

## APPLYING THE WORLD EXPERIENCE OF SELF-REGULATION IN THE FIELD OF CONSTRUCTION

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**Abstract.** *This article is devoted to the problem of technical regulation in construction in the context of the liberalization of the standardization system. The article shows the activities, goals and functions of self-regulatory organizations in developed countries. An analysis of the opportunities and prospects of this experience in Uzbekistan is made.*

**Keywords:** *National standard, voluntariness, self-regulation, construction, self-regulatory organization (SRO)*

**Introduction.** On October 7, 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. After the law is signed by the President of the Republic of Uzbekistan, 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 becoming easier, that is, the possibilities of their direct application are expanding.

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 fulfill and ensure the quality of the product (work, service) and marketability of the 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 the implementation of several 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?

Self-regulatory organizations are of great importance in fulfilling this task. Self-regulatory activities for business and professional entities covers the development and establishment of

standards and regulations and their enforcement and protection of 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 organization (TSOs)** are formed in the form of non-profit organizations, associations or public associations.

**Analysis of literature on the topic.** In foreign literature The scientific and methodological nature of self-regulating organizations has been analyzed by many scientists. I.A. Kayumov has shown the legal basis of OTTs in Russia, their construction activities and tasks. Also, Yu.I. Mkhitarian, V.V. Romanova's researches are devoted to various aspects of this problem.

in the field of construction of the Republic of Uzbekistan **self-regulatory organization** It is an urgent issue to study the world experience, critically analyze it and adapt it to the conditions of our country in order to organize the activities of Most are in countries with developed market relations **self-regulatory organization** have a long history and today are recognized as the main force driving technical policy in the construction industry.

**Research methodology.** The analysis of OTCs 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 introduced into legal practice from the end of the 19th century to the beginning of the 20th century, and ICTs 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 coordination role in the field of standardization is carried out by the American National Standards Institute (American National Standards Institute (ANSI) plays. Associated General Contractors of America (AGC), which unites 26,000 firms in the construction industry, the American Institute of Architects (AIA), which has more than 90,000 members, and the National Association of 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 introduce modern standards of operation to their members, help to achieve the highest level of design, increase the competitiveness of employees through hundreds of training courses every year,

Each constituent part of the UK has its own building order: The Building Act 1984 in England and Wales, the Building Act 2003 in Scotland and the Building Control Act 1990 in Northern Ireland. The main self-regulatory body in the building industry is the National House Building Council (NHBC). This is an independent organization that develops building regulations. along with the release and promotion, it provides a ten-year Buildmark guarantee, which means that the dwelling is under quality assurance for a period of ten years. According to experts, this organization manages to resolve up to 15,000 objections per year on houses up to ten years old.

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. In the new century, the main goals of this OTT included the

development of ideas of engineers and builders for the future social infrastructure, establishment of strong relations with the society, development of scientific and technical research, and the achievement of unity of the parties in the relevant fields.

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

If we analyze the experience of the Russian Federation in construction the rapid development of self-regulating organizations is associated with the cancellation of the licensing process in the construction industry from January 1, 2010. Reasons such as the low effectiveness of state control in the construction industry, the presence of corruption in the industry, 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 OTTs in all fields of the country are coordinated. Today in the construction industry Association "National Union of Builders" ("NOSTROY"), the largest representative of self-regulatory organizations, unites 225 self-regulatory 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 "NOSTROY" association is participation in the development of national standards in the field of construction, as well as implementation of many professional requirements and standards.

**Conclusions and suggestions.** Studying the activities of the above self-governing organizations shows several similarities: the absence of a general law on self-governing organizations, but regulation by branch legislation; that self-managing 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 legal conditions have been created for the operation of OTTs 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 activity of non-governmental 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. Normative documents such as "Civil Code", "Uniform Construction Regulation" also create conditions for self-regulation in the field of construction.

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 normative documents in the field of technical regulation aimed at the application of innovative technologies during the life cycle of the object, general safety of buildings and structures development of technical regulation" goals are set.[11]

In order to achieve the set goals, the formation of OTTs 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 was announced. From the organizational point of view, it is an important issue to clarify the initiators in the organization of OTTs. We believe that it is necessary to act in several directions at the same time:

- wide use of possibilities 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 OTTs in all sectors;

- formation of professional associations of construction organizations. In this, 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 OTT 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 in 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 OTTs in the near future.

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