

Analysis Of The Constitutional And Legal Basis Of Participation Of Political Parties In The Formation Of Local Representative Governmental Bodies In Uzbekistan

Babadjanov Atabek Davronbekovich

Independent researcher at Tashkent state university of law

Abstract. This article analyzes the constitutional and legal foundations of the participation of political parties in the formation of representative bodies of state power in Uzbekistan. It considers issues of the system of legal regulation of public relations arising in connection with the creation, activities, liquidation and reorganization of political parties and their participation in local representative bodies. Also, proposals were put forward to improve the legal framework for the activities of political parties in the Republic of Uzbekistan.

Keywords: political party, Strategy of action, local government, representative bodies, Kengashes of people's deputies, civil society.

In the countries of the world, in the context of democratic reforms in all spheres of public life, the issue of increasing the participation of political parties in local representative bodies is becoming increasingly important. In particular, more than ten universal and regional international legal instruments note that increasing the role of political parties in local government, including representative power, is one of the most relevant, primary prerequisites for democratic and legal progress at the national, regional and international levels.

In this connection, Uzbekistan is also implementing a wide range of measures aimed at establishing effective parliamentary control by party groups of local representative bodies over the activities of local authorities and other officials. At the same time, as the President of the Republic of Uzbekistan, Sh. Mirziyoyev, rightly emphasizes, "We will strengthen the multiparty system in our country and assist in enhancing the role of parties in economic and social processes. Only when political parties become more active and healthy competition and an atmosphere of debate are formed within the framework of parliamentary

activity will representative bodies act effectively. Life itself shows this to all of us every day. If our leaders consult with the public, there will be fewer mistakes. Therefore, we need to increase the activity of our parties in the effective work of representative bodies. It is necessary to increase the powers and role of party groups in local Kengashes of people's deputies, especially in the sphere of control over the activities of the executive authorities.»¹. Therefore, there is a need to improve the organizational and legal framework for the participation of political parties in the activities of local representative bodies of State power.

It is well known that issues related to the participation of political parties in the exercise of state power have always attracted the attention of national and foreign representatives of legal science. In particular, according to S. Berdikulov, the legislative conditions for the formation of a national model of multiparty politics in Uzbekistan - the task of transition from a socio-political system with a single party governing body to a multiparty system, from an ideological monopoly to political pluralism (pluralism of opinions) - is practically ensured².

As for the opinions on the legal framework of political parties, it is worth noting in particular the views of the Russian researcher B.A.Isaev on the institutionalization and constitutionalization of these structures. In particular, he believes that if institutionalization is understood as a broad (recognition of the need for society of political parties like power, their positive experience, functionality) and narrow (creation of a legal basis for the activities of political parties, reflection of their place and role in society in legislative acts) sense, then constitutionalization provides for strengthening the place and role of political parties or, at least, recognition as a public and state institution in the Basic Law³.

Interest in political parties in the exercise of State power in Uzbekistan has grown considerably to date. This can be explained by the overestimation of political and legal values in the country and changes in the legal and political systems that have taken place in recent years. Fundamental changes have taken

place in the political process since the first years of Uzbekistan's independence in all spheres of public life, including in the legal, economic, political and social spheres. One of the important criteria for this process is the participation of political parties in the formation of State bodies - the Legislative Chamber of the Oliy Majlis, the Cabinet of Ministers, local councils and khokims - and their forms and legislative regulation in modern conditions. It is therefore necessary to expand the scope of the participation of political parties in the exercise of State power and to create the conditions for improving the legal mechanisms for its implementation.

One of the most important tasks of political parties in modern democratic society is to ensure two-way communication between civil society and the State. In practice, political parties in Uzbekistan have had the opportunity to participate in the formation of State authorities and to influence the country's domestic and foreign policy, and their role in relations between the State and society has therefore grown considerably.

