

Legal Basis for the Control of Activities of Local Representative Bodies

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Abstract: *The article describes the features of the development of the Institute of representative democracy by the example of Council of deputies, the legal basis of their activity affected by the topic of expansion of control functions of local Councils, strengthening their role in the socio-political and socio-economic life of the Territories concerned. The author concludes that the improvement of the activity of local representative bodies will form efficient mechanisms of control of the deputy.*

Keywords: local representative bodies, control functions, deputies, party groups, deputies' form control.

During the years of sovereignty in our country consistently implemented wide-ranging reforms aimed at building a democratic legal state and formation of civil society.

Develop institutions of representative democracy in the center and on the ground. At the same time expanding the powers of deputies' councils in the framework of the strategy for the progressive transfer of certain administrative functions of the subordinate bodies of state authority in the field¹.

The development of legislation in this area can be divided into the following periods:

1 periods: 1991 - 2000;

2 Periods: 2001 - 2016;

In the period from 1991 to 2000 in the country are reforms associated with the formation of legislative bases of national statehood, including local representative bodies.

¹ В Республики Узбекистан представительными органами власти в областях, районах и городах (кроме городов районного подчинения, а также районов, входящих в состав городов) являются Кенгаши народных депутатов (Статья 1 Закона Республики Узбекистан «О государственной власти на местах» от 2 сентября 1993 года № 913-XII).

Article 2 of the Constitutional Law "On State Independence of the Republic of Uzbekistan" dated August 31, 1991 determined that the people of the Republic of Uzbekistan is sovereign and is the only source of state power in the country. He carries the power belongs to him both directly and through representative bodies system². According to the Constitutional Law "On the reorganization of the local government of the Republic of Uzbekistan", adopted January 4, 1992, in the territory of an independent Uzbekistan began to operate representative bodies of local authorities³. In paragraph 2 of the Act, it was found that hokims podochetny corresponding Advice of People's Deputies, in paragraph 3 - councils of people's deputies decided all local issues on the basis of national interests and the interests of citizens living on the territory of Advice.

Chapter XXI of the Constitution enshrined the foundations of state authority in the field⁴.

² «Ведомости Верховного Совета Республики Узбекистан», 1991 г., № 11, ст. 246.

³ «Ведомости Верховного Совета Республики Узбекистан», 1992 г., № 3, ст. 146 (Настоящий Закон утратил силу в связи с принятием Конституции Республики Узбекистан).

⁴ Конституция Республики Узбекистан. – Т.: Узбекистан, 2014. – С. 55.

Согласно статье 100 Конституции к ведению местных органов власти относятся:

According to Article 100 of the Constitution to the jurisdiction of local authorities include:

maintaining law and order and security of citizens;

issues of economic, social and cultural development of the territories;

the formation and execution of local budgets, establishing local taxes, fees, formation of non-budget funds;

direction of the municipal economy;

environmental protection;

ensuring registration of acts of civil status;

adoption of regulations and other powers that do not contradict the Constitution and laws of the Republic of Uzbekistan.

On the basis of these areas have been adopted relevant laws, where the inventory has shown that the activities of public authorities in the field, including defining control functions of local councils, regulate the more than 90 pieces of legislation.

Thus, Article 5 of the Law "On Prosecutor's Office" found that prosecutors areas of Tashkent, districts and cities, and equivalents prosecutors annually inform the

relevant councils of people's deputies, and, where appropriate, self-government bodies,

on the legality and the fight against crime⁵.

Article 102 of the Constitution established that hokims regions and cities are appointed and dismissed by the khokim corresponding area and approved corresponding Advice of People's Deputies.

The law "On State local authorities", adopted September 2, 1993, becomes important in the regulation of the activities of executive authorities in the field and local representative bodies⁶. The Act covers the activities of local councils, including the monitoring function.

Article 2 of the Act, referred to as the "Appointment and dismissal of the head of the representative and executive authorities" found that the regional governor and the city of Tashkent candidates for approval by the regional and Tashkent city deputies' councils represented by the President of the Republic of Uzbekistan, after consultation with each of the submitted corresponding Advice of People's deputies of the

party groups. Also, in accordance with this article areas governor in consultation with the Cabinet of Ministers is competent to subdue hokim city khokim area and form a single control with the subsequent approval of the decision by the regional Council of deputies. According to Article 7 of the Act in relation to the objects of state property, located in the exclusive property of the Republic of Uzbekistan, regional, district, city Advice of People's Deputies shall exercise control with regard to the effective placement of industrial and social objects, rational use of natural and labor resources, environmental protection, social protection of the population. Article 10 of the Act is fixed control function local councils, according to which areas governor, area, city the right to grant land in the ownership, use and lease to enterprises, institutions, organizations, dehqan farms, citizens, terminate the right of possession and use of land by these entities, as well as to the removal of land with the subsequent approval of decisions made corresponding Advice of People's deputies.

Article 24 of the Act defines the powers of local councils, in the first

⁵ «Ведомости Олий Мажлиса Республикаси Узбекистан», 2001 г. № 9-10, ст. 168.

