

 <p>ISSN NO. 2320-5407</p>	<p>Journal Homepage: - www.journalijar.com</p> <p>INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR)</p> <p>Article DOI: 10.21474/IJAR01/1720 DOI URL: http://dx.doi.org/10.21474/IJAR01/1720</p>	 <p>INTERNATIONAL JOURNAL OF ADVANCED RESEARCH (IJAR) ISSN 2320-5407 Journal homepage: http://www.journalijar.com Journal DOI: 10.21474/IJAR01</p>
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RESEARCH ARTICLE

DEMOCRATIZATION OF THE STATE POWER AND GOVERNANCE.

M. M. Mirakulov.

PhD, associated professor, researcher of Academy of Public Administration under the President of the Republic of Uzbekistan.

Manuscript Info

Manuscript History

Received: 12 July 2016

Final Accepted: 19 August 2016

Published: September 2016

Key words:-

democratization, state power,
governance, president, parliament,
executive power, separation of powers

Abstract

The purpose of this research is to analyze processes of modernization and democratic renewal of state power and governance in the Republic of Uzbekistan. This research draws upon main trends and directions of constitutional development which are provided creating an effective system of checks and balances, strengthening the role of powers and controlling functions of the legislative and representative branch of power. Also the essence of the constitutional-legal reforms in Uzbekistan is identified.

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Uzbekistan this year celebrates the 25th anniversary of its independence. During the 25 years of independent development, Uzbekistan has come a long way of reformation of the government and the constitutional principle of separation of powers, formation of an effective system of checks and balances among them, increasing the role and powers of the legislative and representative authorities at the central and local levels, and strengthening the independence of the judiciary.

The reforms being carried out for over the past period in this sphere were aimed at consistent implementing the constitutional principle of separation of powers, creating an effective system of checks and balances, strengthening the role of powers and controlling functions of the legislative and representative branch of power in the center and on the local level, as well as accomplishing measures on liberalization and independence of judicial system.

A profound attention has been paid to changing the functions of governing structures of central executive power and administrative bodies, radical reduction of their powers, regulatory and distributive authorities, as well as their direct interference in the activity of economic entities.

We have paid a lot of attention to decentralization of governance, delegating the part of functions from republican level to the bodies of regional, city and district levels, and establishing such a unique system of local self-governance in Uzbekistan as “makhalla”.

The outcomes of referendum held on January 27, 2002 on establishing the bicameral national parliament as well as adoption of the Constitutional law of the Republic of Uzbekistan “On the results of referendum and the main principles of organizing the state power” defined the basis for further deepening reforms the legislative power. The major goals, which are pursued along this process, are to create the effective system of checks and balances in exercising by the parliament of its authorities, to raise considerably the quality of lawmaking, to provide the balance between the national and regional interests taking into account that the upper chamber of parliament – the Senate,

Corresponding Author:- M. M. Mirakulov.

Address:- PhD, associated professor, researcher of Academy of Public Administration under the President of the Republic of Uzbekistan.

which mainly represents the local Kengashes (Councils), will represent the regions, and the lower – the Legislative Chamber – will undertake its activity on the permanent professional basis.

Eleven years ago we had turned our unicameral parliament into a bicameral. Thus, we have formed the Legislative Chamber, that works on a constant and professional basis, and the upper chamber – Senate, that functions as a legislative body of territorial representation, and established an order whereby representatives of Uzbekistan's all 14 regions – Republic of Karakalpakstan, provinces and the capital of Uzbekistan – Tashkent – are elected from among the deputies of regional, district and city Kengashes (Councils).

Taking into account the centuries-old rich history of our native Uzbekistan as well as its originality and geographical peculiarity, each of the 14 entities constituting the country has its own historical and socio-economic differences, its unique culture and traditions.

Given this fact and deriving from the objective laws of the evolution of our economy, when elaborating and approving our plans to meet the needs and interests of each region – be it province, district or town – it is imperative first of all to take these specifics into consideration.

Second, when instituting a bicameral parliament, we had set out to create a system of checks and balances aimed at effective realization by the parliament of its powers, at making well-balanced and thoroughly thought-out decisions.

Third, given the fact that the Legislative Chamber functions on a constant and professional basis, it was envisaged to substantially raise the quality of lawmaking in the parliament, bedrock of the contemporary parliamentarianism.

Fourth, because the Senate is composed by and large of representatives of local Kengashes and represents the entities of Uzbekistan, it was envisioned to secure the balance of nation-level and region-level interests.