The reform of the system of organization and activities of political parties in Uzbekistan has also determined the need to improve the mechanism for forming the organs of State power. For a long time, the participation of political parties in elections and the formation of government bodies has been without proper legal regulation. The actual formation of a multiparty system required legal regulation of this process. As a result, Uzbekistan adopted a new version of the Political Parties Act and a number of other laws, which created an entirely new legal framework for the activities of political parties. This has led to significant changes in the participation of political parties in the formation of government bodies and in the legal status of parties.

It should be emphasized that the study of the process of formation of political parties in the exercise of State power and the development of forms of such participation is an important factor in the formation, within the framework of

legal science, of conceptual provisions on the role of political parties in the exercise of State power and the forms of its implementation.

In order to solve the problem of ensuring effective constitutional and legal regulation of the participation of political parties in the formation of bodies of state power, it is necessary, first of all, to theoretically understand this process⁴. In our view, the solution to the above problem can be achieved by improving the current constitutional legislation, taking into account the latest scientific developments regarding the doctrine of party participation in the exercise of state power.

The system of legal regulation of public relations arising in connection with the creation, activity, liquidation and reorganization of political parties and their participation in local representative bodies is based on the following: definition of the subject matter and methods (techniques) of legal regulation; solution of the problem of forms of institutionalization of political parties; definition of subjects authorized to carry out legal regulation of parties' activity; strengthening the foundations, forms and procedures of the legitimate legal influence of the state on the activities of the polices On the basis of a combination of the norms of administrative, civil and constitutional legislation, under the condition of the unconditional supremacy of the norms of constitutional legislation, there appears the formation of a complex sectoral legislation - the legislation on political parties, which is separate under the branch of legislation on public associations.

The researcher A. Mahmudov, along with the indication of the systemic development of the legal framework regarding the activities of local Kengashes, notes that the main trends in this area are: first, the supervisory functions of local public authorities in the socio-economic sphere, especially in the field of fiscal relations are gradually expanding; second, the role and place of the Kengashes of people's deputies in addressing the formation of local executive bodies, control over their activities has been strengthened; third, local Kengashes would⁵.

The Constitution of the Republic of Uzbekistan establishes the basis for local State power. Chapters XXI of the Constitution (arts. 99-104) reflect the norms that the representative bodies of power in the provinces, districts and cities are the Councils of People's Deputies, headed by khokims, which, in the interests of the State and citizens, decide on matters within their jurisdiction, issues falling within the competence of local authorities, the duration of their term of office, responsibility, the appointment of officials and their responsibilities⁶.

On 4 January 1992, the Constitutional Law of the Republic of Uzbekistan "On the reorganization of local authorities of the Republic of Uzbekistan" came into force. On the basis of this law two independent bodies of state power were established at the local level - a representative and executive body. On 2 September 1993, the Local Authorities Act was adopted. The adoption of this law defined the system, structure, powers, tasks, organizational, economic and financial activities of local representative and executive bodies and their relations in ensuring the rule of law in the field.

Under article 1 of the Act, the representative authorities in the provinces, districts and towns (other than the cities of district subordination) are the Councils of People's Deputies.

A khokim of an oblast, district, or city is the highest official of an oblast, district, or city and at the same time heads the representative and executive power in the respective territory⁷.

Also, according to this law, local public authorities exercise powers to ensure the safety of citizens, protect their rights and health, economic, social and cultural development of the territories; to form and execute the local budget, determine local taxes and duties, form extra-budgetary funds; to manage local public utilities; to protect the environment; to ensure the registration of civil status acts; to adopt normative acts; and to exercise other powers that do not contradict the Constitution

In addition, on 5 May 1994, the Laws "On Elections to Regional, District and City Kengashes of People's Deputies" were adopted, on 5 May 1994

1995 - "On the status of deputies in the Republic of Uzbekistan", 26 April

1996 - "On the procedure for withdrawing a deputy in the Republic of Uzbekistan".

Presidential Decree No. UP-1651 of 26 November 1996 on improving the structure of the administrative bodies of the regional administrations of the cities under their jurisdiction abolished the administrations of the regional administrations and transferred their functions to the administrations of the regional administrations.

