

DEVELOPMENT OF THE ELECTORAL SYSTEM OF UZBEKISTAN AS THE PART OF DEMOCRATIZATION OF SOCIETY

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Abstract - In this research article explores the development of electoral legislation of the Republic of Uzbekistan during the years of independence as the part of the process of the democratization of society.

Index Terms: democracy, electoral law, electoral system, elections

INTRODUCTION

As you know, elections are the most important institution of democracy, the main form of the will of the people. Recently, the public importance of the institution of elections in the development and strengthening of statehood, the exercise of state power has significantly increased.

The authority of any state on the world arena is largely determined by the openness and democratic principles of its electoral system. Since elections are an essential attribute of a democratic state with a strong civil society, and the most important form of citizen participation in managing the affairs of society and the state[1].

For a democratic country, it is important to regulate public relations in accordance with the law. The rule of law is one of the main features of a democratic rule of law, a criterion for ensuring justice. This explains the consolidation of this principle in the constitutions of democratic countries. In addition, one of the main tasks of a democratic state is to legislate and ensure the free exercise of citizens' electoral rights.

Democratic reforms on the development of civil society, deepening the rule of law are consistently implemented in Uzbekistan. An important component of this process is ensuring the active participation of citizens in the socio-political life of the country. It is also important to note that the democratization of all spheres of life in Uzbekistan, including the political and electoral systems, has an irreversible, deepening character.

In Uzbekistan, unlike many other states in transition, they are sure that stable and sustainable development of the country assumes not the curtailment of democratic reforms in the face of challenges, but, on the contrary, their activation. Achieving this goal directly depends on accelerating political modernization, developing a legal, democratic state, an open civil society.

In his Address to the Parliament of the country, President of the Republic of Uzbekistan Sh. M. Mirziyoyev drew attention of deputies to the issue of further improvement of the electoral legislation, which is of great importance in political life. It was

emphasized that the 6 laws and a number of by-laws adopted in this field, unfortunately, have not yet been agreed as a single document. In this regard, it is proposed to develop and adopt a unified Electoral Code that meets international norms and standards[2].

Legislative proposals of the President Sh. M. Mirziyoyev are a logical continuation of the ongoing work in the country on the implementation of the Strategy for the Further Development of the Republic of Uzbekistan[3], particularly in the field of improving state and public construction, aimed at further strengthening the role of parliament and political parties in deepening democratic reforms and modernization of the country, strengthening the role of civil society institutions and the media.

Special attention is paid to the improvement of the national electoral system, as it is an important component of the political system of a democratic society, reflects the order and principles of the formation of elected state bodies, the totality of social relations arising in the process of citizens exercising their electoral rights.

Over the years of independence, legislative foundations of electoral processes have been formed, reflecting the country's dynamic development and corresponding to the most advanced international standards and democratic principles. A unified independent system of electoral commissions has been established in the country, which provides, under the leadership of the Central Election Commission, the preparation and conduct of elections to representative bodies of state power. The organizational, legal, material and technical conditions for free, active participation of citizens, political parties in electoral processes, and strong guarantees for the exercise of their electoral rights were created.

As you know, on August 31, 1991, at the extraordinary sixth session of the 12th convocation of the Supreme Soviet of the Uzbek SSR in his speech, the First President of the Republic of Uzbekistan I.A. Karimov proclaimed the state independence of the Republic of Uzbekistan. On the same day, he signed the law "On the Fundamentals of State Independence of the Republic of Uzbekistan". Back in August 1990, Islam Karimov went to reorganize the Communist Party, seeking to radically change its ideology and policy, while in practice applying folk wisdom: "Without

building a new house - do not destroy the old one." The ruling Communist Party, which had enormous human and administrative resources, is being reformed into a people's democracy with a fundamentally new ideology and policy. Against the backdrop of the fall of the prestige of communist ideology, alternative parties and movements appear, such as Birlik and the Erk Party, which proclaimed themselves to be oppositional.

