Constitutional and legal basics for the participation of political parties in the formation of the Legislative Chamber of the Oliy Majlis

Ikhtiyor Bekov
Associate Professor of
Tashkent State University of Law
ixtiyorbekov@list.ru

Abstract: This article presents the constitutional and legal basis for the participation of political parties in the formation (election) of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, their improvement and development trends, as well as the experience of foreign countries in this regard. The article analyzes the participation of political parties in the elections in the history of the Oliy Majlis with specific examples and facts, and draws theoretical conclusions about their participation.

Keywords: Oliy Majlis, Legislative Chamber, multiparty system, political party, election, candidate, electoral legislation, election code.

I. INTRODUCTION

It is known that the right to vote is one of the most important constitutional and political rights of citizens, in which they indirectly participate in the exercise of state power through their elected representatives.

Indeed, one of the hallmarks of a democratic state is the formation of a multi-party parliament. It should be noted that during the years of independence, the country has created a legal framework and opportunities for multi-party elections.

In the referendum held on January 27, 2002, the support of our people for the idea of establishing a bicameral parliament in our country, in turn, played an important role in creating a new legal framework for the legislature. The will of our people in the referendum adopted a number of normative acts, namely, "On the results of the referendum and the basic principles of state power", "On the Senate of the Oliy Majlis of the Republic of Uzbekistan", "On the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" served as the basis for the Constitution of the Republic of Uzbekistan, and our electoral laws have been improved. In particular, the procedure for electing deputies to the Legislative Chamber and forming the Senate of the country was determined, and laws on the regulations of the upper and lower chambers of the Oliy Majlis were adopted.

These laws pay special attention to the regulation of the legislative process in a bicameral parliamentary system. After all, the development of the state and society, the well-being of the people is determined by the degree of stability, populism, justice of the law.

In this regard, the lawyer AA Azizkhodjaev noted, "The resolution of such issues of national importance through referendums and laws indicates the beginning of a new stage of democratic development in Uzbekistan"[1].

Political parties represent the political will of party members, supporters and voters in the socio-political process, on the one hand, as an institution of representation of the interests of a
certain segment of society. On the other hand, political parties, as a necessary element of the political system, promote the functioning of the authorities and participate in elections in an organized manner [2].

It is known that the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan is formed on the basis of elections. After all, the formation of the lower house of parliament in this order is an important condition for building a democratic state governed by the rule of law and guaranteeing the principle of separation of powers.

The participation of political parties is especially important in this process. Because in the formation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, the main candidates for deputies are nominated by political parties. Consequently, the ultimate goal of any political party is to gain power. In this sense, participation in the formation of a parliament, in turn, serves to ensure that political parties achieve this key goal. Assessing these issues from today's point of view, President Mirziyoyev said that "any political party can survive as a political force only if it keeps pace with the times and meets its acute requirements" [3].

II. THEORETICAL AND LAW BASIS

In multi-party democracies, the law regulates the relationship between political parties and other institutions of the political system, determines the forms of their participation in the formation and activities of various state bodies, and the nature of their relations with other public organizations. The activities of the parties in this regard are based on the principles of their separate existence, independence, and non-interference in each other's affairs. It should be noted that these principles are enshrined in a number of international instruments relating to the relationship between political parties and the state. In particular, in a document adopted by the Organization for Security and Co-operation in Europe (OSCE) at the 1990 Copenhagen Conference on Human Criteria, States Parties stated that: "Strict boundaries between the state and political parties", that is, the characteristics of political parties that do not merge with the state [4].

The participation of political parties in the formation of parliament serves their primary electoral function, which determines its nature as an organization designed to seize and exercise state power. In a democratic society, this goal can only be achieved through legitimacy, that is, through the participation of political parties in elections, primarily in central government institutions - the head of state and the formation of parliament [5].

According to lawyer O.Z. Muhammadjanov, political parties and movements are an integral part of democracy, the main participants in elections. He believes that a stable multi-party system will allow voters who vote for candidates and programs of certain political parties to make effective political decisions, thus reducing redundancies, proposing basic approaches to serious issues related to the development of society and the state [6].

Indeed, as S.E.Zaslavsky rightly acknowledged, “from the point of view of the constitutional system, the relationship between the activities of political parties and the legislation governing elections is subject only to legal regulation (primarily the participation of political parties in elections, their organization, reorganization and liquidation), but also in the generality of their purpose of such regulation" [7]. In our opinion, in this sense, it is safe to say that the legislation on political parties and the electoral process are inextricably linked.

It should be noted that the role and importance of political parties, which are one of the main institutions of the political system, are invaluable in the democratic conduct of elections. Consequently, the main task of political parties is to participate in power. Their participation can only achieve its goal if it is within the law. The main purpose of a political party's struggle for power in elections is to include its members in its various structures and to participate in power through their activities.