Since 1 January 2008, following the entry into force of amendments and additions to article 93, paragraph 15, and article 102 of the Constitution, as well as the Constitutional Act on strengthening the role of political parties in the renewal and further democratization of State administration and modernization of the country, the responsibility of the khokims in charge of local authorities and the councils of peoples' deputies has been increased. The Act served as the legal basis for significant amendments to existing legislation. Pursuant to articles 6 and 7 of the Act, new institutions have been established in Uzbekistan, i.e. an acting hokim, consultations with party groups, dissolution of the council of peoples' deputies, and submission to the President of Uzbekistan of reasoned conclusions on the unsatisfactory performance of persons approved for the post of hokim of the province and the city of Tashkent (requirement for the resignation of the hokim).⁸.

According to item 5 of article 1 of the Law of the Republic of Uzbekistan from April 16, 2014 "About modification and additions in separate articles of the Constitution of the Republic of Uzbekistan", article 103 of the Constitution of the Republic of Uzbekistan has been added with a part of the second following maintenance: "The khokim of area, area and city submits to the corresponding Kengash of people's deputies reports on the major and actual questions of social

and economic development of area, area, city on which Kengash of people's deputies makes corresponding decisions".⁹.

It should be noted that the participation of political parties in local representative bodies is also regulated by legislation.

On the basis of Presidential Decision No. PP-2495 of 22 February 2016 on additional measures to improve the activities of local public administration bodies to ensure the comprehensive development of the territories, the post of First Deputy Hokim on administrative issues, coordination of law enforcement activities, citizens' self-governance bodies, and the post of the First Deputy Hokim in Zhukori Kenes of the Republic of Karakalpakstan and the regional and city administrations of Tashkent was established in order to improve the effectiveness of public administration. Cabinet of Ministers Decision No. 123 of 27 April 2016 approved its functions in a model regulation.

Presidential Decision No. PP-2691 on further improvement of the activities of local executive authorities was adopted on 22 December 2016, and a separate post of deputy khokim for youth policy, social development and spiritual and educational work was established at the district khokimiyat. Presidential Decree No. UP-4947 of 7 February 2017 adopted a strategy of action in five priority areas for the development of Uzbekistan between 2017 and 2021. This strategy of action provides for the adoption in the third quarter of 2017 of a draft law

"On local government" in the new edition. The draft law should have contained the following provisions:

Improvement of the structure of state authorities at the local level and clarification of their competence in the field of ensuring the implementation of laws;

Introduction of a procedure for reporting by regional, district and municipal khokims and other officials on their activities to the population of the relevant territory and media coverage of the reports submitted;

Determination of the forms and mechanisms for the exercise of parliamentary control over the activities of local authorities by the Council of People's Deputies;

Creation of executive secretaries to ensure the work of the councils of peoples' deputies in organizational and technical aspects¹⁰.

The analysis of the main goals of political parties in the legislative acts leads to the conclusion that participation in the formation of bodies of state power is the most important function of political parties. Participation in the electoral process is one of the most important tasks of the party (electoral function). In accordance with the Constitution and the Political Parties Act, parties participate in the formation of the Oliy Majlis, the Cabinet of Ministers and local authorities. In order to achieve their legally defined goals, political parties must, with the direct use of the institutions of democracy, focus on representation in the organs of State power and participation in the administration of the State through their representatives¹¹.

In conclusion, it may be said that the constitutional and legal framework for strengthening the participation of political parties in the formation of local representative bodies of State power in Uzbekistan is aimed at

First of all, further increase of social and political activity in the country;

Secondly, further strengthening the initiative, role, influence and responsibility of political parties in implementing social and political reforms and modernizing the country;

Third, the creation of organizational and legal conditions for the active participation of political parties in the formation of the executive branch;

Fourth, the creation of effective legal mechanisms to regulate and ensure the accountability of government structures, central and local state bodies to political parties that have their representatives in the country's parliament, and party groups in local representative bodies.

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- ⁹ Collection of Laws of the Republic of Uzbekistan, 2014, № 16, Art
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