



IMPROVEMENT OF THE LEGAL BASIS OF THE ACTIVITY OF PARTY STRUCTURES IN LOCAL REPRESENTATIVE BODIES

Bekov Ikhtiyor Rustamovich

Professor of Tashkent state university of law

ikhtiyorbekov@gmail.com

Orcid: 0000-0001-5367-7523

Article history:	Abstract:
Received: May 30 th 2022 Accepted: June 30 th 2022 Published: August 4 th 2022	Nowadays, the provision of human rights is the most important task of the state in Uzbekistan, as well as in many democratic countries. It is known that improving the activities of state authorities, especially local state authorities, and increasing the role of civil society institutions in the implementation of human rights is an important issue. In this article, the issues of further improvement of the activity of party structures, party groups in local councils, creation of modern legal mechanisms and effective guarantees are scientifically analyzed.

Keywords: Local representative bodies, civil society institutions, political party groups, the electorate, public control, deputation request.

INTRODUCTION

The renewal processes taking place in our country, in particular, cover the sphere of modernization of the state and society. Increasing the role of local representative and executive bodies of the government in ensuring the effectiveness and efficiency of the reforms implemented in this front remains one of the urgent tasks. Also, at the modern stage of our development, implementation of rational and optimal mechanisms of state management, implementation of priority tasks defined in the concept of administrative reforms, and acceleration of scientific achievements and wide implementation of innovative technologies in this regard are on the agenda as an extremely necessary requirement.

In this situation, on the one hand, it is necessary to use all the possibilities of the state power, and on the other hand, to mobilize the full potential of civil society structures and use them effectively. As we noted at the beginning of our research, political parties, on the one hand, as an important element of the political system, have the ability to actively act in the structures of state power, and on the other hand, as one of the main subjects of civil society, they have the ability to influence state authorities and the management system. Based on this, it is extremely important to analyze and research the issues of further improvement of party structures, party groups in local councils, creation of modern legal mechanisms and effective guarantees.

LITERATURE REVIEW

Issues of improvement of the legal basis of the activity of political party structures in local councils is reflected in the works of researchers such as K.

Akhmetova, S. Jakyp [1], K. Antipev [2], A. Slobojanina [3], O. Babadjanov [4], F. Rahman, A. Sujoku, T.Subekti [5].

RESEARCH RESULTS

First of all, it should be noted that the tasks defined in the "Strategy of Actions" considered as the program of today's reforms, including increasing the role of party groups in the activities of local representative bodies, especially improving the control functions regarding the activities of the executive power, are becoming urgent.

Therefore, it is of urgent importance to improve the organizational and legal foundations of the participation of political parties in the activities of representative bodies of local state power and to adapt the relevant legislation to international standards.

A.D. Babadjanov, who conducted research on this topic, offers the following definition of this phenomenon: the participation of political parties in the representative bodies of local state power means the formation of certain committees or commissions in order to express the interests of the party and voters in these bodies through their party groups, the task of the heads of local state power bodies activities aimed at making proposals for appointment and release, addressing executive authorities and officials with requests and hearing their reports, developing regional development programs and projects of regulatory legal documents. [6]

In general, this description can be taken as a working definition. It only summarizes some powers of local groups of political parties, which are strengthened in the legislation.



In our view, this definition is within the scope of the Council's powers of control and participation in the implementation of public control; it can be further enriched due to the right to ask for clarification from officials of local state and economic management bodies, other organizations, and the right to receive information.

Studying the relevant practice and the situation within the framework of our research shows that the activity and activity of the party structures (groups) in the local representative bodies of the state power is not at the level of today's requirements.

If we believe the statistics, we can see that party groups in local Councils are practically reviving from year to year. For example, if we take the example of the social-democratic party "Adolat", in 2009-2014 local Council deputies submitted a total of 95 issues to sessions and 532 issues to permanent commissions, while in 2014-2019, 677 issues were included to sessions and 1146 issues to permanent commissions [7]. However such figures do not mean that the situation is the same in all administrative-territorial units.

The activity of the structure of the political parties in the councils cannot be said to be at the required level. In his speeches in 2017, President Sh.M. Mirziyoev was strongly criticized for not including a single issue at the initiative of party groups in the agenda of the session of the regional and district councils.

