



## **PARTICIPATION OF FACTIONS OF POLITICAL PARTIES IN THE PROCESS OF PARLIAMENTARY OVERSIGHT**

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<b>Received:</b> December 10 <sup>th</sup> 2022 <b>Accepted:</b> January 8 <sup>th</sup> 2023 <b>Published:</b> February 17 <sup>th</sup> 2023	This article explores Factions of political parties are an important subject of parliamentary control in the Republic of Uzbekistan, as well as, in the direction of the importance of reforms in the political sphere of the Republic of Uzbekistan over the past three years.
<b>Keywords:</b> <i>Political party, faction, party groups, elections, factions</i>	

In addition to the legislative and representative functions of the parliament, its control function is also important. Adopted laws cannot perform their regulatory function in conditions where the control over executive authorities is insufficient or of poor quality. Parliamentary control is one of the important elements of the legal status of party factions, as well as in the system of "mutual restraint and opposite influence of powers".

In this regard, Professor S.A. Avakyan rightly emphasizes the opinion that "science spent many years to prove the effectiveness of the parliament provided with control functions".[1]

In our opinion, the starting point for determining the nature of the control function of the legislative power is the theory of the distribution of powers, which assumes that the people are the only source of power. The representative body, which is an integral part of the state mechanism in the implementation of the control function of the people, at the same time creates the legal basis of the state administration. Legislative power legally ensures the effective functioning of the entire state mechanism and therefore occupies an influential place in the system of distribution of powers.

political party factions in the control of the parliament has been studied by various scholars in the CIS countries from different perspectives. In particular, political party factions as an institution of opposition in the parliament S. Vasileva, [2] tasks of political factions in the implementation of parliamentary control in the CIS states G. Karimova, [3] the rights of opposition factions in France M. Sorokin, [4] The question of the participation of political party factions in parliamentary control over the government A. Researched by Nechkin [5] and others.

From foreign researchers M. McCubbins [6] Effects of fractional control on budgetary discipline in

Japan, R. Harmel [7] Empirical analysis of the parliamentary control of factions, D. DiSalvo has done scholarly work, such as a general analysis [8] of factionalism in the US Congress.

S. Analyzing the purpose of political party factions, Vasileva states that "its historical purpose is to control the executive power and oppose government initiatives in the interests of voters, it once again confirms that the institutionalization of the political opposition on the basis of ideological criteria should be based on internal parliamentary discussion»[9].

In our opinion, the participation of political party factions in the implementation of parliamentary control requires the protection of the position of the party and the electorate in solving all the problems of the life of the state and society. As defined in Article 12 of the Constitution of the Republic of Uzbekistan, social life in our country develops on the basis of diversity of ideologies and opinions. [10] The participation of factions of political parties in parliamentary activities, as in society, realizes the diversity of ideologies and opinions in the exercise of public representation.

Today, due to the features of the factional structure of the national parliament, its control functions are not fully regulated from a scientific and practical point of view. Also, increasing the role of factions in solving the most important tasks facing the state, such as implementing the foundations of the constitutional system of political party factions and ensuring the most important socio-economic rights and freedoms of people and citizens, fighting against corruption, is of urgent importance.

Therefore, in our opinion, ensuring control over the bodies of executive power, which has the constant support of the parliamentary majority, can be implemented only by expanding the powers of the subjects of parliamentary control.



It is appropriate to analyze the scientific-theoretical essence of the concept of "parliamentary control" when studying the activities of political party factions related to parliamentary control. Studying the different approaches of legal scholars to this issue has shown that by "parliamentary control" they mean:

- firstly, to understand the complex of various activities on continuous monitoring and verification of the system activity by the legislative (representative) body of the state power; [11]

- secondly, to understand the system of norms that mainly regulate the established method of monitoring and checking the activities of executive bodies; [12]

- thirdly, as a legal institution, they propose to understand the set of legal norms that mainly regulate the monitoring and inspection of the activities of the executive authorities [13].