In many developed countries, the activities of political parties are not ideological conflicts, but issues that take into account the strategic problems of the state in all its aspects and
help it to work effectively. They become more active during the election campaign and represent
the interests of the state and the nation in the form of their deputies in the parliamentary factions
[8].

It is well known that the activities of political parties have played a decisive role in
achieving economic and political success in developed countries and adapting the current system
to the interests of citizens [9]. Therefore, the role and place of the main subjects of the political
system - political parties - in building a democratic state governed by the rule of law is
invaluable. Indeed, political parties shape and express the public opinion of various socio-
political forces in society. Political parties are an integral part of the modern democratic system,
one of the main participants in election campaigns.

A stable multi-party system offers a range of approaches to addressing critical issues in
the development of society and the state, and thus allows decision-makers to vote for a particular
political party, its candidates, and its programs.

At the same time, it should be noted that the role of parties in election campaigns, in
shaping and expressing the political will of the people is not always uniform. The principle of
multiparty system is reflected in the formation of political associations from among the deputies
elected on party lists. These associations not only ensure the political representation of various
segments of the population in parliament, but also play an important role in improving the
organization of the entire parliamentary process. At the same time, it is natural that the
fragmentation of society into several small political parties and groups, in turn, has a negative
impact on their full representation in parliament. should also be taken into account.

The experience of developed countries shows that the role of political parties in elections
is determined by the legal framework of their participants. At the same time, we see that in
different foreign countries, this right also applies to other political associations. For example, in
Albania, Romania, Belarus, various public associations, and in Spain, Norway, Poland, and
Bulgaria, certain groups of voters have the right to run for parliament [10]. These participants
include political parties (their coalitions), non-political social associations, and voters.

However, there are also states where independent candidates nominated by initiative
groups of direct voters have the same right to participate in the election process as candidates
nominated by political parties. For example, in an election to the lower house of the German
parliament, a person who collects 200 signatures can be registered as a direct candidate [11].
Only in some countries, including the United Kingdom and the Commonwealth, does electoral
law place independent candidates at the center of the electoral process, not political parties, but
officially participating as individuals. In Canada, for example, political parties are not officially
recognized during elections (parliamentary elections). The election process is organized in such a
way that the participating candidates act as individuals. In this case, the candidate must be
supported by 25 voters, whose signatures are confirmed by witnesses[12].

However, the practice of campaigning in these countries suggests that the direct
participation of political parties is crucial in any election. There is no real chance of winning the
election without being linked to independent candidates or political parties.

It should be noted that the rules and requirements for the participation of independent
candidates in the elections, as well as the legislation of the above-mentioned countries, have been
strengthened for some time in the history of electoral legislation of our country. In 1999, for the
first time in the world election practice, the Center for Support of Independent Candidates was
established in our country. One of the main goals of the center was to support the candidates
nominated by the initiative groups of voters in the elections to the Legislative Chamber of the
Oliy Majlis and local representative bodies. It should be noted that in our country, as in many
other countries, independent candidates have not been able to "compete" with political parties in
parliamentary elections. This view is confirmed by A.Kh. Saidov, the head of the Center for
Support of Independent Candidates of the Republic of Uzbekistan, who said, “Parliamentary
elections have shown that most independent candidates do not have the experience to run in elections. They also do not have adequate campaign mechanisms. Political parties are superior to them in this regard. The fact that most independent candidates are not closely or directly involved in politics makes it much more difficult for them to compete with professional politicians and then defend their interests in parliament [13]”. According to the Law of the Republic of Uzbekistan "On Amendments and Addenda to Certain Laws of the Republic of Uzbekistan in connection with the Improvement of Electoral Legislation” of December 25, 2008, this institution was excluded from the legislation if the electoral legislation includes citizens directly among the subjects entitled to nominate candidates.

Legislation in many countries (Algeria, Bulgaria, Venezuela, Germany, etc.) allows for the nomination of independent candidates directly by the electorate, providing for the privileged position of parties. For example, the Federal Law on Elections to the Bundestag provides for the possibility of independent deputies to nominate candidates in majoritarian constituencies, with 200 voters having to register, which is not a requirement for parties. Bulgaria's 1991 Election Law requires independent candidates in majoritarian constituencies to collect at least 2,000 signatures, in contrast to party candidates.

With regard to NGOs, it should be noted that the legislation of most countries recognizes only political parties and voters as subjects of the electoral process and does not consider other public organizations as subjects of the electoral process as a whole.

