав и права на участие в референдуме граждан Российской Федерации" // <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102076507>

the sampling process; the conditions under which the survey was conducted; information on the number of non-respondents for each question; the limits of data processing; and the method used for data processing, if such a method was applied."

To objectively and accurately reflect the process of public opinion research, it is recommended to replace the word "tools" with "methods" in the fifth paragraph of the first part of Article 23 of the Law No. ZRU-682, "On Regulatory Legal Acts," dated April 20, 2021, and to state it in the following edition: "studies and takes into account public opinion through observation, the analysis of documents (mass media, reports, etc.) and practical activities (appeals, proposals of scientists and specialists, public discussions, etc.), and survey methods".

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