

Ensuring Balance Among Branches of Public Power During the Development of Civil Society in Uzbekistan

Almagul Bayrieva

*Karakalpak state university named after Berdakh, Republic of Karakalpakistan
Republic of Uzbekistan
b_almagul@karsu.uz*

Abstract. *The article analyzes the balance of power between sectors of the political system in Uzbekistan in the context of democratic reforms. This analysis is considered from the point of view of the development of civil society, and implies a correlation between regional and central bodies of representative power. In the article, particular attention is drawn to the value orientations of both government representatives and civil society actors in the perception of civic activism and civic participation. The article allows us to understand deeply such institutions as the state, rule of law, and democratic accountability during the reform.*

Keywords. *Country, independence, cabinet, government, constitution, power branches, political parties, laws, control, reform, parliamentary control.*

Introduction. The state system aims to govern the country in the most effective ways. A democratic system implies a separation of powers and a balance of its branches. However, the state is not always able to maintain a balance between them, since in the course of reforms one of the branches is always ahead of the others and tries to subordinate the other two. In many countries, the separation of powers is simply an indicator of the democratic nature of the state system, in fact, the branches are strictly subordinate to each other. One of the famous American political scientists S. Huntington, in his article *The State and the Soldier*, writes that even in the most democratic country, like the USA, there is a constant struggle between the branches of government. Congress accuses the President of being too influenced by military advisers and ignores Parliament. In response to this, the President considers the complexity of parliamentary decision-making due to multistage. If in the homeland of democracy the balance of power goes beyond democratic principles, what is happening in our country. This article considers this issue from the point of view of the development of civil society and democratic reforms.

In the practice of public administration all over the world, governments are subdivided into networks. Many democratic reforms have been implemented in our country since the independence of our country. In the system of reforms, reforms aimed at increasing the role of the legislative branch of state power have played a special role.

Adoption of the Decree of September 8, 2017 "On approval of the Concept of Administrative Reform in the Republic of Uzbekistan" was adopted in order to address the problems accumulated over the years in the system of public administration and improve the efficiency of the governance system.

As the President of the Republic of Uzbekistan Sh.Mirziyoev noted, "The main purpose of the administrative reform is to create a system of compact and professional executive bodies and a modern management system."

It should be noted that from the very first days of independence, gradual reforms have been carried out to ensure the balance of state power. In general, the balancing of public authorities can be conditionally divided into the following four stages.

The first stage - 1991-2000, during which time the basic rules for balancing the state power structures were formed.

At the first stage, the organizational framework was established to ensure the balance of power. In particular, the Law of the Republic of Uzbekistan "On the bases of state independence of the Republic of Uzbekistan" of August 31, 1991 establishes the Constitution and the laws of the Republic of Uzbekistan in the Republic of Uzbekistan.

The system of state governance in the Republic of Uzbekistan is defined on the basis of the separation of powers between the legislative, executive and judicial authorities.

This in turn means separation of the state power into three branches, which created the legal basis for balancing the power branches. On December 8, 1992 the Constitution of the Republic of Uzbekistan was adopted, which developed the norms aimed at ensuring the balance of power branches. In particular, Article 11 of the Constitution stipulates that the system of state power of the Republic of Uzbekistan is based on the principle of separation of powers into legislative, executive and judicial authorities.

Duties of branches of the state power are clearly defined in the Constitution, which ensures their independence and balance of power branches.

At the same time, the independence of certain branches of public power is directly enshrined in the Constitution, while the independence of some branches of government is not directly stated, but their independence in carrying out their activities is reflected in their duties.

For example, Article 106 of the Constitution guarantees that the judicial power in the Republic of Uzbekistan operates independently of the legislative and executive branches, political parties, and other public associations. Executive branch operates independently of the legislative and judicial powers. caught. In particular, Article 98 of the Constitution establishes that the Prime Minister of the Republic of Uzbekistan have right to organize and lead the work of the Cabinet of Ministers, bears personal responsibility for its effective functioning.

In its turn, another important aspect of the Constitution is the provision of norms aimed at ensuring the balance of power. This means, that not only are the branches of power directly independent of their activities, it is also clearly stated that they are accountable to other authorities. For example, Article 98 of the Constitution establishes the responsibility of the Cabinet of Ministers to the legislative body - the Oliy Majlis of the Republic of Uzbekistan.