The effectiveness of the work of deputies in local representative bodies requires the improvement of the work of party groups, such as the inclusion of issues that are bothering the population in the agenda of the session, the effective use of the request of deputies, active participation in the council and public control.

In particular, in order to increase the efficiency and effectiveness of the institution of parliamentary inquiry, as well as to strengthen the responsibility of local executive authorities to deputies, the Law "On Local State Power" stipulates that the answer to each deputy's request must first be heard at the meeting of the relevant party group of which the deputy who sent the request is a member, if the party group is not satisfied with the answer It is time to consider the issue of determining the norm regarding the need to be considered in the session of the Council. This innovation allows effective cooperation between party groups and the people's deputy to determine the activity of the party groups in the area of the constituencies and the control of the deputies.

For example, as of February 24, 2020, the Local Councils of the Jizzakh region, district and city councils, at the initiative of deputy groups of the Democratic party of Uzbekistan "Milliy tiklanish", put on the agenda of the sessions of the local councils not a single issue-proposal to ensure the performance of the tasks specified in the party's election program, to protect the interests of the electorate [8].

In addition, the problems and shortcomings indicated in the Decree of the head of our state "On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country" [9] (May 4, 2018) are also directly related to the topic of our research, the issues of increasing the role of political parties in the life of our state and society. In particular, effective and constructive communication mechanisms and cooperation between state bodies and civil society structures have not been established; effective areas for exchange of opinions on important issues of more rapid development of the state and society have not been created; the low role of party groups in the development and implementation of regional socio-economic development programs; social partnership (public-private partnership) could not become a productive mechanism of cooperation between state bodies and institutions of civil society aimed at solving social problems of citizens, especially at supporting the initiatives and innovative ideas of young people; supporting the initiatives of party groups, many bureaucratic requirements and obstacles in their implementation are not eliminated, which does not allow the establishment of mutually beneficial cooperation; the methods of interdepartmental communication used by the executive authorities do not allow the free implementation of actions of civil society institutions, including party groups, based on democratic methods of activity and the principle of self-management.

In order to improve the organizational and legal basis of the activities of local party groups, the following shortcomings in this field were also revealed as a result of studies conducted in 2019 in cooperation with the Institute of Legislative Problems and Parliamentary Research:

- specific criteria for the formation of district-level structures of political parties have not been established. Therefore, as of 2019, there are 201 district organizations of "UzLiDeP", "Milliy Tiklanish" and "Adolat" parties, while the district party structures of the People's Democratic Party of Uzbekistan exist in only 194 districts (cities). Therefore, there are no



UZPDP party groups in the Councils of People's Deputies of seven districts (cities) of the republic;

- specific mechanisms (criteria) for evaluating the effectiveness of district party organizations have not been developed [10];

- local party groups do not use social networks and messengers in communication with their electorate at all. Digitization measures in this sector are still lacking attention.

The results of the social survey conducted in relation to our research also confirm the above shortcomings. For example, "How do you assess the influence of party groups on the life of the district (city)? "To what extent are they able to express the interests of their electorate?" - the answers of the respondents to the questions were distributed as follows: - "I positively evaluate the influence of party groups on the socio-economic life of the regions" - 4.6 percent; the role and participation (influence) of political parties is "not at the required level" - 74.7 percent in representing the interests of local party groups and "it is necessary to increase their influence on the life of the district (city)" - 20.7 percent. There is no need to over-interpret these numbers.

When it comes to improving the effectiveness of party groups within local representative bodies, it is important to pay attention to the Decree of the President of the Republic of Uzbekistan dated August 17, 2018 "On the legal experiment on the introduction of a special management procedure in the city of Tashkent" No. PF-5515 [11]. In particular, this decree states that there are a number of problems in this area, including the insufficient use of the control institute by local councils, as well as the fact that the mechanisms for organizing the activities of the councils do not meet today's requirements.

In our opinion, in the system of public control mechanisms, the deputy party groups within the representative bodies of local authorities can and should play an important role. Unfortunately, the great potential of party structures at the local level in the field of public control remains untapped and unused "reserve".

In our opinion, these goals cannot be achieved without digitalization of the councils of local people's deputies. Through the "E-Council" electronic platform, it will be possible to place control forms and information about them on the Internet. Also, it is advisable to integrate a mobile application into the portal, which will allow deputies to communicate with their constituents through the platform.

