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ODILLIK MEZONI

ILMIY-AMALIY, HUQUQIY JURNAL



“ИНСОННИНГ АСОСИЙ ХУҚУҚ ВА ЎЗБЕКИСТОНДАГИ ИСЛОҲОТЛАР

2021 йил 22 февраль куни Ўзбекистон Республикаси Президенти Шавкат Мирзиёев Бирлашган Миллатлар Ташкилоти Инсон ҳуқуқлари бўйича кенгашининг 46-сессиясида иштирок этди ва нутқ сўзлади.



“Демократик ислоҳотларимиз янги Ўзбекистонни бунёд этишга қаратилган бўлиб, бу ўзгаришлар ортга қайтмайди тус олди.”

“2030 йилгача мўлжалланган Барқарор ривожланиш мақсадлари мамлакатимизда ҳар бир инсоннинг ҳуқуқ ва қонуний манфаатларини таъминлашни кўзда тутадиган “ҳеч кимни эътибордан четда қолдирмаслик” тамойили асосида амалга оширилади.”

“Биз гендер сиёсати масалалари борасида мамлакатимизнинг ижтимоий-сиёсий ҳаётида ва ишбилармонлик соҳасида аёлларнинг ролини тубдан оширишга қаратилган ишларни қатъий давом эттираемиз.”

“Алоҳида эҳтиёжга эга бўлган шахсларнинг ҳуқуқларини таъминлашга жиддий эътибор қаратилади.”

“Аҳолимизнинг ярмидан кўпини ташкил этадиган ёшлар ҳуқуқларини ҳимоя қилиш доимо эътиборимиз марказида бўлиб келмоқда.

Жорий йил Ўзбекистонда “Ёшларни қўллаб-қувватлаш ва аҳоли саломатлигини мустаҳкамлаш йили”, деб эълон қилинди.”

ЭРКИНЛИКЛАРИНИ ТАЪМИНЛАШ ДА ЭНГ МУҲИМ ҲУРИНДА ТУРАДИ

“Биз Халқаро меҳнат ташкилоти ва Жаҳон банки билан ҳамкорликда мажбурий меҳнат ва болалар меҳнатиغا барҳам бериш бўйича катта ишларни амалга оширдик.

Бу ислохотларимиздаги энг асосий ютуқларимиздан бири бўлди. 2021 йилда, яъни Болалар меҳнатиغا барҳам бериш халқаро йилида Болалар Омбудсмани тўғрисидаги қонунни қабул қиламиз.”

“Инсон ҳуқуқлари соҳасида таълим” декларациясининг 10 йиллигига бағишлаб биз Олий комиссар бошқармаси билан биргаликда глобал форум ўтказишни таклиф этамиз.”

“Бош котиб Антониу Гутерриш Жаноби Олийларининг фуқаролиги бўлмаган шахслар сонини камайтириш бўйича қатъий чоралар кўриш тўғрисидаги таклифини қўллаб-қувватлаймиз.

Биргина ўтган йилнинг ўзида 50 минг нафар ватандошимиз Ўзбекистон фуқаролигига қабул қилинди, бу йил яна 20 мингдан зиёд киши фуқароликка эга бўлади.

“Бундан буён ҳам фуқаролик жамияти институтларини янада ривожлантириш, Ўзбекистонда сўз эркинлигини ҳар томонлама қўллаб-қувватлашни қатъий мақсад қилганмиз.”

“Инсон ҳуқуқлари бўйича кенгашга Судьялар кенгашлари фаолиятининг универсал принципларини ишлаб чиқиш масаласини кўриб чиқишни таклиф этамиз.”

“Қийноқларнинг олдини олиш бўйича миллий превентив механизмни жорий этиш доирасида биз одамнинг қадр-қимматини ерга урадиган, инсонийликка зид бўлган қийноқларнинг ҳар қандай кўринишига бундан буён ҳам мутлақо йўл қўймаймиз.”

“Ўзбекистон инсон ҳуқуқлари соҳасидаги халқаро мажбуриятларига қатъий содиқ қолади.”

“Ўзбекистон Инсон ҳуқуқлари бўйича кенгаш аъзоси сифатида халқаро ҳуқуқнинг инсон ҳуқуқларига оид умум эътироф этилган принцип ва нормаларини қатъий ҳимоя қилади ва фаол илгари суради.”

Саҳифаларни Мунир РАВШАНОВ тайёрлади.



