

Overview of the Development of Electoral Legislation of the Republic Uzbekistan

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ABSTRACT

This article is devoted to formation and development of the electoral legislation of the Republic of Uzbekistan and provides a comparative analysis of the experience of the United States and the Federal Republic of Germany. 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 legislation, elections, electoral law, electoral system, law, principles, international standards*

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Over the years of independence, Uzbekistan has established a national electoral legal framework that meets international standards and democratic requirements. This was made possible thanks to the step-by-step modernization of the political, state and legal systems.

In this context, it should be noted that one of the important conditions for building a democratic state governed by the rule of law and a free civil society is precisely the active participation of citizens in political processes, including in the management of state and society affairs. The efficiency of this activity directly depends on democratic elections.

The national electoral legislation is being gradually improved based on the rich practical experience accumulated in the process of elections in the country, as well as in accordance with international standards, growth of political awareness and legal culture of citizens, and ongoing democratic reforms.

The process of forming the national electoral legislation in Uzbekistan and its systematic

development can be conditionally divided into the following stages.

The first stage (1991-2000). This period is marked by the formation of the national electoral legislation of the country². The basic legal document of the national statehood - the Constitution was adopted. Then were adopted the first specialized laws "On Presidential Elections" (November 18, 1991), "On Elections to the Oliy Majlis of the Republic of Uzbekistan" (December 28, 1993), "On Guarantees of Citizens' Suffrage" (May 5, 1994). At the initial stage, the constitutional foundations of the electoral system and the legal prerequisites for holding elections to the President and to the Oliy Majlis, provincial, district and city councils of peoples' deputies were established.

² Yakubov Sh. The main stages of development of the national electoral legislation // Bulletin of the Central Election Commission of the Republic of Uzbekistan. 2019. № 4.

At the same time the electoral rights of citizens were guaranteed on the basis of generally recognized principles of international electoral standards and a separate law established the legal status of the body authorized to organize elections.

The second stage (2001-2010). This period is characterized by further democratization of the national electoral legislation on the basis of guaranteeing citizens' electoral rights, developing national parliamentarianism, and strengthening the multiparty system. Uzbekistan moved from a unicameral to a bicameral parliament. A lower chamber, the Legislative Chamber of the Oliy Majlis, was formed on the basis of the multiparty principle. It was necessary to develop a mechanism for holding alternative elections³. All the aforementioned aspects were stipulated in detail in the law "On the elections to the Oliy Majlis of the Republic of Uzbekistan".

The number of deputy places in the Legislative Chamber of the Oliy Majlis was increased by introducing a number of amendments to the laws on elections in 2008. The time limits for the registration of political parties taking part in the elections were shortened. The number of voter signatures required for political parties to take part in elections was reduced⁴. The number of authorized persons of candidates for deputies was increased. A new institution - "authorized representative" was introduced. The legislation was liberalized in relation to the passive suffrage of citizens with an unexpunged or unexpunged criminal record, as well as those who had previously committed serious or particularly serious crimes.

The third stage (2011-2016). This period, in its essence and content, is devoted to strengthening the legal guarantees of ensuring the freedom of electoral rights of citizens in the conditions of further democratization of society. On December 20, 2012, the law on amendments and additions to the electoral legislation was adopted.

This legal act introduced new articles and additions to the laws "On elections to Oliy Majlis of the Republic of Uzbekistan", "On elections to regional, district and city Councils of People's Deputies". The innovations revealed the essence and meaning of election

campaigning⁵. The types, forms and methods of campaigning are clearly specified. The concept of "silence day" new for the national legislation has been established. The procedure for early voting has been clarified. The announcement on the voting day of the results of exit polls, predictions of the results, and other election-related studies through the mass media has been prohibited. Guarantees of openness, transparency and transparency of elections were strengthened. In April 2014, the Central Election Commission of Uzbekistan was given constitutional status.

Among the innovations at this stage are also the amendments and additions that were made to the Law "On the Election of the President of the Republic of Uzbekistan" (December 29, 2015). The reform of the national electoral legislation simplified the procedure for political parties to nominate a candidate for the President of Uzbekistan, as well as detailed organizational issues of the elections themselves.

The fourth stage (2016-present). This stage is marked by the codification and harmonization with the requirements of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) of the electoral legislation of the Republic of Uzbekistan. In order to implement the recommendations of the OSCE ODIHR as reflected in the final report of the Office's observation mission for the early presidential election (4 December 2016), President Shavkat Mirziyoyev signed the Law "On Approval of the Electoral Code of the Republic of Uzbekistan" on 25 June 2019⁶. This code regulates the organizational and legal issues of presidential, parliamentary, and local representative body elections in the country.