In our opinion, the first approach is not very clear: it is clear that the control will be carried out by the parliament, but what is the object of this type of control, what system activity is meant, remains abstract. It is important to exercise control over the activities of executive bodies here.

German scientist V. According to Steffani, parliamentary control is the direct (parliamentary majority) and indirect (opposition) use of the parliamentary process to examine and determine (or influence) the behavior of others, particularly the government and state bodies, or the adoption of sanctions or legally binding decisions. opportunity, as well as the expression of political opposition as a result of receiving, processing and evaluating information, including confirmation and criticism. That is, it is the parliament's control over the government (executive power) directly or indirectly with the possibility of applying sanctions ("checking with the possibility of applying sanctions"). [14]

According to the opinion of Kazakh scientists, the control function of the legislative power should be considered in the following three main aspects, namely:

1) control is a consistent and constructive activity of the legislative power, as one of the main functions of the implementation of its powers;

2) control as a system of measures that ensures detection of negative events and trends in the state and operation of controlled objects;

3) control as the final element of the management process (activity), which implies the inevitable use of preventive, corrective, stopping and sometimes punitive measures. [15]

The definition expressed by French scholars on the subject under discussion is very clear and succinct:

parliamentary control is a set of measures that allow the parliamentary chambers to form opinions on the government's activities and to dismiss it in case of conflict with the policy being carried out. [16]

Scientists of our country have expressed different approaches to this issue. In particular, according to A.Kh. Saidov, "parliamentary control is a constant monitoring by the legislative body in order to check the effectiveness and execution of the current laws and to check the strict compliance of the activities of the executive authorities with the legislation and legal norms, as well as the deficiencies identified as a result of such an inspection." , the law is a set of measures aimed at eliminating violations and preventing them" . [17]

In our opinion, parliamentary control is a type of indirect public control of the executive power through elected deputies. The analyzes show that the influence of political party factions plays an important role in the control of the parliament on the control activities of deputies, as well as on the fulfillment of their obligations in the pre-election program.

Thus, despite the fact that there is no unanimity in the legal literature about the essence of the control function of the parliament, the general position of experts can be distinguished: Basically, the activity of the modern parliament is carried out in the form of the implementation of its three traditional functions: representation, legislation and control.

As the Republic of Uzbekistan also follows the practice of world parliamentarism, the control function of parliaments is manifested in different ways, which reflects the specific features of a certain state structure and the proportions of state power branches.

In most cases, the executive power and its structures are meant as objects of parliamentary control. This authority is included in the scope of activity of almost all foreign parliaments (authority), regardless of the form of government. The control function can be directly enshrined in legislation or one of the parliamentary procedures. For example, the Constitution of the Swiss Confederation gives the Federal Assembly (Parliament) the power of supreme control over the federal administration and federal justice (Article 85, Clause 11). [18]

It should be noted that control over the executive power has a political character (although it is implemented in legal forms). So, the subject of control is the political activity of the government. The nature of control over other objects will always remain only legal. The oversight function of the higher representative body can be expressed in government reports on budget execution, reports of senior parliamentary



officials, parliamentary inquiries, parliamentary hearings, and other forms.

In this regard, the well-known Russian jurist V. E. Chirkin singles out more than ten methods of parliamentary control (interpellation, reports or information of the government and ministers, questions and answers, parliamentary hearings, etc.) the executive power plays an important role in limiting its arbitrary power and performing the tasks of effective state administration, [19]- writes.

The activities of officials are of particular importance in the implementation of parliamentary control of political party factions. A.R. Gizdatov, describing parliamentary control, cites "the exercise of powers by officials" in addition to executive bodies as the object of this type of control. [20]

In fact, without high-quality public administration and high personal responsibility of officials, it is impossible to consistently solve the huge tasks set before the society and the country. In this regard,

in the context of the COVID-19 pandemic, it has been shown the urgency of establishing effective operational parliamentary control over the exercise of the powers of officials.

Based on the variety of goals and characteristics of control activity, the legal forms in which it is implemented, some types of parliamentary control can be distinguished, in the implementation of which party factions and party groups in representative bodies take an active part.

