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Problems of Reforming the Electoral System in Uzbekistan

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ABSTRACT. The article analyzes the experience of democratic elections in the developed countries of the world and the process of reforming the democratic electoral system in Uzbekistan during the period of independence (1991-2019), especially since the end of 2016. It also discusses the processes of improving and democratizing electoral legislation based on the requirements of civil society development.

KEYWORDS: elections, political parties, civil society, active and passive suffrage, election campaign, parliament, council of people's deputies, political activity, deputy.

I. INTRODUCTION

Currently, in all developed countries, the processes of reforming or modernizing public administration bodies are developing in accordance with international law. In particular, the Council of the Inter-Parliamentary Union at the 154th session of Paris on March 26, 1994 took part in the 154th session, where noted "in any state, the fullness of power can arise only from the will of the people, expressed in genuine, free and fair elections, organized through regular periods on the basis of universal, equal and secret ballot", most countries in the world have had a positive impact on the democratization of the electoral system [8].

Elections are one of the most important democratic institutions of civil society and the legal state. The democratic nature of the elections, the expression of the interests and aspirations of the electorate have spread worldwide as a democratic value. The more elections are conducted on the principles of fairness and the competition between different political parties, the more established the authorities will be to inculcate more popular policies that are recognized by the majority of the society. On the other hand, elections are one of the most tested means of ensuring human rights and freedoms. In the election, each citizen votes for the candidate who wishes to be elected to the government. In other words, it has the important value of democracy, the right to choose among the candidates. At the same time, a citizen exercises the right to participate directly in the formation of state power in the electoral process, or has the right to be elected to any public authority. Also, democratic elections are recognized as a symbol of maintaining stability in the society and strengthening the state. That is why these values, which have been formed in the history of the world, are now being introduced into the Uzbek society.

II. SIGNIFICANCE OF THE WORK

Elections are a democratic value that legitimizes the activities of state power and its bodies, as well as the public's confidence that both these institutions and their institutions will be governed by the principles of justice. At the same time, the elections, along with the increased political participation of citizens, provide the legal opportunity to ensure their free participation in the governance process. The study of literature survey is presented in section III, Methodology is explained in section IV, section V covers the experimental results of the study, and section VI discusses the future study and Conclusion.

III. LITERATURE SURVEY

The methodological source of the article was the "Declaration of the Criteria for Free and Fair Elections", which adopted at the 154th session of Paris on March 26, 1994, attended by representatives of 112 parliaments. Also textbook "Political Science" by prof. M.Kirgizbayev, articles of the Chairman of the Central Election Commission U. Abdusalomov "Open and Free Elections - the Basis of Democracy", article by Sh.Yakubov "Basic stages of



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development of the electoral legislation of the country", Constitutional Law of the Republic of Uzbekistan "On the Senate of the Oliy Majlis of the Republic of Uzbekistan" and articles "Election 2019: What are we waiting for?", Saidov's article "Electoral rules were not in line with the law", article by Prof. Kirgizbayev "Elections: supporting or testing?", materials of the press conference "Election 2019: how parties, observers and media work". Of course, these sources were independently analyzed by the author. All used sources contain updates on the current electoral system in Uzbekistan, including the author's observation of the election process.

IV. METHODOLOGY

The UN, Organization for Security and Cooperation in Europe, Theory and Practice of Elections in Developing Countries, Declaration of the Criteria for Free and Fair Elections, adopted by the Inter-Parliamentary Union Council on March 26, 1994, The Strategy for the Further Development of the Republic of Uzbekistan, February 7, 2017; Legal Framework, Best Practices for Democratic Practices, such as Chapter XXIII of the Constitution of the Republic of Uzbekistan, the Election Code of the Republic of Uzbekistan in 2019 served as a methodological framework.

V. EXPERIMENTAL RESULTS

The new democratic electoral system, formed in Uzbekistan during independence, has been formed on the basis of international experience and national traditions. The electoral system of the country is developing in the developed countries, combining such democratic principles as generality, openness, collegiality, fairness, legitimacy, humanism and secrecy of voting. As a result of the elections, conditions will be created for the stability of the society and the formation of public authorities, which are necessary for the peace of the country, the development of the homeland and the welfare of the people. At the same time, elections result in a balance between political forces in society.

National experience in conducting free and fair elections during the independence period, particularly in the 1991, 2000, 2007, 2015 and 2016 elections, as well as in the elections to representative bodies in 1994, 1999, 2004, 2009 and 2014. In particular, the importance and impact of the elections on the development of a multi-party system in the country have grown. From year to year, the electoral legislation improved and democratized as a result of the accumulated experience of elections, as well as increasing the political and legal awareness of citizens and the development of sound political competition between political parties.

In addition to granting citizens the right to vote (active) and elected (passive) and to participate directly or indirectly in the formation of state power, it also carries out a number of socio-political tasks. First, elections are one of the mechanisms for the government to realize the interests of different social groups fighting for power. Second, it reflects their attitude towards important political, economic, and social problems that arise in the minds of citizens and young people during the campaign, and shows the nature of the problems facing society and their ability to solve them in specific ways [4].