In addition, the adoption of the Electoral Code has eliminated the legal uncertainty (indicated in the final report of the OSCE ODIHR 2016) of some norms of the current legislation. The issues of vote count and announcement of preliminary and final results of elections at different levels are described in detail⁷.

The document reflects the norms regulating the activities of electoral districts and precincts, election

³ C. Artikova "The main directions of improving the electoral legislation" // Bulletin of the Central Election Commission of the Republic of Uzbekistan. 2019. № 2.

⁴ Abdurakhmanov H. Constitution and elections / H. Abdurakhmanov, R. Mirzaev. - Tashkent: IPTD "Uzbekistan", 2016. - 48 p.

⁵ Abdurakhmanov H.A. Update of the electoral system of Uzbekistan: some results and their evaluation / H.A. Abdurakhmanov // Law. - 2016. - № 6. - 166-171 p.

⁶ Final Report of the OSCE/ODIHR Limited Election Observation Mission (Republic of Uzbekistan Parliamentary Election 2019) Warsaw February 25, 2020.

⁷ Final Report of the OSCE/ODIHR Limited Election Observation Mission (Republic of Uzbekistan Parliamentary Election 2019) Warsaw February 25, 2020.

commissions (including the CEC), as well as the mechanism for compiling voter lists. The organizational and legal aspects of the ballot paper, the rights and duties of observers, authorized representatives of political parties, and mass media representatives are regulated. The registration and the legal status of candidates and their proxies have been regulated. Special attention is paid to the pre-election agitation, its types, forms and methods. The lawmakers have not neglected the repeated voting. The peculiarities of the election of the President of the Republic of Uzbekistan, deputies to the Legislative Chamber of the Oliy Majlis, the procedure of forming the Senate of the Oliy Majlis and local Councils of People's Deputies are highlighted in separate chapters.

The election and campaign finance regulations criticized by OSCE/ODIHR were amended and introduced in Chapter 17 of the Electoral Code of the Republic of Uzbekistan⁸.

Along with the liberalization of national electoral legislation and simplification of organizational conditions for elections, demands from the head of state Shavkat Mirziyoyev and society for parliamentarians and people's representatives in local councils are increasing⁹.

First, there is a need to refuse the "desk" style of work of the people's elected deputies of the Legislative Chamber of the Oliy Majlis, regional, city and district Kengashes, as well as members of the Senate of the OM of Uzbekistan.

In order to strictly observe the norm prohibiting forced labor, enshrined in Article 37 of the Constitution of the Republic of Uzbekistan, deputies and senators in the working groups travel to the regions of the country and carry out parliamentary control in the cotton fields and agricultural land.

The activities of parliamentarians in this area have received positive feedback from the UN High Commissioner for Human Rights Zeid Ra'ad Al-Hussein, the Special Rapporteur of the UN Human Rights Council on freedom of religion or belief Ahmed Shaheed. A delegation from the International Labor Organization also recognized the Uzbek

parliament's efforts to combat forced labor and eradicate child labor in the cotton fields¹⁰.

Secondly, the quarterly, semi-annual and annual parliamentary hearings of the reports of the heads of ministries, departments and regional leaders (khokims) on the work done have become systematic. The parliamentary control over the state institutions in the sphere of observance of executive discipline and legality of activity in executing the decrees, orders and resolutions of the President, the Cabinet of Ministers and the Oliy Majlis of the Republic of Uzbekistan was introduced. These measures are aimed at ensuring transparency of activity of state bodies. In this regard, President Shavkat Mirziyoyev calls on MPs and senators to strengthen parliamentary control, create conditions in which citizens and their elected representatives could objectively assess the activities of state bodies¹¹. The results of the Oliy Majlis' activities in exercising parliamentary oversight were the consideration of some cases in the Commission on Rules and Ethics of the Senate of the Oliy Majlis of Uzbekistan¹². There are cases of issuing strict warnings and probation to delinquent civil servants.

Third, the republic's leadership expects parliamentarians to take a more active stance on the drafting of laws. President Shavkat Mirziyoyev urges people's deputies to "take the initiative" and become initiators and authors of laws.

In particular, during the report of the head of state at the solemn meeting dedicated to the 26th anniversary of the adoption of the Constitution of the Republic of Uzbekistan (December 2018), the need to form a list of laws that have lost their significance and to adopt new documents that are in line with international practice was voiced¹³.