The type of parliamentary control most often exercised by factions is hearing reports and information from executive branch officials. Rikiya Kuboyama, a professor of Nagoya Law University (Japan), who studied the experience of Uzbekistan's parliamentary control, said, "The strengthening of parliamentary control in the process of discussion and approval of the candidate for the post of Prime Minister in Uzbekistan, as well as the strengthening of the accountability of regional leaders to the relevant representative bodies of the local state power, will strengthen the political parties' control of the country. strengthens its role in defining certain priorities of political and economic development". [21]

Parliamentary hearings refer to the public discussion of any important social and state issues (often separately) by the parliament or its chambers, including when the relevant bill is presented to the parliament or when it is under consideration. As Professor S.A. Avakyan rightly pointed out, [22] there is no clear demarcation of powers in determining the functions of the parliament, because the performance

of the legislative function (discussion of the draft law is one of the stages of the law-making process) or personnel (appointment, approval), budget, finance or in terms of foreign policy functions (appointment of officials, etc.), the parliament exercises its powers through parliamentary hearings.

Parliamentary hearings can be held by the Legislative Chamber not only by committees and commissions, but also by the initiative of party factions. The issue of holding parliamentary hearings will be submitted for consideration at the meeting of the House Council, which will determine the date of the parliamentary hearing.

The free functioning of the party factions in the Oliy Majlis is determined in accordance with the requirements of the norms of modern developed countries. [23] Analysis of the provisions of this law on the tasks and content of parliamentary control from the point of view of the subject of our research allows us to highlight its specific features: a) party factions are a separate subject of parliamentary control; b) the object of parliamentary control - the activities of executive bodies and their officials; c) the measures used by the parliament are measures of political accountability, which have political consequences and not legal consequences.

When interpreting the essence of parliamentary control, it should be noted that the most important feature of the activity of the Legislative Chamber is its complex character, which implies the continuous implementation of control functions by party factions, which can be considered as a means of implementing party programs through parliamentary activity.

Based on the study of modern parliamentarism, it is known that the radical increase in the role and importance of political parties, the measures taken to strengthen inter-party competition and inter-factional struggle, the increase in the activity and professional level of deputies serve to raise parliamentary control to a new level.

Here it is important to pay attention to an important rule of foreign experience. According to Joachim Pfeiffer, a member of the German Bundestag, "a number of parliamentary control mechanisms are used in the Bundestag. Parliament, some party factions and deputies also have the right of control. They can send a request for information to a member of the government at any time, and he is obliged to respond to it." [24]

The participation of the factions in hearing the information of the members of the government, state bodies, heads of economic management bodies on the issues related to their activities at the meetings of the



Legislative Chamber is of particular importance. In practice, this type of hearing issue is considered and decided by the Legislative Chamber on the initiative of factions.

It should be noted that the current procedure limits the freedom of factions to exercise effective control functions. There is no legal regulation in the legislation on how the faction can act in the event that the faction's initiatives are considered and rejected by the Legislative Chamber. In our opinion, giving the faction the authority to make an independent decision on hearing the information of the members of the government, state bodies, heads of economic management bodies in the Legislative Chamber will eliminate excessive bureaucratic obstacles.

If we pay attention to the foreign experience, according to Article 43 of the Constitution of Georgia, "The parliamentary faction, a group of members of the parliament consisting of at least seven people, can appeal to the government, another body accountable to the parliament, or a member of the government who is obliged to answer a question at a meeting of the parliament, by way of interpellation. The answer may become the subject of consideration by the parliament." [25]

Based on the above, it is appropriate to give the faction the authority to make an independent decision regarding hearing the information of the members of the government, heads of state bodies, economic management bodies in the Legislative Chamber.

In our opinion, the implementation of parliamentary hearings by political party factions has the following characteristics: first, it reflects the social importance of the issues raised in parliamentary discussions. In this, each party requires the participation of political party factions based on its electorate and charter goals. Second, it attracts the attention of many representatives of state bodies, which implies further optimization of decision-making by political party factions in discussing problematic issues with state bodies.

