

Development of Electoral Legislation of the Republic of Uzbekistan

Israilova Zarina Sadriddinovna

Doctor of Philosophy in Law (PhD), Associate Professor of the Department “International Law and Public Legal Sciences” of the University of World Economy and Diplomacy, Tashkent, Uzbekistan

ABSTRACT

This article is devoted to reforming the electoral system of the Republic of Uzbekistan. The electoral system consists of all the voting rights of citizens, the existing procedure for the formation of state representative bodies and the procedure for involving citizens in elections, the organization of elections and the interaction of deputies with voters. The author considers the electoral legislation and identifies the main stages of its development, as well as the factors that contributed to its development.

KEYWORDS: *electoral process, electoral system, reforms, democracy, electoral law, law, principles, international standards*

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One of the most important socio-political events of key importance for the further sustainable development of the Republic of Uzbekistan are the elections of the Republic of Uzbekistan.

In recent years, within the framework of building a democratic, open to the outside world and competitive New Uzbekistan, enormous work has been carried out in the field of ensuring the constitutional rights of citizens to elect and be elected to representative bodies.

First of all, consistent measures have been taken aimed at strengthening the legal framework for free and fair elections held on the basis of universal, equal, direct suffrage by secret ballot openly and transparently - an inalienable attribute of a democratic state governed by law - as well as at strengthening and developing a modern democratic electoral system.

At the same time the electoral legislation of Uzbekistan is being dynamically improved based on the national practical experience accumulated in the course of periodically organized elections, as well as taking into account international standards, growth of political consciousness and electoral culture of

citizens, progress and needs of ongoing democratic reforms.

Based on the above research and analysis, we can say that there are three main stages of development of the electoral legislation of New Uzbekistan.

"The first stage" - from separate electoral laws to the Electoral Code

Codification of legislation means the activity of creating a systematized single normative legal act, carried out through deep and comprehensive revision of the current legislation, discarding of outdated normative legal material, development of new legal provisions, comprehensive development of the national legal system. In particular, in foreign countries the procedure of preparation and conduct of elections is regulated by the adoption of ordinary laws, constitutional laws or electoral codes. At the same time in more than 30 countries of the world the model of legal regulation of elections in the format of the Electoral Code is applied.

The new Uzbekistan also chose to codify electoral legislation. In 2019, the Electoral Code was adopted, replacing five previously disparate electoral laws. The

Electoral Code was developed with the participation of all political forces and parties of the country, institutions of civil society, on the basis of nationwide discussion. Recommendations of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) and the Venice Commission of the Council of Europe, foreign observers, missions of international organizations, such as SCO, CIS, OIC and others on previous elections in Uzbekistan were taken into account.

Adoption of the Electoral Code has become an embodiment of steady progress of the New Uzbekistan on the way of democratization and liberalization of society, strengthening pluralism of opinions, multi-party system. The most important novelties of the Electoral Code are as follows