Fourth, the Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis (December 28, 2018) expressed the desire of the country's leadership to abandon the order in which the khokim is the chairman of the Kengash of People's

⁸ The Electoral Code of the Republic of Uzbekistan (Adopted by the Law of the Republic of Uzbekistan of 25.06.2019 N ZRU-544)

⁹ Consistent democratization of the electoral system - a priority direction of the legal policy of the Republic of Uzbekistan / ed. by M. Rahmankulov. - Tashkent: IPTD "Uzbekistan"., 2016. - 88 p.

¹⁰ Rakhmankul M.Kh.(ed.) Consecutive democratization of the electoral system is a priority direction of the legal policy of the Republic of Uzbekistan. Tashkent, IPTD «Uzbekistan» Publ., 2016, 88p.

¹¹ Sh. Khabibullaev. "E-government in the context of current issues of voter registration," Bulletin of the Central Election Commission No. 1, 2019

¹² Abdurakhmanov H.A. Update of the electoral system of Uzbekistan: some results and their evaluation / H.A. Abdurakhmanov // Law. - 2016. - № 6. - 138 p.

¹³ Abdurakhmanov Kh.A. Updating the electoral system of Uzbekistan: some results and their evaluation. Zakon = Law, 2016, no. 6, pp. 166 - 171

Deputies. This will make it possible to separate the activities of the two branches of power - the Khokimiyat (an organ of the executive branch of power) and the Kengash of People's Deputies (an organ of the legislative branch of power)¹⁴. Previously, the functions of leadership of the two institutions were entrusted to one person - the khokim of an administrative-territorial unit¹⁵.

Fifth, as the reform process develops in the republic, the need to establish parliamentary and public control over the observance of legal requirements and norms, decisions of the President and the Government of the country grows. In this context, it should be noted that in 2017 the structures of district Kengashes of People's Deputies of Tashkent city were introduced. Previously, only in the capital region of the republic there was no initial level of representative bodies of state power.

Sixth, today the proportion of women in the deputy corps of the country is about 30 percent. The growth of political consciousness among women is an important aspect not only in advocating for gender rights, but also in shaping all public policy.

It is also noteworthy that politically active women have established local actions "Start of future deputies", which have gained direct support of the leadership of the republic¹⁶. In this regard, President Shavkat Mirziyoyev has set the task of further expanding the "women's wing" of the Parliament of Uzbekistan.

Seventh, the Ecological Movement of Uzbekistan was transformed into the Ecological Party. The rule, according to which representatives of the Ecological Movement were guaranteed 15 seats in the parliament of the country, was cancelled¹⁷. Beginning in 2019, members of the Ecoparty is competing with other political forces for votes on an equal footing¹⁸.

Eighth, strengthening the international activities of the Senate is another important issue. A number of critical tasks to implement an active foreign policy are assigned to the upper house of parliament. In 2018 alone, more than 50 international conferences, seminars and roundtables were held under the auspices of the Senate of the Oliy Majlis. However, in general, assessing the effectiveness of the Parliament's activities in this direction, it should be noted that there are still untapped opportunities. Thus, it is expedient to strengthen work with the Interparliamentary Union, the OSCE Parliamentary Assembly, the CIS Interparliamentary Assembly and other international parliamentary organizations, in which the Oliy Majlis participates on behalf of Uzbekistan.

Taking into consideration all the statements above, it appears possible to draw a conclusion about consistent, step-by-step development and improvement of the normative-legal base in the sphere of electoral law.

A trend of democratization and liberalization of the institution of elections in Uzbekistan has been observed. The range of powers of parliamentarians and deputies of Kengashes has been significantly expanded. The level of attention and demands from people's elected representatives is increasing.

In this connection, the deputies and senators of the 4th convocation of the Oliy Majlis of the Republic of Uzbekistan are working hard to meet the tasks set before their predecessors, to level out their shortcomings, as well as to work for the benefit of the electorate. All the necessary political and legal conditions have already been created for the political parties to implement their own goals.

¹⁴ Sh. Yakubov "Main stages of development of the national electoral legislation", Bulletin of the Central Election Commission No.1-2, 2016

¹⁵ H. Nurmatov. "Interaction between the CEC and the media in ensuring openness, transparency and transparency of elections", Bulletin of the Central Election Commission No. 1-2, 2016

¹⁶ A. Abdullayev. "Participation of the Independent Media of Uzbekistan in the Coverage of Election Campaigns," Bulletin of the Central Election Commission No. 1-2, 2019

¹⁷ E. Sloboda. "The role of international observation in ensuring the democracy and openness of the election campaign". Bulletin of the Central Election Commission No. 1, 2016

¹⁸ Sh. Khabibullaev. "E-government in the context of current issues of voter registration," Bulletin of the Central Election Commission No. 1-2, 2016