Despite the complexity of the internal political situation in the country, Islam Karimov decides to take a bold step - initiates the nationwide presidential elections on an alternative and multi-party basis, demonstrating a commitment to pluralism and democratic values. The elections were held on December 29, 1991 on the basis of common, equal and direct suffrage by secret ballot. Islam Abduganievich Karimov was elected by the absolute majority of votes for this high post. 86% of voters voted for him[4].

Simultaneously with the presidential elections, a referendum was held on the issue of Uzbekistan's independence. Almost everyone who came to vote voted for an independent and sovereign Uzbekistan. During the years of independence, a legislative base has been created and effectively operating in Uzbekistan that determined the legal basis for reforming various spheres of state and public life, modernizing the country.

At the same time, the main goal of all political and economic reforms is the building of a secular, legal democratic state based on the rule of law, the development of civil society and market relations, the creation of decent living conditions for human beings.

At the heart of all the reforms being implemented lays the principle: "Reforms are not for the sake of reform, but for the sake of man." It is important to note that political modernization in Uzbekistan is carried out gradually, step by step, consistently, based on the full consideration of its centuries-old history, the philosophy of world-famous thinkers, state and religious figures, political culture, national mentality and demographic development.

During the years of independence, the most profound transformations in Uzbekistan were conducted in the sphere of improving the electoral system. An effective legislative, regulatory and legal framework for elections has been created that corresponds to universally recognized international norms and principles. Among them are the Constitution of the Republic of Uzbekistan, the laws "On Guarantees of Electoral Rights of Citizens", "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 Kengashes of People's Deputies" and other legislative acts .

The Constitution of the Republic of Uzbekistan is the basis of the system of electoral legislation, its distinct chapter XXIII is devoted to the electoral system, it establishes a number of fundamental principles guaranteeing real political pluralism.

Organizational and legal, material and technical conditions for free, active participation of citizens, political parties in electoral processes, reliable guarantees for the full realization of their electoral rights have been created.

The evolution of national electoral legislation was aimed at creating the necessary legal basis for the formation of elective bodies and national statehood in general. Legislation on elections ensured at the initial stage of development the consistent formation of a fundamentally new democratic electoral system.

Firstly, before the adoption of the Constitution, election laws were passed. So, in November 1991 the laws "On elections of the President of the Republic of Uzbekistan" and "On the referendum of the Republic of Uzbekistan" were adopted. In 1992, the Constitution of the Republic of Uzbekistan was adopted, which enshrined universally recognized norms and principles of the suffrage: universality, equal and direct suffrage by secret ballot (Article 117 of the Constitution). The fundamental human rights and freedom, the principles of democracy, the election of representative bodies of power of all levels, the principles of building democratic legal statehood, ensuring political and public pluralism, the priority of human rights, as well as universally recognized norms of international law are documented.

Secondly, by adopting the Law "On the Oliy Majlis of the Republic of Uzbekistan" (September 1993), on the basis of constitutional norms, the legal status, role and place of the legislative body in the system of public authorities and its powers are determined.

Thirdly, the foundations of electoral legislation and legal and regulatory guarantees for citizens' electoral rights and freedom have been created, laws "On Elections to the Oliy Majlis of the Republic of Uzbekistan" (December 1993), "On Elections to regional, district and city Kengashes of People's Deputies" (May 1994), "On Guarantees of Electoral Rights of Citizens" (May 1994), etc. It is important to note that election laws have passed a successful test of time, showed legal expediency and their practical value, as well as effectiveness during the elections.

The main priorities for improving election laws were:

a) a gradual expansion of the electoral rights of citizens and an increase the role of political parties in the formation of representative bodies of power. It should be noted that in order to ensure a multiparty system, to increase the participation of citizens in the political life of the society, appropriate changes were introduced to the electoral legislation, which in turn met the state's obligations under the "Document of the Copenhagen Meeting on the Human Dimension of the CSCE" (1990) and "International Standards and commitments regarding the right to democratic elections: a practical guide to the best practice of democratic elections "(Warsaw, 2002)[5].