Thus, the following can be highlighted as the peculiarities of the first stage of reforms (1991-1999) aimed at maintaining the balance of power:

- The separation of powers between the branches is defined by the current legislation and the Constitution;
- The responsibility and tasks of the branches of government are clearly enshrined in the Constitution;
- Specific norms to ensure the balance of power branches are indicated in the Constitution.

The second phase covers 2000-2009, is focused to modernization and further democratization of public administration.

The second phase of the reforms was aimed at ensuring the balance of power branches, which began on 25 May 2000 with the second session of the second convocation of the Oliy Majlis of the Republic of Uzbekistan.

The first President of the Republic of Uzbekistan IA Karimov participated in the session with the report "Change and renewal is a requirement of life". This report put forward

a number of ideas and proposals on the balance of state power. It was at this session that it was proposed to move to a permanent bicameral parliament. At the same time, the idea was put forward for public discussion. On this initiative, a national referendum on the transition to a bicameral parliament was held on January 27, 2002.

Further reforms to ensure the balance of power were implemented in 2007. The main objective is to guarantee the rights of the opposition in parliament, as well as to strengthen the role of political parties in the renewal and further democratization of public administration.

After extensive discussions, in 2007 the Constitutional Law "On strengthening the role of political parties in the renewal and further democratization of state governance and modernization of the country" was adopted. Also, the Law "On Amendments to the Articles of the Constitution of the Republic of Uzbekistan (Article 89, Clause 15 of Article 93, Part 2 of Article 102)" was adopted.

These laws are aimed at expanding the rights and powers of political parties and their factions, enhancing their participation in public administration and strengthening the role and influence of parliament. These laws focused to provide following:

- the legal provisions for the response of political parties to the course and program of the government formed as a result of the election are clearly defined.

As it is known, the faction of the political party, which, according to the law, occupies the majority of seats in the Legislative Chamber, has a parliamentary majority. At the same time, factions with close political programming may form a parliamentary majority by forming a bloc. Fractions of political parties that do not fully or partially incorporate the newly formed government's course or program may declare themselves opposition;

- By law, a deputy nominated by a political party and elected to the Legislative Chamber can only be a member of the faction of that party;

- Representative of the faction of a political party in the Legislative Chamber is guaranteed to hold one of the posts of the Deputy Speaker of the Legislative Chamber.

The articles in these laws are aimed at strengthening the foundations of national statehood, democratization and liberalization of the society, and guaranteeing sustainable development.

This, in turn, will serve the noble goals of consistent economic growth and consistent improvement of the living standards of our people.

Adoption of the Law "On Amendments to the Articles of the Constitution of the Republic of Uzbekistan (Article 89, Clause 15 of Article 93, Part 2 of Article 102) of April 11, 2007 has played an important role in ensuring the balance of power.

In particular, this Law excludes the norm that the President of the Republic of Uzbekistan is simultaneously the head of executive power. This Law establishes the rules on ensuring the coordinated functioning and cooperation of state authorities with the President of the Republic of Uzbekistan.

The separation of the President from the executive branch, in turn, will increase the responsibility of the branches of government, central and local authorities in exercising their powers. In addition, clear delineation and legal limitation of the President's power helped to increase the independence of the government and to strengthen the influence of political parties.

Based on the above, at the second stage of maintaining the balance of power, the following features can be highlighted:

- improved the activity of the legislative body, transition from one chamber parliament to bicameral parliament;

- democratization of public administration, enhanced political parties' power and their participation in governance;

- increased role and influence of parliament;

The third stage included years from 2010 to 2016. This stage is explained by the further improvement of the system of checks and balances in the system of state power. This stage of balancing the power branches will undoubtedly promote the development of the parliamentary oversight institute to a qualitatively new level. In the section of the historical document "Democratization of state power and governance", a number of proposals were made to the Constitution of the Republic of Uzbekistan aimed at further improving the activities of executive and legislative branches. Based on these proposals, on April 16, 2014 the Law of the Republic of Uzbekistan "On introducing amendments and addenda to certain articles of the Constitution of the Republic of Uzbekistan (32, 78, 93, 103 and 117)" was adopted.