In some countries, the law explicitly prohibits NGOs from running in elections. In particular, the Bulgarian Law on Political Parties of 1990 (Article 13) stipulates that public organizations must not only nominate their candidates in the election process, but also organize rallies, demonstrations, meetings and public campaigning in support or opposition to a political party or candidate. use of other forms” [14].

III. RESULTS AND DISCUSSION

Recognizing that the constitutional and legal basis for the participation of political parties in the formation of parliaments in foreign countries is based on the political regime of these countries, the traditions of state power, we see a strong legal framework in our country.

It should be noted that the basic principles in this regard are first of all reflected in the relevant articles of our Constitution.

In particular, Article 60 of the Constitution directly applies to the activities of political parties, according to which "Political parties represent the political will of various classes and groups and participate in the formation of state power through their democratically elected representatives”[15]. In addition to the above, a separate chapter of the Constitution, entitled "Political Rights" (Chapter VIII), states that "citizens of the Republic of Uzbekistan have the right to participate in the management of public and state affairs directly and through their representatives" (Article 32); “Citizens of the Republic of Uzbekistan have the right to join trade unions, political parties and other public associations, to take part in mass movements” (Article 34), which states that No one shall be deprived of his liberty and dignity "(Article 34).

Chapter XXIII of the Constitution, entitled "The Electoral System", Article 117 enshrines the right of citizens to vote and to be elected and the basic principles and timing of elections.

These norms, enshrined in the Constitution, required the reform of the electoral system, in particular the creation of a legal basis for the formation of the Oliy Majlis. To this end, Article 6 of the Law "On the Procedure for Implementing the Constitution of the Republic of Uzbekistan” instructed the Presidium of the Supreme Council to prepare a draft law on elections to the Oliy Majlis in 1993 and publish it for public discussion [16]. Following the discussion of the draft law, on December 28, 1993, at the fourteenth session of the Supreme Council, the Law "On Elections to the Oliy Majlis of the Republic of Uzbekistan” was adopted [17].

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The Law on Elections to the Oliy Majlis of the Republic of Uzbekistan strengthened the basic principles of parliamentary elections ... This law provided the legal basis for the formation of a new type of democratic parliament[18]. This law has been constantly improved since its adoption. If the relevant amendments and additions were made to the law on December 26, 1997 and August 19, 1999, they were adopted in a new edition on August 29, 2003 [19]. One of the main differences between the new law and the old one is that it consists of two main parts, Section 1 is devoted to elections to the Legislative Chamber of the Oliy Majlis, and Section 2 is devoted to elections to the Senate of the Oliy Majlis. The law in this new edition has also been constantly improved, and several changes and additions have been made. For example, the law was amended on August 27, 2004[20], according to Article 22 (4), the number of women must be at least 30 percent of the total number of candidates nominated by political parties, the December 3, 2004 amendment simplifies the procedure for voting on ballots.

The next stage in the development of this legislation is the Law of the Republic of Uzbekistan "On Amendments and Addenda to Certain Laws of the Republic of Uzbekistan in Connection with the Improvement of Electoral Legislation" of December 25, 2008. The law is aimed at solving these tasks, which are of great importance in ensuring the further development of our country on the path to building a democratic state and a strong civil society. This law, which amended 13 laws of the Republic of Uzbekistan, as well as Article 77 of the Constitution of the Republic of Uzbekistan, was another important step towards the gradual liberalization and democratization of the electoral legislation of the country. Amendments and additions to Article 117 of the Constitution of 24 April 2003 and 16 April 2014 also played an important role in strengthening the constitutional basis of suffrage.

The electoral legislation of our country has been constantly evolving in accordance with international norms, foreign and national experience, various changes and additions have been made to the laws.

Over the past three years, measures have been taken to strengthen the legal framework for popular government and political pluralism in the conduct of elections to representative bodies on the basis of openness, transparency and independence, and to gradually modernize the electoral system. The electoral system has become not only an element of the democratic system of government, but also an indicator of the level of participation of civil society in public administration.

The country's large-scale reforms, the policy of further democratization of the state formation process, have required further improvement of the legal framework of the electoral system, taking into account the experience gained in the preparation and conduct of elections, modern international electoral standards and the widespread use of information and communication technologies [21].

On December 22, 2017, the President of the Republic of Uzbekistan Sh. Mirziyoyev in his Address to the Parliament of the Republic of Uzbekistan - Oliy Majlis said: He therefore stressed the need to develop and adopt a single Electoral Code that would meet international norms and standards [22].

In the framework of the implementation of the State Program on the implementation of the Action Strategy for the five priority areas of development of the Republic of Uzbekistan for 2017-2021 in the "Year of Active Entrepreneurship, Support of Innovative Ideas and Technologies" approved by the Decree of the President of the Republic of Uzbekistan dated January 22, 2018 PF-5308 The draft Electoral Code of the Republic has been developed.