“ODILLIK MEZONI”

илмий-амалий, ҳуқуқий журнал

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Журнал Ўзбекистон Республикаси Вазирлар Маҳкамаси ҳузуридаги Олий аттестация комиссияси Раёсатининг 2019 йил 31 январдаги 261/8 сон қарори билан юридик фанлар бўйича диссертациялар асосий илмий натижаларини чоп этиш тавсия этилган илмий нашрлар рўйхатига киритилган.

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PROS AND CONS OF SHADOW ECONOMY. WHAT DO WE (NOT) KNOW?



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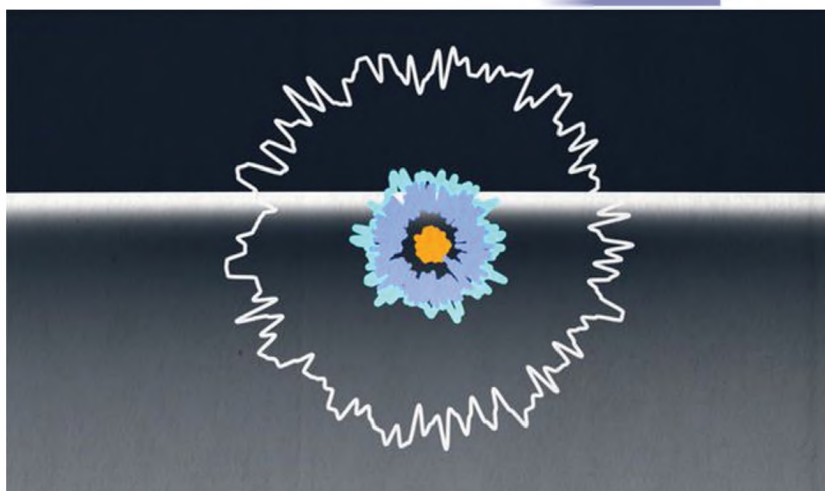
The shadow (underground) economy plays a major role in many countries. People evade taxes and regulations by working in the shadow economy or by employing people illegally. On the one hand, this unregulated economic activity can result in reduced tax revenue and public goods and services, lower tax morale and less tax compliance, higher control costs, and lower economic growth rates. But on the other hand, the shadow economy can be a powerful force for advancing institutional change and can boost the overall production of goods and services in the economy. The shadow economy has implications that extend beyond the economy to the political order.

The shadow economy is known by different names, such as the hidden economy, gray economy, black economy or lack economy, cash economy, or informal economy. All these synonyms refer to some type of shadow economy activities. We use the following definition: The shadow economy includes all economic activities which are hidden from official authorities for monetary, regulatory, and institutional reasons. Monetary reasons include avoiding paying taxes and all social security contributions, regulatory reasons include avoiding governmental bureaucracy or the burden of the regulatory framework, while institutional reasons include corruption law, the quality of political institutions, and weak rule of law.

The starting point of nearly all controversies concerning the shadow economy is how to define it or how to estimate its size [1]. Since the term "shadow economy" comprises numerous economic activities, it is difficult to provide a formal definition. For example, the definition must distinguish between goods and services produced and consumed within the household, "soft" forms of illicit work (moonlighting), illegal employment, and social fraud, as well as criminal economic activities. In general, the shadow economy can be understood to encompass the economic activities of individuals that are outside official norms and formal institutions. Because the transactions are illegal—the goods or services themselves are not necessarily illegal to own or to trade through other, legal channels—the market is forced to operate outside the formal economy and its institutions, both public and private.

From the point of view of economic policy, the shadow economy activities that are particularly relevant are those related to value-added. Estimating the value of these activities requires distinguishing between the output of illegal and legal activities and the illegal and legal production and distribution of the output of these activities. Common motives for operating in the shadow economy are to trade contraband, avoid taxes and registration costs, or skirt price controls. Typically, the shadow economy, as the totality of such activity, is referred to as a complement to the official economy.

Analyzing the effects of a growing shadow economy is difficult and requires comprehensive empirical evidence, which is not available. Most studies focus on the influence of the shadow economy on the allocation of resources and the loss of revenue for the state [9]. But it is even more important to learn about the impact of official institutions,



norms, and rules. The shadow economy is an indicator of a serious deficit of legitimacy in the rules governing official economic activities and in a weakness in the social order [7]. The exit option to the shadow economy is an important means of securing economic and social freedom and of weakening the reach of the leviathan state.