This law is an important legal basis for maintaining the balance of power, as follows:

-Parliamentary control of the legislative power over the executive branch is clearly enshrined in the Constitution;

-The legislation establishes the mechanism for expressing and implementing a vote of no confidence by the legislature - the parliament, based on the experience of democratic countries.

This will further increase the responsibility of the Cabinet of Ministers to the Oliy Majlis. It is well known that parliament plays an important role in balancing the executive and the legislative branch. The legal framework for the parliamentary institution has been created, and there is a need to create organizational and legal mechanisms for parliamentary oversight. One of the most important reforms implemented in the third phase was the Law of the Republic of Uzbekistan "On parliamentary control" of April 11, 2011. The Law "On parliamentary control" was developed in accordance with the Decree of the President of the Republic of Uzbekistan dated December 15, 2015 № F-4581 "On measures for implementation of tasks set in the field of legality and the rule of law".

In turn, the need to draft the Law of the Republic of Uzbekistan "On parliamentary control" is explained by the following:

- Firstly, on April 16, 2014, the Institute for Parliamentary Supervision gained the constitutional status by adopting the Law "On introducing amendments and addenda to certain articles of the Constitution of the Republic of Uzbekistan (Articles 32, 78, 93, 98, 103 and 117)". This, in turn, required legislative consolidation of the subjects, objects, forms and legal consequences of parliamentary control;

- Secondly, the issues of parliamentary control are reflected in the Constitution of the Republic of Uzbekistan, laws and regulations of the Oliy Majlis. Therefore, there was a need to adopt a unified systematic framework for parliamentary control;

- Thirdly, the legislative framework does not sufficiently reveal the legal mechanisms of parliamentary oversight;

- Fourth, the need for monitoring the adoption of subordinate acts and the establishment of a legal framework for parliamentary scrutiny;

- Fifth, the law is important for the effective functioning of a system of separation of powers.

This law directly regulates a number of issues related to control. At the same time, the following may be indicated when balancing the legislature and the executive:

- Adoption of the State budget of the Republic of Uzbekistan and the main directions of tax policy;

- Consideration of annual reports of the Cabinet of Ministers of the Republic of Uzbekistan on the most important issues of social and economic life of the country;

- Hearing the speech of the Legislative Chamber and the Senate on the activities of government members;

- Hearing the report of the Prime Minister of the Republic of Uzbekistan on some pressing issues of social and economic development of the country;
- Hearing the report of the Chairman of the State Committee for Nature Protection of the Republic of Uzbekistan;
- Parliamentary inquiries;
- Inquiry of the deputy of the Legislative Chamber and the member of the Senate;
- Implementation of the legislation, study of the law enforcement practice of the Legislative Chamber by the committees of the Senate and monitoring their adoption;

Consequently, the following can be highlighted as the key aspects of the third phase of balancing power :

- the system of checks and balances in the system of state power was improved, with a particular focus on ensuring a balance between the legislative and executive branches;
- the right of the legislative power to exercise parliamentary control over the executive branch is enshrined in the Constitution;
- by expressing a vote of no confidence to the Prime Minister by the parliament and establishing a mechanism for its implementation, the responsibility of the executive branch was increased before the legislature;
- the law “On parliamentary oversight” was adopted, and the forms of parliamentary control over the executive branch of the legislative branch were determined.

Fourth stage included 2017-2020 years. The election of Shavkat Mirziyoev as President of the Republic of Uzbekistan in the last quarter of 2016 has become an important historical event in our country. In a short period of time, a number of legal frameworks for modernization of public administration, further deepening of civil society and legal reforms were adopted. They began rapidly being introduced into the socio-political and economic life.