Fifth, to further enhance the scope of population participation in the socio-political life of the nation, it was decided to shape the upper chamber, the Senate, from among the deputies of regional, district and city representative bodies.

If every deputy of the Legislative Chamber of the Oliy Majlis, works on the elaboration of legislative acts on the professional basis, that is, lawmaking, then members of the Senate, should evaluate, first of all, the laws being passed from the viewpoint of the interests of the region, strive to secure balance in these issues, and remember that you are representatives of not only a given region, but also the entire people of Uzbekistan, the head of our state asserted.

As it is known well, from the moment when the bicameral legislature started to operate in the country, some powers of the President have been passed on to the Senate. The latter has been granted the right – on the basis of recommendation from the President of the Republic of Uzbekistan – to announce amnesty, address issues of appointment and dismissal of diplomatic agents and Uzbekistan's other representatives in foreign nations.

Furthermore, the Senate is assigned with parliamentary oversight of the activities of bodies of the executive branch. It reviews annually the drafts of national budget, oversees the latter's execution, organizes hearings of reports of heads of government agencies.

Adoption in 2003 of constitutional laws “On the Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan” and “On the Senate of Oliy Majlis of the Republic of Uzbekistan” had a special significance in terms of development of national parliament and clearly defined the status, powers and mechanisms of activity of separate chambers and the new parliament as a whole.

With the formation of the bicameral parliament, the larger part of the President's powers was delegated and is today successfully carried out by the Senate of the Oliy Majlis of Uzbekistan.

In the framework of consistent, systematic and large-scale reforms, the work has been carried out to transfer to the legislative and executive structures of the part of the rights and powers of the President, which the head of the state was given in the first years of formation of the national statehood and the free market economy. One of the politico-legal acts of great importance was the abolition of the post of the chairman of the Cabinet of Ministers, which was

previously held by the President, and transfer of these powers to the Prime Minister, as well as exclusion from the Constitution, norms stating that the President was the head of the executive power.

The exclusion in 2007 of the norms from the Constitution of the Republic of Uzbekistan which stipulated that the President of the country was simultaneously the head of executive power became one of the political and legal acts of enormous importance of that period. The Article 89 of the Constitution defines that “the President of the Republic of Uzbekistan is the Head of the State and ensures the concerted functioning and interaction of bodies of state power”.

The abolishment of the post of chairman of the Cabinet of Ministers, which was initially occupied by the President of the Republic of Uzbekistan, was an important step in the course of liberalization. In accordance with the adopted laws, now the Prime Minister not only organizes, but also leads the activity of the Cabinet of Ministers, bears personal responsibility for efficiency of its work, chairs the meetings of the Cabinet of Ministers, signs its documents and adopts decisions on the issues of state and economic management.

Along with this, the growing level of political culture and public awareness of the country’s population and dynamically developing processes of democratization and liberalization of society, as well as consolidation of the multiparty system created the necessary prerequisites to ensure more balanced distribution of powers among the three subjects of state power: the President – the Head of the State, legislative and executive branches of power.

The amendments introduced to the Constitution in 2011 and 2014 in line with the Concept of further deepening the democratic reforms and formation of the civil society in the country and to a range of legislative acts approved in the sphere of state building have helped ensure the further optimization of powers of principal bodies of government – President of the Republic of Uzbekistan, the Oliy Majlis, the government of the country, the evolution of the mechanisms of checks and balances among the legislative, executive and judicial branches of power.

In accordance with the Concept of further deepening democratic reforms and formation of the civil society, changes and additions have been made to certain articles of the Constitution, giving the political party with the most seats in the Legislative Chamber the right to propose the candidacy of the Prime Minister, introducing the institution of the no confidence vote to Prime Minister, the right of parliament to hear reports of the head of the government on topical issues of socio-economic development, and several other principal innovations.

These changes will facilitate the creation of the legislative bases for further deep reform of the executive, legislative and judicial branches of government, strengthening the role of the parliament in the state and political system, create conditions for further increasing the role of political parties in the formation of executive bodies and implementation of parliamentary control over their activity, as well as significant increase of the political and inter-party competition.

In 2014, to adopt the Law of the Republic of Uzbekistan “On the Introduction of Amendments and Addenda to Certain Articles of the Constitution of the Republic of Uzbekistan (Articles 32, 78, 93, 98, 103 and 117)” that was introduced for deliberation of the parliament by the President of the Republic of Uzbekistan as a legislative initiative.