At the same time, in order to create and further improve effective legal mechanisms of public

control by party groups in local representative bodies, we believe it is appropriate to include relevant norms in the Law of the Republic of Uzbekistan "On Local State Power".

Moreover, in Article 7 of the Constitutional Law of the Republic of Uzbekistan dated April 11, 2007 "On Renewal and Further Democratization of State Administration and Strengthening the Role of Political Parties in the Modernization of the Country", "in order to increase the effectiveness of the control tasks, people's deputies to party groups in regional and Tashkent City Councils" the right of the initiative to submit conclusions based on the unsatisfactory performance of persons approved for the post of mayor is given to the President of the Republic of Uzbekistan. If such an initiative is supported by the leading party groups, the President of the Republic of Uzbekistan shall appoint a discussion of this initiative in the Council of People's Deputies and make a decision based on the results of the discussion.

Unfortunately, this constitutional norm, which provides an opportunity to establish control over the activities of the executive power for the party groups within the local Councils, has not been used in practice even once for almost fourteen years. The reason for this is, on the one hand, the indifference and lack of initiative of the relevant party groups, and on the other hand, the necessary legislative procedures and mechanisms for using this constitutional right have not been formed. Now it is necessary to strengthen the specific legal mechanisms of its implementation in the legislation and create the necessary conditions for its effective use.

Deputies of local state representative bodies, including the members of their party groups, feel the great responsibility they bear, and in order to achieve full and effective work, it may be important to establish their activity on a permanent basis, financed from the budget. Based on this, it is necessary to establish the permanent work of some deputies of the local councils and to include in the law the provision that they receive salaries from the budget. It should be provided that at least one member of the representative of each party group has a guaranteed right. It can be seen that almost 90% of the expressed opinions are in favor of establishing the activities of deputies on a permanent basis.

We would like to draw your attention to another issue, which is a logical continuation of the above problem. It is known that according to the current legislation, deputies of local representative bodies work without separating from the main place of work. Article 143 of the Law on Political Parties [12]



should be called "Assistant of the Deputy of the Local Council" and the people's deputies of the regional, district, and city councils should be given the right to have their own assistants on a public basis. These community-based assistants lighten the burden of the MP and help bring the relationship between voters and MPs closer.

The institution of "deputy assistant" on a public basis in local representative bodies is already being used in practice in foreign countries (Russia, Ukraine). Even special projects and courses have been organized to prepare "deputy assistants" working on a public basis.[13]

Systematic implementation of measures at the legislative level aimed at ensuring the activity of deputies and party groups by local representative bodies, i.e. Councils of People's Deputies, in the preparation of programs for the socio-economic development of regions, districts and cities, as well as in the preparation of draft decisions of the Councils, is an urgent requirement of today. Therefore, we believe that it is necessary to clearly strengthen the provisions on the obligation (condition) to take into account the proposals made by local party groups in the preparation of such programs and projects, as well as the norms that provide for their initiative and participation in the creation of rights. To be more precise, the institution of the right of initiative of the relevant party groups should have its legal expression at the Councils of People's Deputies. We suggest that the existence of such legal mechanisms in the current legislation would have effectively served to stimulate the activity of political parties, local party organizations and groups.

The President of the Republic of Uzbekistan, Sh. Mirziyoev, in his initial speech, said, "We have determined measures to introduce the procedure for the election of governors of regions, districts, and cities in the future. However, in order to implement this advanced democratic idea, first of all, political parties should be ready to nominate their candidates for these responsible positions and have a pool of potential personnel.

Later, in the address of the head of our state to the parliament (December 2018) and in paragraph 28 of the state program "2019 - the year of active investments and social development", he studied the issue of canceling the status of the chairman of the Council of People's Deputies, and the Councils are headed by chairmen elected from among the deputies, and made relevant proposals training was provided. .

In our opinion, the abolition of the status of the mayor as the chairman of the current Council of People's Deputies will bring the following results:

- the responsibility and accountability of the heads of local executive bodies to local representative bodies will increase;
- full control of the Councils of People's Deputies will be established over the activities of local executive bodies;
- sufficient level of independence of local representative bodies is ensured;
- an effective system of distribution of powers at the local level, mutual restraint and balance of interests is provided.