The draft unifies the electoral legislation (current laws, "On Elections of the President of the Republic of Uzbekistan", "On Elections to the Oliy Majlis of the Republic of Uzbekistan", "On Elections to Regional, District and City Councils of People's Deputies of the Republic of Uzbekistan", "On the Central Election Commission of the Republic of Uzbekistan"), based on the recommendations of the OSCE Office for Democratic Institutions and Human Rights, the
Shanghai Cooperation Organization, the Commonwealth of Independent States, the World Association of Electoral Bodies, and the Organization of Islamic Cooperation. During the preparation of the draft, the electoral legislation was thoroughly recorded and the national practice of conducting elections was generalized, and the electoral legislation and practice of a number of foreign countries were studied.

The draft Electoral Code also includes proposals made by international organizations specializing in the field of elections. In particular, the following 10 recommendations of the OSCE Office for Democratic Institutions and Human Rights and the Venice Commission were included in the draft Electoral Code of the Republic of Uzbekistan [23].

The main purpose of the Electoral Code is:
- Improving additional practical mechanisms for the protection of citizens' suffrage;
- systematization, unification (unification) of the electoral legislation;
- ensuring a hierarchy of suffrage norms;
- strengthening the guarantees of transparency of the electoral process.

That is why on June 25, 2019, the Electoral Code of the Republic of Uzbekistan was adopted.

In the history of Uzbekistan, the adoption of the Electoral Code is an important event in the development of the constitutional basis of the electoral system in our country, strengthening the role of citizens in governing the state and society, consistent implementation of universally recognized principles based on democratic principles.

Along with the above constitutional and legal norms, on December 26, 1996, the Law of the Republic of Uzbekistan “On Political Parties” was adopted, which is directly aimed at legal regulation of the activities of political parties.

The law defines the concept of a political party, the legal basis for the activities of political parties, the principles of formation and operation of political parties, membership in political parties, guarantees for the activities of political parties, formation, registration, denial of registration, suspension, termination, party charter, rights of political parties, factions of political parties in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, parliamentary majority and parliamentary opposition, merger of factions of political parties, party groups in the Jogorku Kenesh of the Republic of Karakalpakstan and local government bodies, property of political parties. Restrictions on the provision of legal norms on control over the compliance of political parties with the legislation and their charters n.

According to Article 12 of the Law of the Republic of Uzbekistan "On Political Parties", political parties have the right to participate in elections to public authorities in the manner prescribed by law.

Article 8 of the Law of the Republic of Uzbekistan “On Financing of Political Parties” of April 30, 2004 strengthens the procedure for “state funding of participation of political parties in elections to the Legislative Chamber and other representative bodies of state power” as a form of state funding of political parties.

The elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan were also held on the basis of the above constitutional principles.

The role of political parties as the main subject of the electoral process can be seen from year to year if the first convocation of the Oliy Majlis in 1994 was attended by only two parties (69 deputies from the People's Democratic Party and 14 deputies from Vatan Taraqqiyoti) and government representatives. One bloc elected 167 deputies (representing 33% of the party nominees)[24], while the number of parties participating in the 1999 parliamentary elections reached five (49 deputies from the People's Democratic Party of Uzbekistan, 20 deputies from the Vatan Taraqqiyoti party, Eleven deputies were elected from the Social Democratic Party "Adolat", 10 deputies from the Democratic Party "Milliy
Tiklanish” and 34 deputies from the National Democratic Party "Fidokorlar"[25]. Deputies elected from parties accounted for 45 per cent of the total number of deputies.

In the 2004, 2009, and 2014 elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, virtually all active parties participated.

For example, on November 15, 2019, the Central Election Commission of the Republic of Uzbekistan allowed a total of five political parties to participate in the elections to the Legislative Chamber. Movement of Entrepreneurs and Businessmen - Liberal Democratic Party, Social Democratic Party "Adolat" , The People's Democratic Party, the Ecological Party has decided to register 750 candidates for 150 seats [26].

From the above, it is clear that today the activities of parliaments, including the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, are unimaginable without political parties. Consequently, voter confidence in political parties and the candidates they nominate is growing. This indicates that the legal framework for reforms aimed at increasing the role of political parties in the country has been created.

IV. CONCLUSION

In conclusion, the specifics of the participation of political parties in the formation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan are as follows:

- political parties - a key element of the political system involved in the formation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan;
- Political parties participate in the formation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan through direct elections;
- The participation of political parties in the formation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan is regulated by special legislation;
- Participation in the elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan is not only the right of political parties, but also their distinctive feature, that is, their commitment to society through participation in elections;
- Political parties strive to achieve their goals of gaining state power by participating in the formation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

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