- The main provisions of international electoral documents providing for direct election of members of at least one chamber of the parliament were fully implemented in the national electoral legislation.
 - voters are given the opportunity to support participation in elections of more than one party - it is enshrined that voters have the right to put their signature in support of one or more political parties;
 - It is legislatively stipulated that political parties have the right to nominate a presidential candidate and a candidate for the Legislative Chamber. At the same time, political parties have the right to nominate members of their party or non-partisans as candidates;
 - The norm restricting the participation in elections of persons imprisoned for crimes that do not pose a great social danger and less serious crimes was excluded;
 - the number of authorized persons of candidates from political parties was increased (for presidential candidates - to 15, for deputies of parliament - 10, regional councils of deputies - 5, district and city councils - 3)
 - The role of observers from political parties in ensuring transparency and democracy of the elections has been strengthened. They can receive copies of documents on the election results immediately after drawing up the protocol of the election commission on the results of vote counting. The procedure of immediate posting at the polling station of a copy of the protocol of precinct election commission on vote counting for public scrutiny for a period of not less than 48 hours was established;
 - the procedure for consideration by election commissions of appeals from individuals and legal entities concerning the organization, conduct of elections and summarizing of its results has been regulated. In addition, a candidate or observer has the right to file a complaint about any aspect of the electoral process (including requesting a recount or invalidating the election results). It is legally stipulated that decisions of election commissions, including the CEC, can be appealed in court. Persons who have filed a complaint have the right to participate directly in its consideration;
 - the procedure for electing the members of the Senate was defined at the legislative level, with the repeal of the CEC Regulation on the procedure for their election;
 - the Electoral Code clearly defines the types, forms and methods of campaigning by political parties and their candidates;
 - special attention is paid to observers, authorized representatives of parties, mass media. The Electoral Code has established the range of rights of the above-mentioned participants of the electoral process. The participation of these participants ensures the transparency of the electoral process. The sittings of the election commissions may be attended by representatives of political parties, mass media, observers from citizens' self-government bodies, foreign states, international organizations. Sessions of election commissions are held openly. Decisions of election commissions are published in the media or made public in the manner prescribed by the Electoral Code;
 - a unified electronic list of voters of the Republic of Uzbekistan is provided, which is a state information resource containing information about citizens-voters, addresses of their permanent and temporary residence.
- "The second stage" - ensuring independence of activities of election commissions of all levels
- This stage of democratization of the electoral legislation and the country's system is connected with making in February 2021 relevant changes and additions to legislative acts of the Republic of Uzbekistan. At the same time special attention was paid to the solution of the following priority tasks in particular:

1. Ensuring active participation of all citizens in elections, implementation of their electoral rights, regardless of their location and temporary residence.

For the first time the procedure for including Uzbek citizens residing abroad in the voter list, regardless of their consular registration in the diplomatic missions, as well as the legal grounds for voting in portable ballot boxes at the place of residence or work of voters abroad were legislated.

2. Further strengthening the independence of the whole system of election organizers - election commissions of all levels headed by the CEC, which is a necessary and most important condition for democratic elections.
3. Creation of more favorable legal conditions for political parties to carry out campaigning, organization of all-party election events, including mass election campaigns.
4. Preventing the use of state resources during the election campaign.

Among the most important innovations of the "second stage" are bringing the legislation on political parties and their financing in accordance with the Electoral Code, establishing the procedure for state financing of presidential and parliamentary elections, elections to local representative authorities, reducing the period for appealing against decisions of election commissions from 10 to 5 days.

"The third stage" - formation of legal conditions for fair elections

The modern electoral system of New Uzbekistan is the result of many years of evolution and multilateral political dialogue. In general, the electoral legislation has undergone many adjustments aimed at improving the electoral process. Moreover, each, even insignificant change, is always preceded by thorough work, analysis of the past election campaigns and development of proposals on improving the legislation on its basis.

The changes within the third stage concern, in particular, the following issues:

First - further distribution of powers and strengthening the principle of checks and balances between the constituent (the system of election commissions headed by the Central Election Commission) and the judicial branches of power.

The second is the introduction of a notification procedure for mass meetings, rallies and marches organized by political parties during elections.

The Parliament of Uzbekistan ratified the Convention on the Rights of Persons with Disabilities. According to Article 29 of the Convention, States Parties guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others and undertake, in particular, to ensure that persons with disabilities can effectively and fully participate, directly or through freely chosen representatives, in political and public life on an equal basis with others, including having the right and opportunity to vote and be elected¹.

On the whole, all these "three stages" of democratization of electoral legislation and practice in New Uzbekistan, together with the large-scale and dynamic processes of political, economic, legal, social and spiritual renewal of society and modernization of the country, lead to the effective formation of state power.

¹ Law of the Republic of Uzbekistan "ON THE RATIFICATION OF THE CONVENTION ON THE RIGHTS OF DISABLED PERSONS (NEW YORK, DECEMBER 13, 2006)", dated 07.06.2021 No. LRU-695