

Some Aspects of Interaction of State and Political Parties in Uzbekistan

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Annotation: *Article is devoted to the analysis of the mechanism of interaction of the state and political parties, including participation of the latter in formation of government bodies. The assessment of the additions and changes made recently to the*

Key words: state, constitution, parliament, senate, legislative chamber, government, deputy, prime minister, elections, political party, fraction.

Questions of interaction of the state and political parties are closely connected with the process of formation of democratic society and legal state. The more active the participation of parties in formation and activity of public authorities is, the more entirely the interests of various social groups and respectively, the more trust in the authority in society are taken into consideration.

Article 32 of the Constitution of the Republic of Uzbekistan guarantees the right of citizens "to participate in the management and administration of public and state affairs, both directly and through representation. They may exercise this right by way of self-government, referendums and democratic formation of state bodies". [1] And according to article 34 they "have the right to form trade unions, political parties". [1] Analyzing the

legislation of Uzbekistan on elections and on political parties is given. Results of last parliamentary and presidential elections, and elections of local representative bodies of power are considered.

process of interaction of political parties and public authorities of Uzbekistan, it is important to note that during the formation of new statehood, formation of democratic society and constitutional state, we observed permanent process of increase of the role of parties in the activity of society and state.

Article 5 of the Law "About Political Parties" says that "the state guarantees protection of the rights and legitimate interests of political parties, creates them equal legal opportunities for performance by them of their authorized purposes and tasks". At the same time bodies of the state and their officials are forbidden to interfere on internal affairs of political parties or to impede their activity. At the same time the intervention of political parties in the activity of government bodies is also not allowed. [2]

In the context of the alterations and additions introduced in this law the interaction of state and parties can be divided into three main spheres. The first is connected with the party

registration realized by the Ministry of Justice, and participation in the electoral company organized by the Central Election Committee. Refusal in registration can be appealed to the Supreme Court. Termination of the activity of parties requires presentation of the Ministry of Justice or the Attorney-General on the basis of which the decision of the Supreme Court is made. The law in many respects has provided expansion of equality and transparency of the mentioned relationship.

Speaking about participation of parties in elections, the following important, in our opinion, circumstance should be noted. In the Law of the Republic of Uzbekistan "About elections to the Parliament of the Republic of Uzbekistan" there is some divergence in determination of the status of representatives of political parties participating in the electoral process. So, Part 4 of Article 6 of the law says: "one **observer** from each political party that proposed its candidates, representatives of mass media, observers from other states, international organizations and movements have the right to participate in all actions of preparation and holding of elections, as well as in polling rooms on the election day and at vote-counting procedure. Their

authorities shall be confirmed by relevant documents". In the same article powers of the above mentioned observers are fixed. And Article 17¹ deals with **authorized representatives** of political parties: "the political party which proposed candidates to Legislative chamber from among its members has the right to appoint the authorized representative for participation in counting of votes on the polling precinct in the order determined by the Central Election Committee". The order is mentioned in Article 42 of the law. [3]

In our opinion, for elimination of this discrepancy it is necessary to unify the terminology of the law, having in view that representatives of political parties along with members of the media and observers from foreign states, international organizations and movements, can carry out functions of the observer. For this purpose Part 4 of Article 6 of the law is offered to be stated in the following edition: "Observers, including one authorized representative of each political party that proposed its candidates, as well as representatives of mass media, observers from foreign states, international organizations and movements accredited by the Central Election Committee of the Republic of Uzbekistan have the right to participate

in all actions of preparation and holding of elections, as well as in polling rooms in the election day and at vote-counting procedure. Their powers shall be confirmed by relevant documents". We also consider it expedient to think over the question of vesting of authorized representatives of political parties with power to participate in all meetings of district and precinct election committees **with the right of the advisory vote.**

Participation of representatives of the parties in the course of counting of votes given for this or that candidate is important. For fixing of the mentioned right we consider it expedient to include in the law a norm granting to these representatives the right to monitor the vote-counting procedure, to show mistakes and demand correction of mistakes, and in case of failure to meet requirement, to appeal against actions of the precinct election committee to higher district election committee, and then – to the court. Observers shall have the right to demand from members of the election committee to put aside the ballots the authenticity of which is recognized as doubtful. Besides, it is necessary to include in Article 33 of the law the provision that the photocopy of the protocol of the election committee with election returns certified by the seal is

immediately handed over the authorized representatives of parties on their demand after they have signed for it.