More analysis and empirical studies are needed to answer several important questions:

- *What amount of officially unaccounted for resources is being used for production in the shadow economy?*
- *How large is the additional supply of goods and services in the shadow economy, and what additional indirect tax revenues does this activity generate?*
- *How much has the shadow economy added to the public deficit and reduced investments in infrastructure?*
- *How can corrupt and inefficient institutions be reformed to reverse the development of the "dual economy?"*

Shadow economies have grown in reaction to rising tax burdens and government regulation in industrial countries and to the lack of stable institutions in some Eastern and Central European countries. In combination with reduced tax morale and weaker loyalty to the government, empirical evidence shows that these are the most important factors contributing to the migration of jobs into the shadow economy. Vital steps for reversing this growth of the shadow economy are improving institutions and respect for government by strengthening tax morale, voice, and accountability, rule of law, governance, regulatory quality, and by reducing corruption [11].

What does not work is to increase the costs of illicit work by intensifying controls and

setting higher fines. Research has shown that people's decisions to participate in the shadow economy are barely influenced by detection rates, but depend much more on perceived values, acceptance of the tax system, and the overall situation in the labor market, including the unemployment rate [12].

The shadow economy is caught up in a vicious circle. A heavy tax and regulatory burden results in higher growth of the shadow economy, which reduces government revenue and intensifies pressure on public finances, which in turn reduces the quality and quantity of publicly provided goods and services and public administration. Ultimately, this may lead to rising tax rates in the official sector, which creates even stronger incentives to participate in the shadow economy. As the shadow economy grows and state institutions weaken and lose popular support, democratic voting (voice) becomes less attractive than using the exit option of moving into the shadow economy.

And people will increasingly choose the exit option if the voice option is not strengthened by the introduction of more direct democratic elements. They will choose either to work illicitly or to search for an economic and social system that corresponds to their preferences [7]. In this context, the shadow economy can be viewed as part of an evolutionary process that is making economic and social development more dynamic. On the one hand, the societal pressure on deregulation and tax reduction is increased, and on the other hand, innovative forms of living together and working emerge outside the influence of government restrictions. In the long term, however, a society cannot accept the systematic flouting of the law, as this undermines the acceptance of the legal authority of the state. One option for intervening in the vicious circle is to improve the quality of institutions and strengthen the





institutional framework. Fighting corruption by increasing transparency will reduce the incentives to work in the shadow economy and strengthen loyalty toward the state in ways that intensifying controls and raising fines will never do.

The increasing resistance to existing norms and economic regulations that is reflected in the continuing importance of the shadow economy can be dealt with through a two-pillar strategy of reducing the attractiveness of the exit option (the shadow economy) while strengthening the voice option (voting and participation) [7] (figure 1). Federal elements have to be strengthened, and instruments of direct democracy, such as referendums and legal initiatives, should be introduced to give citizens more opportunities to participate in rulemaking and the design of the tax system. Regional commitment and citizen initiatives could signal a wish to keep or regain control. Increased participation will diminish the perception of being subjected to unfair restrictions on personal freedom, thereby boosting tax morale and civic loyalty and reducing the attractiveness of the shadow economy. Acting in accordance with the subsidiarity principle (matters should be handled at the lowest competent level of administration) is economically advisable and more efficient. For the EU, that would mean that European-level benchmarking could be initiated for the exchange of good practice, but the implementation of generalized norms should be kept to a minimum at that level.

Pros

- High taxes and social security contributions and heavy regulation are the main drivers of the shadow economy.
- Resources not being used in the official economy can be used in the shadow economy to increase the overall supply of goods and services. Opinions on how to deal

with the labor force in the shadow economy differ widely.

- Governments try to encourage firms to move out of the shadow economy by improving public institutions.
- Fostering stronger popular participation in government decision-making, expanding elements of direct democracy, and eliminating corruption can also reduce the shadow economy.

Cons

- The shadow economy is hard to measure, and different methods yield different results.
- Some measurement difficulties occur because the shadow economy is not clearly defined.
- By worsening fiscal deficits and reducing infrastructure investment, the shadow economy reduces welfare and economic growth.
- The shadow economy can undermine state institutions, leading to more crime and less support for institutions, ultimately threatening economic and political development.
- Trying to reduce the shadow economy through punitive fines and tighter controls is costly and not very effective.

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