The adoption of the Decree of the President of the Republic of Uzbekistan “On the Strategy of Action for the Further Development of the Republic of Uzbekistan for 2017-2021” has opened a new stage in the development of civil society in the country. Strategy of actions on five priority directions of development of the Republic of Uzbekistan for 2017-2021, approved as a result of a comprehensive study of current issues of concern to the population and entrepreneurs, analysis of current legislation, law enforcement practice and best international practice, as well as the following:

- strengthening of the role of parliament and political parties in deepening democratic reforms and modernization of the country aimed at improving state and public construction, reforming the system of public administration, development of organizational and legal framework of public service, improving the e-government, quality and effectiveness of public services, implementation of control mechanisms, strengthening the role of civil society institutions and the media;

- strengthening the independence of the judiciary and guaranteeing the reliable protection of citizens' rights and freedoms, enhancing the effectiveness of administrative, criminal, civil and economic legislation, implementation of the system of combating crime and crime prevention, , radical improvement of the quality of legal assistance and legal services;

- strengthening macroeconomic stability and maintaining high rates of economic growth, increasing the competitiveness of the national economy, modernization and accelerated development of agriculture, further institutional and structural reforms aimed at reducing government participation in the economy, protecting private property and strengthening its prestige, encouraging private entrepreneurship, promoting integrated and balanced socio-economic development of regions and cities, actively attracting foreign investment in economic regions by improving the investment climate;

- gradual increasing of employment and real income of the population directed to the development of the social sphere, improving the system of social protection and health care, increasing social and political activity of women, creating affordable housing, development and modernization of road transport, engineering and communication infrastructure, implementation of targeted programs for the development of education, culture, science, literature, arts and sports, and improving the state youth policy;

-security, ensuring interethnic harmony and religious tolerance, strengthening the independence and sovereignty of our state, thoughtfulness, mutual benefit and practicality of foreign policy, creating conditions for security, stability and good neighborliness in Uzbekistan, strengthening international authority of our country;

- the principle put forward by President Sh. Mirziyoev in the strategy of action, “people should not serve state bodies, but state bodies should serve people”, gave opportunity to realize social and political life.

The Legislative Chamber and Senate of the Oliy Majlis of the Republic of Uzbekistan have opened a new era in the management of state power and in the activities of local authorities. The strategy of action has fundamentally improved the activities of public authorities to study the issues in the regions and to communicate with people.

In general, the essence of today's reforms is the decentralization of state authorities, the separation of various branches of government and the gradual transfer of a number of state powers to local authorities, public structures and local governments.

In general terms, it can be appreciated that the process of democratization in the system of state power in post-Soviet countries still occurs from top to bottom. Despite the adopted laws, the balance of power between the branches of government is quite difficult. More precisely, all branches of government are quite solid and difficult to change. They still cannot remove centralized management methods from their shoulders. Under these conditions, it seems that the only method of effective reform is external influence.

The practice of recent years shows that democratic institutions, as free media, are indeed an effective mechanism for changing all structures of state power. From the point of view of the development of civil society, civic participation, civic engagement will contribute to the acceleration of the activities of the branches of government.

References

- [1] Parlamentarizm: khorijiy mamlakatlar tajribasi.- Toshkent.: «Sharq», 2002; Tursunov A. Khorij parlamentlari tajribasi. // Jamiyat va boshqaruv. Toshkent, 2002. №2. Pp. 4-7; Husanov O. O'zbekistonda ikki palatali parlamentga o'tish zarurati. // Jamiyat va boshqaruv. Toshkent 2002. №3. Pp. 4-6; Muxammadjonov O. O'zbekistonda parlamentarizm islohoti // Hayot va qonun. Toshkent, 2002. №3-4. Pp. 28-30; Parlament islohoti: o'zbek modeli. // Hayot va qonun. Toshkent, 2002. №2. Pp. 3-8; Odilqoriyev H.T., Tul'teyev I.T. Ikki palatali parlament. / Qayta ishlangan va to'ldirilgan 2-nashr. - Toshkent: O'zbekiston Respublikasi IIV Akademiyasi, 2005.
- [2] O'zbekiston Respublikasining “Davlat boshqaruvini yangilash va yanada demokratlashtirish hamda mamlakatni modernizatsiya qilishda siyosiy partiyalarning rolini kuchaytirish to'g'risida”gi Konstitutsiyaviy Qonuni. «O'zbekiston Respublikasi Oliy Majlisi palatalarining Ahborotnomasi», 2007 yil, 4-son, 161-modda
- [3] Karimov I.A. Inson manfaatlarini taminlash, ijtimoiy himoya tizimini takomillashtirish - ustuvor vazifamizdir / O'zbekiston Respublikasi Konstitutsiyasi qabul qilinganligining 14 yilligiga bag'ishlangan tantanali marosimdagi nutq. // Xalq so'zi - 2006 - 8 dekabr.