During the years of independence Uzbekistan has established a system of electoral legislation that is in full compliance with international legal standards and requirements, the experience of developed countries and national and historical traditions, as well as the Constitution. It is advisable to study the creation and development of the national electoral legislation system in three main stages.

The first stage (1991-2000) is the first stage in the formation of national electoral legislation. Adoption of the Law on Elections of the President of the Republic of Uzbekistan on November 18, 1991 was the first step in the formation of democratic electoral legislation. This Law was an important legal basis, which was adopted in the first days of independence and signifies Uzbekistan's democratic governance.

At this stage, the adoption of the main legal document of our national statehood - the Constitution and the allocation of a separate chapter in the electoral system - laid a solid foundation for the formation of new electoral legislation in the country. Based on this legal framework, the electoral legislation was developed and improved in line with international democratic criteria.

The Law "On Elections to the Oliy Majlis of the Republic of Uzbekistan" of December 28, 1993, is of particular importance in the formation of national electoral legislation. This law reflects international standards of election, as well



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as democratic legal rules and norms on the organization of elections on the basis of alternative and multiparty elections, taking into account the socio-political situation in the country at the time of democratic reforms.

On May 5, 1994, another important document was adopted - the Law on Guarantees of Citizens' Electoral Rights. This Act practically strengthened the mechanism of active voting rights and free expression of will of voters. The first stage of the formation of the electoral legislation is that the constitutional foundations of the electoral system have been established, and the legal basis for holding elections to representative bodies, such as the President, the Oliy Majlis, regional, district and city Kengashes of people's deputies. At the same time, citizens' voting rights are guaranteed by the principles of universally recognized international election standards, the legal status of the body authorized to organize the elections is regulated by a separate law [7].

The second stage (2001-2010) is a feature of this stage, in which the issues of forming the lower house of the Legislative Chamber on the basis of the multi-party parliament's unicameral parliament and organization of elections in accordance with the principles of alternativeness are of paramount importance. These legal mechanisms are reflected in the national electoral legislation.

The constitutional law "On the results of referendum and the basic principles of state power", adopted on the invitation of the First President of the Republic of Uzbekistan Islam Karimov has played an important role in the 2004 parliamentary elections.

At the same time, the formation of the lower house of the Oliy Majlis - the Legislative Chamber was largely based on the principle of party representation. Representatives of political parties had broad opportunities to express their socio-political views and interests of voters. The upper house of the parliament - the Senate was recognized as a regional representative body, the constitutional law of which was formed by a step-by-step election [3].

The Concept of the Central Election Commission of the Republic of Uzbekistan on elections to representative bodies in December 2014 has played an important role in ensuring the effective organization and legal conduct of elections to representative bodies in the Republic of Uzbekistan. In the development of the Concept, special attention was paid to the Constitution of the Republic of Uzbekistan and the above-mentioned laws directly related to elections, or to the representative bodies of state power of regions, districts, and cities by secret ballot.

Amendments to Article 117 of the Constitution of the Republic of Uzbekistan became a logical continuation of the process of liberalization of the electoral legislation. For the first time in the world, the Central Election Commission of the Republic of Uzbekistan has been given the special status of a constitutional body in the system of state power that ensures the preparation and conduct of elections without interference from other authorities. This has become a guarantee of the fullness of democracy, openness and transparency of elections.

In the implementation of the Concept, a number of amendments and additions were made to the electoral legislation aimed at full implementation of the principle of freedom of elections, increasing the effectiveness of creating equal conditions for the candidates and political parties in the election campaign, improving the legal mechanisms for transparency in the elections.

The concept of the election campaign in 2012-2013, the types, forms and methods of its implementation are clearly defined in the legislation. Prevention of election campaigning on the election day and the day before the election, within three days prior to election day, to public authorities to publish polls, election results and other research related to the election regulations including the inadmissibility of placing them in public information and telecommunication networks, including the Internet. This will strengthen the guarantee of the free expression of the will of the voters [2].

In addition, the Constitutional Law "On strengthening the role of political parties in the renewal and further democratization of state governance and modernization of the country" has played an important role in enhancing the social and political activity of the population, especially the youth, in the development of genuine multiparty, in deepening democratic reforms. This law has clearly defined the legal status of factions of political parties operating in various political fields in the Parliament, and has created conditions for enhancing the effectiveness of lawmaking activities and significantly increasing inter-factional debate. The rights of the parliamentary majority and the opposition



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in the parliament have been enshrined in the legislation. Currently, five factions in the Legislative Chamber of the Oliy Majlis - UzLiDeP, Democratic Party «National Revival», the Social Democratic Party «Justice» and the People's Democratic Party of Uzbekistan are actively operating, with their mutual rivalry being manifested.

In January 2019, the Ecological Party of Uzbekistan was established. In the past, 15 deputies were elected at the EP conference and their inclusion in the quota set in the Legislative Chamber created a disparity in the political parties' fight for the seats. Therefore, the movement has transformed into a political party. The practice of creating equal conditions for all political forces and allocating special seats to the representatives of the Ecological Movement from the lower house of parliament was rejected. In this regard, special attention was paid to strengthening healthy competition in the political arena and strengthening of the Environmental Party as a political force [9].