It should be noted that in recent years, changes have been made to our national legislation, and the mechanism of parliamentary control and the participation of party factions and groups in it have been significantly expanded. A new mechanism - parliamentary scrutiny - was introduced. It is held in order to study certain facts or events that affect the most important interests of the society and the state, may have a negative impact on the foundations of the country's security, and its sustainable development. [26] The Houses of the Parliament make a decision on conducting a parliamentary

investigation (a joint decision is also possible) and a Commission consisting of their representatives is formed. Parliamentary scrutiny is of particular importance in the implementation of the control function of the Parliament. The scope of the issues that can be the basis of the parliamentary inspection can be understood that the parliamentary control can be focused not only on the activities of the executive power, but also on the most important issues of the life of the state and society.

a commission was established from among the deputies of the Legislative Chamber in the implementation of the parliamentary audit, and the participation of political party factions in this procedure is not regulated by law. Due to the importance of the institution of parliamentary inspection, the proportional formation of the commission by the factions increases their responsibility in the parliamentary activity.

If we pay attention to the foreign experience in this regard, according to Article 82 of the Italian Constitution, each chamber can conduct a parliamentary investigation on matters of state interest. Commissions are formed in proportion to the proportion of parliamentary factions and have powers similar to those of the judiciary. [27]

Based on the above, it is appropriate to state Article 18 of the Law of the Republic of Uzbekistan "On Parliamentary Control" in the following version:

*The Legislative Chamber, the Senate shall form a commission from among the deputies and members of the Senate proportionally from the respective fractions of the Legislative Chamber to conduct the parliamentary investigation.*

One of the innovations introduced in the parliamentary control, the Legislative Chamber and the Senate were given the right to hear the information of the heads of state bodies, economic management bodies on issues related to their activities. This is done in accordance with the established procedure for members of the government.

One of the last changes made in this regard, it was clarified who should sign the answer to the request of the parliament, the senator's request, the request of the member of the Legislature or the relevant Council of People's Deputies. The response is signed by the official in whose name the request was sent or the person temporarily performing his duties.

The fact that many requests for statistics are not answered by address has necessitated the introduction of appropriate amendments to the legislation. For example, 207 parliamentary inquiries



sent in 2018 received 120 responses signed by other officials. In 2019, 175 (72 percent) deputies' requests were answered by deputy heads of relevant bodies, 13 (5 percent) requests by heads of subordinate organizations, and 2 requests (1 percent) by officials of other organizations. [28]

Interrelations between factions and direct party organizations regarding parliamentary control are of interest. The practice testifies to the development of such a form as joint meetings of factions and party activists. Thus, at the joint meeting of the faction of the Democratic Party "National Revival" and the executive committee of the party's Central Council, the essence and content of the State Program was explained to the population, as well as the tasks aimed at the development of the social sphere specified in it, including the implementation of the items directly related to the program goals of the party. It was noted the need to establish parliamentary and deputy control. [29]

In our opinion, one of the reasons for the lack of permanent dialogue between the faction-party-electorate is precisely that the parties, in most cases, limit their work in the direction of "feedback" only to the election process, and between elections, they hardly carry out mutual communication and competitive relations.

Based on the above, it is necessary to improve the implementation of parliamentary control by establishing effective "feedback" mechanisms between the faction - the party - the electorate. [30]

Undoubtedly, the legislative activity within the framework of the parliament largely depends on the procedural and structural features of the activity of this authority. As a result, the work of each deputy will be related not only to the activities of the faction, but also to the work in the sectoral committee. At the same time, a deputy who participates in decision-making on a wide range of issues must have knowledge of the issues that fall under the jurisdiction of a political party faction. [31]

As a conclusion, it can be said that the participation of political party factions in parliamentary control is, firstly, a means of exercising people's power, secondly, a sign of political pluralism strengthened by the Constitution, and thirdly, it fulfills the function of "restraining" the executive power of the parliament and an effective "feedback" between the faction - party - the electorate. can be evaluated as an important factor of the establishment.

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