

Historical Prerequisites for Introducing Principle of Separation of Powers in Organising Local Government System

Khamdamova Shirin Mirzayuldashevna

PhD, Associate Professor, Department of UNESCO International Law and Human Rights, Tashkent, Uzbekistan

ABSTRACT

The article examines the historical background of the development of the principle of separation of powers on local level, provides the development of the principle of separation of powers on the ground in Uzbekistan based on the periodization of stages, by giving priority directions for the implementation of the tasks of the Concept of administrative reforms in the Republic of Uzbekistan from the perspective of the research issue, and analyzes the need of creating appropriate mechanisms for practical application of this principle at present.

KEYWORDS: *principle of separation of powers on local level, local Kengash, hokim, local representative power, local executive power.*

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The content of local government in the Republic of Uzbekistan changes with a change in society, under the influence of both internal and external factors. These processes create the preconditions for the modernization of the existing elements of the institution of local government. Thus, taking into account the new challenges of a global, regional and national character, an effective mechanism and methods of management are needed at various levels of government, in particular at the local level, of course, on a democratic basis.

It should be noted that today the issue of applying the principle of separation of powers is more relevant, which finds it necessary to apply it at the local level. In the scientific literature, there are different approaches to this issue, primarily historical.

Uzbekistan has a certain historical experience in the development of local separation of powers. In turn, this is the stage of the separation of powers before the October Revolution on the territory of Uzbekistan, which has some peculiarities. For example, starting from the 18th century, the city of Tashkent was

divided into IV quarters ("dakha"). Each quarter was ruled by an aksakal ("elder"), while the city itself was ruled by a bey, who was appointed at that time by the khan. [1].

The quarters could be considered the closest administrative units to the population, because even at that time they were decentralized bodies, elected directly by the population and providing public services to the population, which is evidence of direct democracy. In the districts, the Council of Elders operated, where each resident had the opportunity to participate in the local government of the district.

Moreover, the Council of Elders, along with representative ones, also exercised judicial powers.

The formation and development of the separation of powers at the local level also has its own characteristics during the formation of socialism, where a huge experience of state building in the Uzbek SSR was accumulated, which was based on a one-party system.

With the aim of expanding state influence on the ground, within the framework of the organizational development of the Soviet state, an increase in the number of regions, cities, districts in cities, villages and settlements in the republic played a large role, and this, in turn, was associated with the development of new lands. The organization of the activities of the system of state power at the local level was carried out through elections through the local councils elected by the people. Here candidates were nominated by the Communist Party.

Local Councils formed executive committees that performed local executive functions and were accountable to the Council and the Communist Party.

Local judicial power was exercised by the people's judges elected by the people. People's judges of district (city) people's courts, judges of regional, regional and city courts were elected by the corresponding higher Soviets of People's Deputies [2].

As we can see, under socialism, local power was exercised by such local government institutions as: the district committee of the Communist Party, the Council of Deputies, executive committees and judicial authorities. But it should be noted that, in spite of the legislatively regulated division of powers at the local level, in practice the communist party still dominated.

For a broader vision of the issue we are investigating within the framework of domestic experience, we have divided the development of the principle of separation of powers at the local level in Uzbekistan into the following stages.

The first stage (1991-2007). In the early days of independence, modern Uzbekistan inherited a system of local government, where in the last years of its existence the Soviet Union gained momentum in local confrontation between the representative and executive branches of government, as a result of which the normal functioning of local government was paralyzed.

The legal basis for the activities of local authorities of independent Uzbekistan was the adopted Law "On the reorganization of local authorities of the Republic of Uzbekistan" dated January 4, 1992 [3]. Local power was exercised through elections, where candidates were nominated by local government bodies, citizens' self-government bodies, political parties and initiative groups of citizens.

Thus, for the first time, this Law has consolidated the basis for the separation of powers at the local level into executive and representative powers. [4,C.11].

Second stage (2007 – present). This stage is marked by the changes made to the Constitutional Law of the Republic of Uzbekistan "On strengthening the role of political parties in the renewal and further democratization of public administration and modernization of the country" from 11.04. 2007, No. 3PY-88 [5].

At the same time, a distinctive feature of this stage was the strengthening of the control of the representative government over the activities of the khokim of the region and the city of Tashkent. More precisely, according to article 7 of the above-mentioned Law, party groups of regional, Tashkent city Kengashes of people's deputies were given the right to initiate submission to the President of the Republic of Uzbekistan of substantiated conclusions on the unsatisfactory performance of the khokims of the region and the city of Tashkent in order to increase the effectiveness of control functions. If this initiative is supported by the leading party groups, the President of the Republic of Uzbekistan appoints a discussion of this initiative in the Kengash of People's Deputies and, in accordance with the results of the discussion, makes a decision [6].

Modern scientists have laid the scientific and theoretical foundations for the interpretation and increasing relevance of this issue.

In turn, Professor Kh.I. Ruzmetov finds the issue of improving the current legislation on state power at the local level in terms of delineating the powers of local government bodies, in which relations between local bodies would be built in accordance with the principle of separation of powers and achieving a balance between them...

It is obvious that the requirement of the time for the further development of the principle of separation of powers is one of the priority directions for the implementation of the tasks of the Concept of Administrative Reforms of the Republic of Uzbekistan.

But, along with the advantages and necessity of this principle, the authors also note about some contradictions that arise in the process of its practical implementation, the mechanism of which must be clearly regulated in the legislation.

In this regard, the President of the Republic of Uzbekistan Sh.M. Mirziyoyev, in the Concept of Administrative Reform in the Republic of Uzbekistan [7], proposed to resolve the issue of refusal by the Khokim to combine the functions of managing the activities of the relevant Kengash of People's Deputies, reflect the subject of jurisdiction of representative and executive bodies, delimit their

powers, and also to increase the level of responsibility of khokims to Kengashes and the population, to expand the possibilities of public control.

So, the author Z.S. Askarov believes that the principle of separation of powers at the local level is filled with real content. Currently, in Uzbekistan at the local level (region, district, city), the executive and representative power is headed by one official - the khokim. This situation is contrary to the principle of local separation of powers and should be eliminated. [8].

Consequently, it will be impossible to implement the issue of further strengthening the role and responsibility of local representative and executive authorities, the practical implementation of the principle of separation of powers at the local level without the introduction of a new reporting system of khokims of the relevant territory to local Kengashes, regulated by the Law "On state power at the local level" [9] and the corresponding by-laws.

From the above, we can conclude that each state has its own peculiarities of implementing the principle of separation of powers at the local level, which cannot be changed without taking into account historical experience.

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