This law created organizational and legal conditions for political parties to influence the formation of central and local executive bodies, and effective public control over their activities. All this contributed to the whole process of democratic reforms, the evolution of the multiparty system and the consolidation of civil society institutions in the country.

The timeframe for registration of political parties participating in the election was reduced from 6 months to 4 months. At the same time, the number of voters signatures needed to decide whether to allow political parties to participate in the elections is set at 40,000 instead of the previous 50,000 signatures.

Only political parties have the right to nominate candidates to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan. However, the political party has the right to nominate candidates for the election if it has been registered by the Ministry of Justice of the Republic of Uzbekistan not less than four months before the announcement of the election campaign and collected at least 40,000 signatures in support of their participation in the election.

These elections were characterized by their comprehensive compliance with international legal norms. These elections were also significantly different from previous elections to the Oliy Majlis, with the increase in the number of citizens eligible to vote, the activation of women, the emergence of genuine competition in each constituency, and most importantly the formation of a professional Legislative Chamber.

The preparation for the elections to the Oliy Majlis of the Republic of Uzbekistan and regional, district and city Kengashes (Councils) of People's Deputies, which will be held on December 22, 2019, has begun in a completely new format and criteria. The December 2014 elections brought a number of democratic changes. These elections are distinguished by the election code that came into force on June 25, 2019 (18 chapters, 103 articles). Previous elections: "On elections of the President of the Republic of Uzbekistan", "On elections to the Oliy Majlis of the Republic of Uzbekistan", "On the elections to provincial, district and city councils of people's deputies", "On the Central Election Commission of the Republic of Uzbekistan" 5 Laws of the Republic of Uzbekistan. They are now embedded in a single Election Code, which is based on international law norms and standards for democratic, open, transparent and free elections, with the positive experience of developed countries. Also, if so far the procedures for preparing and conducting electoral processes in the country are regulated not by the law, but by the regulations and instructions of the Central Election Commission, they will now be harmonized with the law [6].

The Code also expanded the powers of an authorized representative of a political party. Now the authorized representative has the right to participate in the meetings of the election commission, in the filing of documents, in checking the accuracy of the signature lists, in the counting of votes at the polling station. Earlier, one month before election day, the campaign was launched, but this Code was set to three months. Signs of opposition between political parties have begun to show. Conditions for media freedom in the area of criticizing political parties and raising electoral issues were created in the society. Overall, it will be another important practical step towards Uzbekistan's joining the ranks of the developed democracies in the world.

According to political scientist M. Kirgizbayev, there is no mechanism to select and nominate candidates for the election so far, and it is necessary to strictly strengthen the participation and control of the electorate and primary party organizations to form and operate such a mechanism. The emphasis has been placed on the fact that on December 22, 2019, "it is necessary to give up this practice in the elections" [5].



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On the eve of the December 22, 2019 elections, great preparations were made for this campaign. Initially, the Election Code was adopted, combining the five election laws. The location and address of each polling station will be aggregated electronically. It is planned to launch a call-center and telegram booth so that citizens, election observers, foreign experts and mass media representatives can get interesting information about the election process. A mobile app "Election 2019", which contains all the information on the electoral process, was also developed. It is planned that persons with disabilities will be able to participate in elections on an equal footing, to visit polling stations, to provide transportation, free indoors, separate booths, and bulletins based on the Braille Alphabet. An international press center has been launched to allow media representatives to observe the election campaign and the election process [1].

Another novelty for the current election campaign is the provision that meets international standards for democratic elections. According to it, for the first time in the democratic electoral system of the country observers from civil self-government can be present. An observer has the right to participate in all preparations for and conduct of elections, as well as at the polling station during voting and counting on election day. The purpose of observation was to monitor public compliance with electoral legislation in all preparations for and conduct of elections, including on election day voting and vote counting.

As a result of the elections to the Legislative Chamber of the Oliy Majlis and local representative bodies held on December 22, 2019 in accordance with the Electoral Code, the electoral system has become an institution that meets international standards. For the first time in the history, the elections held on December 22, 2019 were positively assessed by experts from international organizations and developed countries. Aspects of the political participation of citizens have been formed. There was a debate between political parties, and the democratic values of dissent were formed among citizens.

VI. CONCLUSION AND FUTURE WORK

After Shavkat Mirziyoev was elected President of the Republic of Uzbekistan at the end of 2016, the country began to reform the political system. On February 7, 2017, the "Strategy of Action for the Further Development of the Republic of Uzbekistan" outlined "the development of political system,... decentralization of public administration". The principle that "government bodies should serve our people, not people, was taken as the main essence of the reforms. The electoral legislation has been improved based on the requirements of civil society. Reforms in this area were positively assessed by foreign experts. Uzbekistan is rated as the country with the largest investments in the world in 2018. Political parties also came to life and began to raise problems among the population. The media have raised questions about the democratization of elections. A new direction in the field of information, blogging, has begun to develop. In general, on the eve of the new elections, it is clear that Uzbekistan is moving towards a civil society and a renewal.

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