- [4] O'zbekiston Respublikasining "O'zbekiston Respublikasi Konstitutsiyasining moddalariga tuzatishlar kiritish to'g'risida" (89-moddasiga, 93-moddasining 15-bandiga, 102-moddasining ikkinchi qismiga)"gi Qonuni. "O'zbekiston Respublikasi Oliy Majlisining palatalarining Axborotnomasi", 2007 yil, 4-son, 162-modda
- [5] Hakimov R.R. Davlat hokimiyati tizimida parlament: nazariya va amaliyot masalalari. Toshkent: 2012. – p. 4.
- [6] Hakimov R.R. Davlat hokimiyati tizimida parlament: nazariya va amaliyot massalari. Toshkent: 2012. – pp.234-235
- [7] O'zbekiston Respublikasining "O'zbekiston Respublikasi Konstitutsiyasining ayrim moddalariga o'zgartirish va qo'shimchalar kiritish to'g'risida" (32, 78, 93, 103 va 117-moddalariga)"gi Qonuni. "O'zbekiston Respublikasi qonun hujjatlari to'plami", 2016 yil 18 aprel, 15-son, 141-modda
- [8] O'zbekiston Respublikasi Prezidentining 2017 yil 7 fevralda qabul qilgan «O'zbekiston Respublikasini yanada rivojlantirish bo'yicha Harakatlar strategiyasi to'g'risida»gi Farmoni // O'zbekiston Respublikasi qonun hujjatlari to'plami, №6, 2017.
- [9] Karimov I.A. Inson manfaatlarini taminlash, ijtimoiy himoya tizimini takomillashtirish - ustuvor vazifamizdir / O'zbekiston Respublikasi Konstitutsiyasi qabul qilinganligining 14 yilligiga bag'ishlangan tantanali marosimdagi nutq. // Xalq so'zi - 2006 - 8 dekabr.
- [10] Muhammadjonov O. O'zbekistonda parlamentarizm islohoti // Hayot va qonun. Toshkent, 2002. №3-4. Pp. 28-30; Parlament islohoti: o'zbek modeli. // Hayot va qonun. Toshkent, 2002. №2.
- [11] Odilqoriyev H.T., Tul'teyev I.T. Ikki palatali parlament. / Qayta ishlangan va to'ldirilgan 2-nashr. - Toshkent: O'zbekiston Respublikasi IIV Akademiyasi, 2005.
- [12] Parlamentarizm: horijiy mamlakatlar tajribasi..- Toshkent.: «Sharq», 2002;
- [13] Tursunov A. Horij parlamentlari tajribasi. // Jamiyat va boshqaruv. Toshkent, 2002. №2.
- [14] O'zbekiston Respublikasining "O'zbekiston Respublikasi Konstitutsiyasining moddalariga tuzatishlar kiritish to'g'risida" (89-moddasiga, 93-moddasining 15-bandiga, 102-moddasining ikkinchi qismiga)"gi Qonuni. "O'zbekiston Respublikasi Oliy Majlisining palatalarining Axborotnomasi", 2007. №4
- [15] O'zbekiston Respublikasining "O'zbekiston Respublikasi Konstitutsiyasining ayrim moddalariga o'zgartirish va qo'shimchalar kiritish to'g'risida" (32, 78, 93, 103 va 117-moddalariga)"gi Qonuni. "O'zbekiston Respublikasi qonun hujjatlari to'plami", 2016. № 15
- [16] O'zbekiston Respublikasi Prezidentining 2017 yil 7 fevralda qabul qilgan «O'zbekiston Respublikasini yanada rivojlantirish bo'yicha Harakatlar strategiyasi to'g'risida»gi Farmoni // O'zbekiston Respublikasi qonun hujjatlari to'plami, 2017. №6
- [17] Hakimov R.R. Davlat hokimiyati tizimida parlament: nazariya va amaliyot masalalari. Toshkent: 2012
- [18] Husanov O. O'zbekistonda ikki palatali parlamentga o'tish zarurati. // Jamiyat va boshqaruv. Toshkent 2002. №3.