Naturally, the activity of party groups (perhaps the responsibility of the institution of the Council of Deputies Groups of political parties in the relevant representative body) is relied upon in nominating a candidate for the chairmanship of the Councils of People's Deputies. Furthermore the most acceptable democratic solution would be to strengthen the legislation of political parties (their party groups) to nominate the candidates of governors of regions, districts, and cities on the basis of alternatives. That's why in both cases: - political parties (party groups) are responsible for nominating and electing candidates for the chairmanship of representative bodies of local state power and nominating candidates for the position of hakims.

We think that it would be appropriate to implement the following proposal in order to strengthen the interest of political parties to occupy more seats in the parliament and local councils. Establishing in the legislation the exact period of elections for the vacant seats in the Legislative Chamber of the Oliy Majlis and local councils. Because the political party will try hard during the election to get 1 seat, but due to not holding an election for the vacant seat, it will lose its seat and as a result of the reduction of seats, it will lose the funds allocated from the budget for financing. It is known that when allocating funds to each political party for the implementation of its activities stipulated in the charter, funds are allocated in proportion to the number of its deputies in the Legislative Chamber.

It is also necessary to amend the law on funding of political parties and introduce a mechanism for allocating funds to political parties based on the results of the last election, if elections are not held for vacant seats. According to the current legislation, if the number of deputies in the political party faction decreases, the amount allocated for the next year for



the implementation of the activities provided for in the charter will be reduced accordingly.

As part of our social survey on the topic of the research, its participants were addressed with questions aimed at studying the state of transparency and disclosure of the activities of local party groups. Its generalized results were the basis for drawing some conclusions in this regard. 67.5% of the respondents have almost no information about the activities of the deputies and party groups in local representative bodies (more precisely, 39.1% of the respondents said that they do not have enough information, and 28.4% do not have any information at all).

76.4 percent of the survey participants expressed the opinion that communication of political parties and their groups with voters is unsatisfactory. Only 11.4 percent of participants expressed a positive attitude in this regard. Most of them are in favor of such dialogues being permanent and regular.

47.9 percent of the respondents believe that the activities of local Council deputies and party groups should be widely covered in the mass media. Also, "from what sources do you get information about the activities of the parliament or local councils of people's deputies?" - the following answers were received from the survey participants: "through television" - 17 percent; "via radio" - 2.5 percent; "through newspapers (press)" - 1.5 percent; "via the Internet" - 77.6 percent and "other answer (also difficult to answer)" 1.4 percent.

CONCLUSION

The information presented above prompts us to draw certain conclusions on the subject under study. We believe that it is necessary to comprehensively consider the effective, clear organizational and legal measures of the deputies and party groups in the local Councils to establish a real dialogue and exchange information with their voters and electorate. Also, it will be a serious incentive (stimulus) for the members of the political party.

The scope of practical work on the legal basis of the openness of the activities of state authorities and its guarantee is increasing. The adoption of the Decree of the President of the Republic of Uzbekistan No. PF-6247 dated June 16, 2021 "On additional measures to ensure the openness of the activities of state bodies and organizations, as well as the effective implementation of public control" confirms our opinion once again.

Ensuring transparency, transparency and openness in the activities of party groups in local

government representative bodies of political parties is a matter of serious concern. Based on this, in order to ensure openness and transparency, introducing a mandatory norm on posting the annual report on the activities of political parties on their official websites for everyone to get familiar with. The establishment of this mechanism will undoubtedly be a logical continuation of the work carried out in recent years in our country to ensure the openness of the activities of state authorities.

In our opinion, in order to ensure the inviolability of the candidates for deputies nominated by political parties to the Legislative Chamber and local councils, without the consent of the Central Election Commission of the Republic of Uzbekistan and the relevant regional, district, city councils, the rule that they cannot be brought to criminal responsibility, arrested, or subject to administrative punishment in court Legislation is important.

Thus, the implementation of the above organizational and legal measures, the introduction of the proposed legislative reforms, the formed legal mechanisms into the legislation will serve to increase the influence, role and activity of political parties, their local party groups, and to strengthen the effectiveness of the activities of representative bodies.

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