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REVIEW ARTICLE

MECHANISMS OF DEVELOPMENT OF POLITICAL PARTIES IN THE CONSTITUTION AND LAWS OF UZBEKISTAN

***Sirojjon Berdikulov Nasipkulovich**

Academy of Ministry of Internal Affairs, Tashkent, Uzbekistan

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INTRODUCTION

In the process of establishing of a legal democratic state based on market economy and developing of a strong civil society in Uzbekistan much attention is paid to creation of multiparty system with political parties and other public associations supported by active sections of the population (electorate). As the President of the Republic of Uzbekistan stressed "The state shall protect lawful interests of political parties and public associations, create them equal legal freedom to participate in the social life" (Karimov 1996, 126.). Therefore transition to a multiparty system, creation of necessary legislation and political conditions for its formation are one of the paramount and urgent matters of present in the republic. Creation of a wide legal framework for prosperity of political parties and the multiparty system is, indeed, an important factor of enhancement of their role in the society. After attainment of national sovereignty by Uzbekistan a system of legislation concerned with political parties has been created by stages. And now it is having positive effect upon stepping up political party's activity in the country. In the Constitution of the Republic of Uzbekistan it is declared that "In the Republic of Uzbekistan, public life shall develop on the basis of a diversity of political institutions ideologies and opinions.

**Corresponding author: Sirojjon Berdikulov Nasipkulovich,*
Academy of Ministry of Internal Affairs, Tashkent, Uzbekistan.

ABSTRACT

Description of the mechanisms of development of political parties in the Constitution and laws of the Republic of Uzbekistan is given. The significance of legal framework for prosperity of multiparty system and enhancement of the role of political parties in a civil society which is of great importance for democratization and modernization of the society, realization of human rights and freedoms and development of citizens' political consciousness and culture in Uzbekistan is shown.

On the basis of citizens' right to associate with political parties and public movements it has created a solid basis for the activity of political parties". The norms concerning political parties reflected in constitutions of many countries in the world guarantee optional formation of political parties. For instance, according to Article 38 of the Constitution of Argentina "Political parties are basic institutions of the democratic system. This Constitution guarantees the free establishment and exercise of their activities, ...".

Article 8 of the Constitution of South Korea says that "The establishment of political parties shall be free, and the plural party system shall be guaranteed." According to Article 4 of the French Constitution "Political parties and groups are instrumental in the exercise of the suffrage. They are formed freely and carry on their activities freely. The law guarantees pluralistic expression of opinions and equitable participation of political parties in the democratic life of the nation." Political parties of France are instrumental in the exercise of the suffrage. The constitutions of some other countries, for instance Albany, Finland, Ireland and Switzerland do not contain any concrete principles concerning political parties (Polojenie, 2015). Articles 34, 56, 57, 60, 98 of the Constitution of the Republic of Uzbekistan contain principles concerning political parties. In particular Article 34 declares that "Citizens of the Republic of Uzbekistan shall have the right to form trade

unions, political parties and other public associations, and to participate in mass movements.” Through this norm political parties in the country are participating in realizing the citizens’ political rights. In Article 56 it is declared that “Trade unions, political parties, scientific societies, women’s, veterans’ and youth leagues, professional associations, mass movements and other organizations of citizens, registered in the procedure prescribed by law, shall have the status of public associations in the Republic of Uzbekistan..”. Political party is a citizens’ voluntarily-political association that struggles for the state power and has its ideology for developing the society, management system, electorate and a program. Political parties are the citizens’ voluntarily union. It expresses the interests of a certain part of population and makes efforts to come to power through the election. Their final goal is also to come to power. At the same time a political party is a public association.

Part 1 of Article 57 of the Constitution of the Republic of Uzbekistan says: “The formation and functioning of political parties and public associations, aiming to do the following, shall be prohibited: changing the existing constitutional system by force, coming out against the sovereignty, territorial integrity and security of the Republic, the constitutional rights and freedoms of its citizens, advocating war and social, national, racial and religious hostility, and encroaching on the health and morality of the people, as well as armed associations and political parties based on the national and religious principles.”. This principle does not contradict international law and standards.

In Article 60 it is declared that “Political parties shall express the political will of various sections and groups of the population, and through their democratically elected representatives shall participate in the formation of state authority. Political parties shall submit public reports on their financial sources to the Parliament (Oliy Majlis) or their plenipotentiary body in a prescribed manner.” In fact, as it stated in this article, political parties play the leading role in forming the government. The nominees proposed by them are elected by the people. And this demonstrates that political parties are an important democratic institution in realizing of sovereignty of the people.

