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Title: Understanding Public Administration Reforms in Clientelistic Uzbekistan: The Interplay between Law and Social Norms

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Abstract

It was believed that the introduction of the Western type political institutions of democratic government and market-oriented economy would promote democratic transformations and contribute to the formation of stable nation-states in post-Soviet Central Asia. Consequently, Uzbekistan as a newly independent state has proclaimed the creation of a secular democratic society based on the ideals of democracy, free market, social justice, and universal human rights. The adoption of new Uzbek Constitution in 1992 has laid down the foundations for the creation of a democratically-oriented public administration system by dismantling the previous communistic-type centralized system of administration. The dominant theme of post-Soviet developments in Uzbekistan has been to promote socially-oriented market economy.

However, the implementation of socially-oriented economic reforms appeared to be a fiscally unaffordable task, since the tax revenue was very little compared to the scope of social welfare programs promised by the government. Constrained by fiscal and financial pressure, Uzbekistan faced with the necessity of redesigning its social security and tax policies in order to prevent the total defeat of the protective welfare state. Conversely, high tax and regulatory burdens had caused an increase in the informal economy, bringing additional pressure on public finance, resulting in higher tax rates, which again increase the incentives to evade taxes and to escape into the informal economy. These developments had also adverse impact on the public administration system by making it as a source of major disturbance for the rule of law. In the light of increasing informal economic activities, public administration institutions have developed their informal bureaucratic rules, thereby creating inefficiencies in the public administration leading to increased corruption and bribery cases. In other words, the long-lasting informal rules, not the legal norms, have become an influential tool in the decision-making structures.

One of the most common approaches within academic and policy communities is to explain the omnipresence of corruption in Uzbekistan by referring to the nature of political system. Despite the existence of significant literature on public administration issues in Uzbekistan, little recourse has been made to the interplay between public administration practices and social norms/structures. It should be noted that there is a close correlation between nature of public administration system and social norms/structures. The informal rules of public administration are merely natural extension of the social norms/structures. In this regard, this paper aims to analyse public administration developments in Uzbekistan from sociology of law perspective. An attempt will be made to understand how the public administration practices and social norms/structures come to interplay. Armed with this objective, the special emphasis will be placed on: first, the impact of informal rules of public administration on the social norms, and the second, the influence of the social norms on public administration practices. In undertaking this task, the paper uses the theory of legal pluralism, defined as a situation in which two or more legal systems coexist in the same social field, social micro-processes. In this paper I will argue that corruption in Uzbekistan is not only the outcome of state incapacity, but it is also social phenomenon, characterized by clientelistic culture. Informal rules determine the omnipresence of corruption in Uzbekistan as a traditional instrument of problem-solving accepted by both public officials and population.