The following sphere includes the participation of parties through their representatives in the activity of electoral government bodies in making decisions. In Legislative chamber of the Parliament there are fractions of political parties formed for carrying out the policy of their parties in an organized way. In regional, district and city Councils of People's Deputies there work party groups. Through these formations parties actively participate in authoritative activities of representative bodies. Fixing in the legislation of a number of new powers of parties (on nominating to the Prime minister, initiation against him of the vote of no confidence, the right to petition the President of the country for dismissal of members of the government and governors, etc.) significantly raised possibilities of parties in their relationship with the state.

As a rule, fractions state their positions including formulated at party forums (congresses, meetings, etc.) in considering and making decisions in the parliament. There arises the question: whether they can be guided at the same time by the position or aims of their

party? The question is not rhetorical. For example, the Russian scientist of V. V. Lapaev considers that "deputies shall express interests of the whole people, but not of separate political parties". [4] We do not agree with this position. Of course, it is beyond doubt that the deputy and fraction shall express national interests. But it is worth to remember that deputies shall express interests of the electors who voted for them, and they during the elections were guided by programs and positions of parties. Therefore, taking into account that parliamentary parties are spokesmen of interests of electorate, we consider that they have the right to be guided by the aims of their parties in making decisions in the parliament.

The third sphere of interaction is connected with control, as well as mutual control of one by another. So, control of the compliance of the activity of political parties with the Constitution, the legislation and their charters is carried out by the Ministry of Justice. Political parties annually publish the budgets for general information and in accordance with the established procedure submit the reports about the sources of financing of their activities in Legislative chamber. On the other hand, parties actively participate in parliamentary and public control over the activity of

state bodies. They influence on the process of making and implementation of the major public decisions. It may be stated that participation of parties in the activities of state bodies does not weaken, but on the contrary, strengthen the state, strengthening the channels of feedback from the public.

In development of interaction of parties and the state a huge role belongs to the adoption of the constitutional law "About Strengthening of the Role of Political Parties in Renewal and Further Democratization of Public Administration and Modernization of the Country" [5] and introduction of the relevant amendments in the Constitution and some acts of the Republic of Uzbekistan.

In recent years opportunities and powers of parties in electoral process were significantly expanded. From the moment of becoming independent, in Uzbekistan there passed several parliamentary electoral cycles. Different numbers of political parties participated in each of them, however one important point is available: in each new electoral cycle the parties showed higher intensity of electoral activity. Participation of political parties in formation and activities of the Legislative chamber of the Parliament became one of the most

important functions of the parties, and at the same time - the indicator of the parties' politicking in the processes taking place in the society.

Activities of political parties is a real indicator of formation of civil society, they carry out the role of a peculiar intermediary between civil society and government bodies. First, they are urged to formulate, prove and bring to the government the requirement of social groups and communities, thereby, keeping society in touch with the state. Political parties are an element of the mechanism of communication between the government and public organizations.

Secondly, parties work out and offer country development programs, solutions of the most actual political, social and economic problems that society faces.

Thirdly, without development of political parties there is no democracy in the society. The activities of parties create the competition between political forces, programs, platforms concerning the development of the country which is necessary for pluralistic democracy.

Fourthly, parties act as the main organizers and characters in election campaigns.

Fifthly, in government bodies of modern democratic countries the party influence is carried out through deputies, fractions, leaders of the parties elected to the state posts.

As a result, the parties who won in elections or managed to pass their representatives to the legislature, have the opportunity to participate in legislative activities, to influence on election and appointment of officials. Opposition parties by criticism of government bodies, initiation of alternative projects and decisions can also exert influence on realization of the state power.