⁶ «Ведомости Верховного Совета Республикаси Узбекистан», 1993 г., № 9, ст. 320.

part of which provides control functions:

approval of the proposal hokim perspective programs of development of territory, master plan and the rules of built-up areas of the city;

consideration and adoption of local budgets of regions and Tashkent city, as well as the budgets of regions and municipalities to report accordingly khokims regions and Tashkent city, districts and towns, review and approval of reports on their execution;

establishment of local tax rates and other obligatory payments within the dimensions set by the legislation;

approval hokim and his deputies in office, the release hokim and his deputies from his post, hearing reports on their activities, as well as khokims reports on important and topical issues of socio-economic development of the region, district, city;

hokim approval decisions in the cases provided by this Law;

hearing reports of heads of departments, divisions and other structural subdivisions of the executive branch;

cancellation does not comply with the legislation of the Republic of

Uzbekistan and downstream solutions hokim Advice.

In addition, article 251 of the Law of the marked fixed procedure for hearing Kengash hokim report on important topical issues of socio-economic development of the region, district or city.

The next period includes the 2001 - 2016 years. At this time, the system continues to further democratization of state power and administration. Enact legislation fixing the control functions of local representative bodies.

Article 141 of the Law "On political parties" of December 26,

1996 enshrined the right of local Councils party groups related to the implementation of supervisory powers⁷. In accordance with that, the party groups have the right to:

address with a question to the Chairman of Jokargy Kenes and Council of Ministers, ministers and heads of other state bodies of the Republic of Karakalpakstan, hokims, Vice khokims, heads of departments and offices khokimiyats, as well as to the heads of enterprises, institutions and organizations located on the territory of the Council of deputies ;

⁷ «Ведомости Олий Мажлиса Республикаси Узбекистан», 1997 г., № 2, ст. 36.

to make proposals to be heard at the sessions of the Council of deputies of the report or to the head of the state body, which is located on the respective territory, on their activities;

initiation of submission to the President of the Republic of Uzbekistan informed conclusions about unsatisfactory performance of persons approved for the post of regional governor and the city of Tashkent.

The law "On status of deputy of the regional, district and city councils of people's deputies" adopted December 2nd, 2004, defines the rights, duties and guarantees of activity of the deputy of the regional, district and city deputies' councils⁸. Article 5 of the Act enshrined the rights of deputies, including those related to the implementation of supervisory powers. In particular, the deputy in the exercise of supervisory powers of the local representative body shall be entitled to:

contact with the deputy request;

express an opinion on nominees of officials elected, appointed or approved corresponding Advice of People's Deputies;

make proposals to be heard at meetings of the relevant Council of deputies of the report or information of any body or official, accountable and controlled by the relevant Council of deputies;

offer to the consideration of a performance audit of the Republic of Uzbekistan laws, as well as implementation of decisions corresponding Advice of People's Deputies.

Also, Article 8 of the Act, the procedure for consideration and direction of deputy's request. According to a deputy may send a deputy's request to officials of public authorities and management, located in the respective territory, with the requirement to give a reasoned explanation or to state its position on matters within their competence. The answer to the parliamentary inquiry officials of the bodies of state power and control are required to send a deputy no later than ten days from the date of receipt of the request of the deputy.

The Constitutional Law of 11 April 2007 "On strengthening the role of political parties in the renewal and further democratization of state governance and modernization of the country" defined control functions of

⁸ «Ведомости Олий Мажлиси Республикаси Узбекистан», 2005 г., № 1, ст. 10.

local Councils⁹. In particular, article 6 of the statute stipulates that the candidates and the regional governor of Tashkent city for the approval of regional and Tashkent city deputies' councils represented by the President of the Republic of Uzbekistan, after consultation with each of the represented in the relevant Council of deputies of the party groups. Also, Article 7 of the Constitutional Law established control functions of deputies of regional and Tashkent city councils of people's deputies of the regional governor and the city of Tashkent activity. In accordance with which the party groups of regional, Tashkent city Councils of deputies in order to enhance control functions shall have the right to initiate a submission to the President of the Republic of Uzbekistan informed conclusions about unsatisfactory performance of persons approved for the post of regional governor and the city of Tashkent. If this initiative is supported by the leading party groups, the President of the Republic of Uzbekistan assigns the discussion of this initiative in the Council of deputies and in accordance with the

results of the discussion takes a decision.

Control functions of local representative bodies in the public sector are regulated by the Budget Code of the Republic of Uzbekistan, approved by the Law of 26 December 2013¹⁰. In particular,

Article 27 of the Code establishes the budgetary authority Jokargy Kenes of Karakalpakstan, Kengashes regions and Tashkent city, districts and cities. According to a Jokargy Kenes of Karakalpakstan, councils of people's deputies of the provinces and the city of Tashkent, districts and towns:

Consider and adopt the budget of the Republic of Karakalpakstan, local budgets of regions and Tashkent city, the budgets of regions and municipalities to report to the Council of Ministers of the Republic of Karakalpakstan, khokims regions and Tashkent city, districts and cities;

quarterly review and approve reports of the performance of Karakalpakstan, local budgets of regions and Tashkent city, the budgets of districts and cities in the same period on the proposal, respectively, the Council of Ministers of the

⁹ «Ведомости палат Олий Мажлиса Республики Узбекистан», 2007 г., № 4, ст. 161.