These amendments and addenda to the Constitution of Uzbekistan have been made in order to intensify the democratization process of the system of government and management, to secure a gradual realization of the principle “From a Strong State to a Strong Civil Society”, bolster the role of both chambers of the Oliy Majlis of the Republic of Uzbekistan in the system of government and their rights and powers in the realization of strategic tasks in the internal and foreign policy, boost the functions of the supreme legislature and representative bodies of government in overseeing the activities of the Cabinet of Ministers and executive bodies, and raise the liability of the government and local executive bodies for the execution of objectives in the socio-economic development of the state.

This law was an important factor in the realization of the constitutional principle of the separation of powers into legislative, executive and judicial branches and in the further promotion of the system of checks and balances among them.

The law is of immense significance for the further implementation of the underlying principle in the evolution of our country, "From a Strong State to a Strong Civil Society", for the formation of a polity that secures a reliable protection of human rights and freedoms and other universal values and norms of democracy, stipulated in the national Constitution. In accordance with the law institute of parliamentary oversight is introduced into the Basic Law.

Remarkably important in the further development of parliamentarianism, multiparty system and interparty competition, inter-faction struggle, of this critical component of a democratic society is the introduction of a norm to the Constitution envisaging that the nominee for the post of the Prime Minister, during deliberations and approval of his nomination in the parliament, presents an action plan of the government for the near and long-term future.

The Law also provides the government obligation to present the parliament with annual reports across the most important issues in the socio-economic life of the country.

Another important innovation of this law is fixing the norms in Article 98 of the Constitution envisaging the clarification and enhancement of the powers and rights of the Cabinet of Ministers.

Notably, the Cabinet is assigned with a responsibility for the conduct of effective economic, social, financial, monetary and credit policies, for the elaboration and implementation of programs for the development of science, culture, education, healthcare and other sectors of economy and social sphere. The Cabinet of Ministers coordinates and directs the work of government and management bodies, ensures oversight of their activities in the order stipulated by the law. These provisions dedicated to securing the independence and responsibility of the Cabinet of Ministers are conditioned by the very logic of Uzbekistan's political and constitutional evolution.

The role and significance of civic institutions in addressing the most critical challenges in the socio-economic and humanitarian areas are being bolstered to a considerable extent by the amendments to Article 32 of the Constitution. The norm of this Article envisages that the citizens of the Republic of Uzbekistan have a right to take part in the affairs of society and state by the means of self-government, referenda and the democratic formation of state bodies, is being added by a norm whereby this right is also realized by promoting and perfecting the public scrutiny over the activities of government bodies.

In order to boost the independence and at the same time the liability of local executive bodies before the representative bodies, article 103 of the Constitution added by a norm that establishes the obligation for the hokims (governors) of the province, district and township to present the relevant Kengash (Council) of People's Deputies with reports on crucial and pressing issues in the socio-economic development of the region, district or city, and whereby the Kengash of People's Deputies adopts corresponding decisions.

Of particular importance are the amendments to article 117 of the Basic Law directed at perfecting the constitutional foundations in the arrangement of activities, functioning and status of the Central Election Commission of the Republic of Uzbekistan as an independent constitutional body formed by the parliament. The Constitution fixes the major principles of the activities of the Central Election Commission like independence, legitimacy, collective nature, openness and justice. All this is a significant step toward further democratization of the electoral system.

In April 2016 adopted the Law of the Republic of Uzbekistan "On Parliamentary Oversight". The main purpose of the law is creating an integrated system of legislative base of the parliamentary oversight over the execution of the Constitution and laws, increasing efficiency and accountability of public authorities for carrying out their entrusted tasks and functions, as well as the priority state programs.

The law defines the subjects and objects of parliamentary oversight, its forms have been established, the measures following parliamentary oversights have been regulated.

The adoption of this law will be an important factor in further implementation of the constitutional principle of separation of powers, creating between them an effective system of checks and balances, strengthening the role of the Oliy Majlis in the system of state governance bodies, ensuring the rule of law, legitimacy, execution of the Constitution and laws of the Republic of Uzbekistan, increasing accountability of bodies of state power and administration for the execution of their tasks.

The essence of reforms in this realm has been the considerable elevation of the role of the Oliy Majlis of the Republic of Uzbekistan, local representative bodies in the system of government, enhancement of independence, powers and at the same time the responsibility of the government and executive bodies for unconditional fulfillment and further reinforcement of practicality of passed laws.