The legal norms that strengthen the broad participation of citizens and political parties in the formation of representative bodies of power significantly influenced the development of civil society in Uzbekistan, increased the civil activity of the population, thus filling the election process with alternative and pluralism;

b) the creation of a unified, independent system of election commissions from the bottom to the top - from precinct commissions to the Central Election Commission. In 1998, the Law "On the Central Election

Commission of the Republic of Uzbekistan" was adopted, in accordance with which an independent body was formed. At the same time, the Central Election Commission is charged with holding not only parliamentary and presidential elections, but also a referendum of the Republic of Uzbekistan. The law delegated specific regulatory powers to the Central Election Commission so that the Commission can make formal decisions regarding the various components of the electoral process that are not determined by the election legislation. Decisions of the Central Election Commission, taken within its powers, are mandatory for all lower-level election commissions and referendum commissions, for state bodies, political parties and other public associations, enterprises, institutions and organizations.

In this regard, it should be noted that amendments and additions made in 2014 to Article 117 of the Constitution of the Republic of Uzbekistan ensure the constitutional consolidation of such important issues as the procedure for the democratic formation of an independent body - the Central Election Commission of the Republic of Uzbekistan, the main functions and principles of its activities, the election of members of Commission by the Legislative Chamber and Senate of the Oliy Majlis, election of the Chairman of the CEC on the proposal of the President of the Republic of Uzbekistan at a meeting of the Commission among its members.

The Central Election Commission is given the status of an independent and permanently functioning state body that is guided in its activity by the Constitution of the Republic of Uzbekistan, laws on elections and referendum of the Republic of Uzbekistan and other legislative acts. Also, the constitutional consolidation and the main principles of the Commission's activities were achieved: independence, legality, collegiality, publicity and justice;

c) ensuring openness, publicity and transparency of elections. One of the key issues of the electoral process is its openness, the possibility of monitoring elections. Taking into account international experience and own practice, election laws include the participation of observers from political parties, representatives of the media, as well as observers from other states, international organizations and movements at all stages of the electoral process, from nominating and registering candidates to final voting procedures, vote counting and announcement of election results;

d) ensuring and guaranteeing the equality of rights of all candidates. The electoral legislation of Uzbekistan has been supplemented by a legal norm prohibiting campaigning, accompanied by the provision of goods or services (except for information) to voters free of charge or on preferential terms, as well as payment of cash. This is aimed at preventing cases of voter bribery, as well as due to the procedure for financing the election campaign only from public funds and voluntary contributions accepted and evenly distributed among election campaign participants by the Central Election Commission. In addition, in 1999, part two of Article 25 of the Law "On Elections to the Oliy Majlis of the Republic of Uzbekistan" was issued in a new version - "candidates, political parties are given an

equal right to use the media in the manner established by the Central Election Commission." Thus, with regard to pre-election campaigning, an important emphasis is placed on determining the access criteria for candidates and political parties to television, radio, and other media;

e) formation of a professional bicameral parliament. Based on the results of the nationwide referendum held in January 2002, a decision was taken to elect a professional bicameral parliament of the country. The development of electoral legislation was accompanied by a course of democratic reforms taking into account public opinion. The results of the referendum gave a new impetus to the development of the electoral legislation, as a result of which the Constitutional Law of the Republic of Uzbekistan "On the results of the referendum and the basic principles of the organization of state power" was adopted, and the Constitution of the Republic of Uzbekistan was amended.