¹⁰ «Собрание законодательства Республики Узбекистан», 31 декабря 2013 года, № 52 (I).

Republic of Karakalpakstan, khokims regions and Tashkent city, districts and cities;

set local tax rates and other obligatory payments within the dimensions set by the legislation.

It should be noted that the Senate Kengash Senate, the Senate Commission to promote the revitalization of the representative bodies of local authorities adopted a number of regulations, developed proposals to improve the activities of local councils of people's deputies, in particular their supervisory functions.

Thus, the decision of Advice of the Senate of Oliy Majlis of the Republic of Uzbekistan dated December 30, 2010 № 154-II approved the approximate regulation of the regional, district, city Advice of People's Deputies and the approximate position of the standing committees of the regional, district, city Advice of People's Deputies¹¹.

Article 6 of the Model Regulation also lists the powers in control activities. Chapters 5-6 of this regulation marked activity as a form of control procedures for the approval

khokims region, district and city. Article 73 establishes the right of a deputy, as the direction of the deputy's request to officials of public authorities and management, located in the territory.

The approximate position of the standing committees of the regional, regional, city Advice of People's Deputies identify areas related to the implementation of the control functions of the standing committees of local councils of people's deputies¹². In particular, in Chapter 2, referred to as "main activities of the standing committees", provides direction related to the implementation of supervisory powers such as hearing of the information heads of departments and offices khokimiyat, enterprises, institutions and organizations, control over the execution of Advice of making and its decisions.

Senate Commission decision to promote the revitalization of the representative bodies of local authorities on May 30, 2014 № RCC-36-II approved "exemplary procedure for monitoring compliance with the

¹¹ Собиров И., Ким Ф. Организационные основы деятельности верхней палаты парламента – Сената Олий Мажлиса Республики Узбекистан. Т.: Издательско-полиграфический творческий дом имени Гафура Гуляма, 2011. – С. 448–468.

¹² Собиров И., Ким Ф. Организационные основы деятельности верхней палаты парламента – Сената Олий Мажлиса Республики Узбекистан. Т.: Издательско-полиграфический творческий дом имени Гафура Гуляма, 2011. – С. 469–480.

decisions of Jokargy Kenes of Karakalpakstan and its committees, regional, district and city councils of people's deputies of state bodies local authorities and regional units of government. " This document defines the procedure for monitoring the performance of public authorities at local and territorial units of government decisions of regional, district and city councils of people's deputies and their standing committees.

In order to implement the provisions of the above acts of local Councils of People's Deputies were developed and adopted their respective documents.

In conclusion, it should be noted that the country has established a strong legal and regulatory framework related to the implementation of the control functions of local councils.

Normative-legal acts that define the control functions of local councils of people's deputies, the author classifies as follows:

1. The Constitution of the Republic of Uzbekistan;
2. Laws of the Republic of Uzbekistan;
3. Acts adopted by the Senate and the Senate Kengash;

4. The acts and recommendations, acceptance by the Commission of the Senate to promote the revitalization of the representative bodies in the field;

5. Acts adopted by the local councils.

Analysis of the acts regulating the activities of local councils, showed the evolution of the gain control function of the representative body. However, we should point to the need for further improvement of the legal framework in the field of control over the activities of government local councils.

Thus, a new stage in strengthening the control of activities of local representative bodies begins in 2017.

The country's leadership has repeatedly stressed the need to strengthen the control activities of local councils. In particular, the President of the Republic of Uzbekistan Sh.M.Mirziëev, speaking at the ceremonial meeting dedicated to the 24th anniversary of the Constitution of the Republic of Uzbekistan, addressed the deputies and senators with a proposal to make implementation of the order to the discussion sessions of the Councils of

deputies of the question of the hearing of the leaders of the relevant reports¹³.

In addition, 7 February 2017 was adopted by the Decree of the President of the Republic of Uzbekistan № UP-4947 "On the further development of action strategy of the Republic of Uzbekistan"¹⁴. This Decree State Program on implementation of the Action Strategy was adopted

five priority areas of the Republic of Uzbekistan in 2017 - 2021 years in the "Year of Dialogue with the people and interests", some points which include changes and additions to a number of laws and the adoption of the new edition.

Thus, the Law "On political parties" planned to introduce amendments aimed at the empowerment of supervisory powers of parliamentary groups of political parties in local councils. Law

"On the state power on the ground" are invited to take in the new

edition, which will be specified in the forms and mechanisms of deputies of local Councils of control over the activities of executive authorities in the field and others.

Implementation of the provisions of the state program aimed at improving the work of local councils of people's deputies, including supervisory functions will establish effective monitoring mechanisms of the deputy.

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¹³ Мирзиёев Ш. Обеспечение верховенства закона и интересов человека – гарантия развития страны и благополучия народа / Доклад избранного Президента Республики Узбекистан Шавката Мирзиёева на торжественном собрании, посвященном 24-й годовщине принятия Конституции Республики Узбекистан// «Народное слово» – 10 декабря 2016 г., № 244.

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