As a result of social and political reforms carried out in Uzbekistan, certain democratic procedures providing real interaction of political parties with public authorities have been created. Among them it is appropriate to note the collaboration of social and economic programs at republican and regional levels, the initiation and adoption of bills, the decision on the partner basis of specific practical problems of people's activities. So, only in 2014, party activists initiated together with other representatives of institutions of civil society the publication in mass media of 1256 materials containing criticism of revealed shortcomings in the

activity of government bodies and officials. [6]

Studying of relationship of the state and parties in Uzbekistan shows that in the course of formation and evolution of multi-party system, participation of parties in parliamentary activities, such institution as party fraction gained development. Parliamentary fractions and party groups in local Councils of People's Deputies became the most important subject of activity of representative bodies. It, in turn, allowed to strengthen the parties' representative status considerably.

Extent of participation of the political party in the state policy is predetermined by the width of its public support which in the conditions of democracy is expressed in number of votes, given for it on elections. The carried-out analysis of the elections which took place in recent years confirms gradual expansion of participation of political parties in formation and functioning of bodies of the public power in the Republic of Uzbekistan. This tendency is expressed in legislative vesting in them of the rights and powers to form some authorities and appoint officials. Besides, it is notable that the role of parties in parliamentary control has increased.

In December, 2014 in the Republic of Uzbekistan elections to the Legislative chamber of the Parliament of Uzbekistan and the Parliament of the Republic of Karakalpakstan and local Councils took place, and in January, 2015 in some districts repeated elections to these bodies were held. Elections were based on competition of political parties, as a result of which the winner party acquired the right to nominate the Prime Minister, to form the parliamentary majority, and opposition party - to freely express and protect the alternative purposes and values.

The main directions of the carried-out reform of the electoral system became: a) ensuring of true competition and equal conditions for all participants of electoral process; b) ensuring of full participation in elections of political parties as spokesmen of the voters' interests; c) distribution of electoral mechanisms to institutes of executive power, including the head of the government; d) ensuring of independence of the organizers of elections, first of all – the Central Election Committee of the Republic of Uzbekistan (CEC); e) ensuring of public control over the elections.

Monitoring of the process of preparation and holding of this election

was carried out by the mission of the Bureau for democratic institutes and human rights (BDIAHR) of OSCE. Observers from BDIAHR of OSCE noted that the electoral laws had undergone changes since the last elections. Some included norms were accepted in pursuance of the previous recommendations BDIAHR of OSCE. In particular, more detailed normative legal acts concerning actions of the election campaign and the procedure of early voting are introduced, the norm on supervision over conference of the Ecological movement of Uzbekistan on election of deputies to the Legislative chamber is included, besides, the legislation provides the voting in places of detention. Thus, the analysis of interaction of the state and political parties of Uzbekistan shows that as a result of modernization of the country carried out by Uzbekistan, diverse activity of political parties incorporated many achievements developed in the advanced countries of democratic development.

Based on aforesaid, it is possible to give the following definition of the concept of interaction of the state and political parties: ***the joint activity of bodies of the state and parties coordinated on the purposes and tasks (and their official formations in representative bodies), joint realization***

of the powers by them in common interests.

For effective interaction of the state and political parties the following words of the first President of Uzbekistan Islam Karimov said at the first joint meeting of the Parliament Chambers after elections of 2014, takes on a great importance: "every possible increase of the role and value of fractions of political parties in the activity of Legislative chamber becomes the major task". [7]

So, all above stated allows to draw the conclusion: the expansion of powers of parties and their fractions, fixing of transparent democratic procedures of their participation in implementation of the government, and adequate reflection of all variety of positions and opinions existing in civil society is a necessary condition for normal interaction of the state and political parties. In Uzbekistan there being formed a mechanism really reflecting the interests of political parties and establishing organizational and legal procedures of relationship between party and government institutions. It is necessary to add to this that strengthening of positions of political parties helps the development of civil society and increase of social and political activities of the population.

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