At the same time, the Oliy Majlis of the Republic of Uzbekistan introduced a number of changes and additions to the existing electoral legislation: the adoption in the new version of the Law "On Elections to the Oliy Majlis of the Republic of Uzbekistan", which established the procedure for nominating candidates for the Legislative Chamber, the procedure for the formation of the Senate of the Oliy Majlis of the Republic of Uzbekistan and a number of other norms. A 30-percent quota of women was introduced in the nomination of candidates by political parties.

f) The Law of the Republic of Uzbekistan "On the Financing of Political Parties" played an important role in increasing the role of political parties. It defined the main mechanisms of state funding for the activities of political parties. Today, the activities of political parties that have passed to the Legislative Chamber of the Parliament are funded by the state annually up to several billion soums;

g) In 2008, the Law of the Republic of Uzbekistan "On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in connection with the improvement of legislation on elections" was adopted. This reform of the electoral system must be considered in the general sequence of measures taken to further develop civil society and a multiparty political system.

If in accordance with the legislation in the 1999 parliamentary elections the right to nominate candidates for deputy had political parties, representative bodies of government and citizens' self-government bodies, in the 2004 elections - political parties and initiative groups, in 2009 and 2014 this right was granted only by political parties. These changes in the legislation show that from the elections to the elections the political struggle is already on a qualitatively new basis, the parties expand their field of activity, their authority in the society grows, and, consequently, their responsibility to the people and the country.

Granting the right to nominate candidates to deputies only to political parties has become another step in the democratization of the state and society, the process of forming representative and executive bodies,

the factor of the development of the multi-party system, the strengthening of inter-party competition;

h) The report of the First President of the Republic of Uzbekistan Islam Karimov at the joint meeting of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan "The Concept of Further Deepening of Democratic Reforms and the Formation of Civil Society in the Country" (November 12, 2010) marked the beginning of a new stage in the process of reforming and democratizing the country, further improvement of the sphere of state and public construction, legal sphere, in particular, electoral legislation.

Based on the Concept of Further Deepening of Democratic Reforms and the Formation of Civil Society in the Country, relevant changes and additions were made to the legislation of the Republic of Uzbekistan, in particular, the concept of "pre-election campaigning" is clearly defined, the conditions, types, permissible forms and methods of its conduct are legislatively defined, including the inadmissibility of conducting election campaigning not only on election day, but also the day before the start of voting. The terms, procedure and procedure for early voting are fixed. In addition, administrative penalties were imposed for violations of election laws, and the procedure for the formation of polling stations in pretrial detention centers is regulated.

All these new norms were widely discussed with the participation of the country's deputy corps, representatives of political parties, scientists and specialists, and received a positive assessment of foreign experts and international organizations, in particular the Venice Commission and the OSCE/ODIHR. Experts came to a common conclusion that innovations in electoral legislation serve to further liberalize electoral processes, ensure their openness, strengthen existing mechanisms for the free and independent expression of the will of citizens.

The Law of the Republic of Uzbekistan "On the Introduction of Amendments and Additions to Certain Articles of the Constitution of the Republic of Uzbekistan (Articles 32, 78, 93, 98, 103 and 117)", submitted to the Parliament at the initiative of the President of the country, had a special significance for the further democratization of the political, Uzbekistan, contributed to the consistent implementation of the fundamental principle "From a strong state to a strong civil society", the further advancement of our country to achieve the level of developed democracies their countries. Undoubtedly, amendments to the Constitution that defined and created constitutional conditions for further democratization of state power, redistribution of powers between its independent branches, development of a system of checks and balances between them, led to further improvement of the electoral system.

At present, the purposeful work is being carried out to create a single Electoral Code of the Republic of Uzbekistan, which will allow codifying the norms regulating the electoral process in a single document. In addition, work continues on the creation of the Single Electronic Voter List, a program for its implementation has been created, which was successfully tested at the elections of the deputies of the

Kengashes of People's Deputies of Tashkent city, held in December 2017[6].

CONCLUSIONS

Thus, development of the electoral system of Uzbekistan is the part of democratization of society and the improvement of electoral legislation is an integral part of the further strengthening of the foundations of a democratic rule-of-law state, which is undoubtedly an important factor in the country's comprehensive progress, strengthening of guarantees and ensuring in practice the rights and freedom of citizens.

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