Article 98 says that “...The nominee of the Prime Minister of the Republic of Uzbekistan shall be proposed by a political party, which gains the biggest number of deputies’ seats in the elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, or by several political parties, which gain equal number of deputies’ seats.” Following this, firstly, political parties carry out wide-ranging propaganda work among the citizens within the scope of their own social base in order to gain the most seats in the lower chamber of the parliament. Secondly, it leads to intensification of competition. It is of great importance for the political parties to adopt a constructive and competitive position. Thirdly, in their programs the political parties put forward the ideas that draw the electorate’s attentions and call on them to vote voluntarily for the nominated candidates. Consequently the party will win the biggest number of deputies’ seats in the Legislative chamber and have the right to propose the nominee of the Prime minister.

The Constitution also provides for expressing the “vote of no confidence” in respect of the Prime minister that promotes foundation of an effective system of public control over the governance and the executive power. Establishing of control over all executive system of political parties is of great importance. By participating in appointment to the post of the Prime minister and khakims (regional governors) who specify the strategy for the country and regions, the authority and responsibility of political parties increase. Because political parties are considered to be the central institution of the machine of democracy and public authority in the centre and regions is established thanks to political parties. After the “vote of no confidence” has been declared, as it is stated in Article 98 “The new nominee of the Prime Minister, to be submitted for consideration and approval by the chambers of the Oliy Majlis of the Republic of Uzbekistan shall be proposed by the President of the Republic of Uzbekistan after relevant consultations with all fractions of the political parties represented in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.”

The institution of “Consultation” was implemented in the legislature by the President’s initiative. This political institution that embodies wisdom and pragmatism shows the best correlation with Uzbek mentality. It is no secret that from of old among the Uzbek people crucial questions were consulted with old experienced people and submitted to their approval. And only after that the decisions satisfying everybody were adopted. In the words of an outstanding Uzbek statesman Amir Temur “And I entered on every measure with counsel and advice” one can see the same value that has grown up from the spirit of the nation (Temur 1996, 138). At present the activities of political parties are regulated not only by the Constitution, but also by such laws of the Republic of Uzbekistan as the Constitutional law “On strengthening the role of political parties in the renewal and further democratization of state governance and modernization of the country” (April 11, 2007), the Laws “On Public Associations” (February 15, 1991), “On Political Parties” (December 26, 1996) and “On Financing of Political Parties” (April 30, 2004).

The Law of the Republic of Uzbekistan “On Public Associations” prescribes for the first time that the public associations function on the basis of democratic criterions. In this Law it is declared that “Public associations are established in order to implement and protect the civil, political, economic, social and cultural rights and freedoms; to develop citizens’ volunteerism and initiative and their participation in management of state and social affairs ...”. This Law regulated functioning of political parties in Uzbekistan until a special legal document about political parties was adopted. Today not every country in the world has a special legal document concerning political parties. Some other countries like Germany, Austria, Israel, Brazil, Great Britain apply the legislation that regulate functioning of political parties (Osnoy 2007, 153). Moreover the laws about political parties are in force in such post-soviet countries as Russia, Azerbaijan, Belarus, Kirgizstan, Kazakhstan, Moldova, Tajikistan and Ukraine. While the law about political parties was adopted in Germany for the first time in the world, the legislation connected to the political parties first came into existence in

France. On the 1st of July, 1991 in France the Law “About Association” was adopted and since 1910 the political parties have been awfully given an opportunity to participate in elections (Kurochkin 2009, 90).

In Great Britain the Registration of Political Parties Act was adopted in 1998. According to Article 22 of this Act “party” includes any person of organisation. The Political Parties, Elections and referendums Act 2000 of the UK regulates procedures of establishing an Electoral Commission; making provision about the registration and finances of political parties; making provision about donations and expenditure for political purposes; making provision about election and referendum campaigns and the conduct of referendums; making provision about election petitions and other legal proceedings in connection with elections; reducing the qualifying periods set out in sections 1 and 3 of the Representation of the People Act 1985; making pre-consolidation amendments relating to European Parliamentary Elections. Article 2 of the Law of Brazil about Political parties says that the creation, merging or extinguishment of political parties is free, provided that the respective programs respect the national sovereignty, the democratic regime, the pluripartidarism and the fundamental rights of human persons.

The Law of the Republic of Uzbekistan “On Political Parties” is an essential step to develop democratic institutions in the republic. The law defines the term “political party” as a voluntary association of citizens of the Republic of Uzbekistan, established on the basis of common world outlook, interests and goals, aiming to fulfil the political will of the certain group of society in the formation of government and participate in administration of state and public affairs.” In fact, today one of the most active subjects of the political system in Uzbekistan is the political parties and they are formed upon the principle of voluntariness. The interrelations concerning the financing of the political parties are regulated by the Law of the Republic of Uzbekistan “On Financing of Political Parties”. It contains provisions on state financing and its sources, donations to political parties, and control of the use by political parties of their funds. This law is of great importance for development of multiparty system in the country and promotion of constructive competition between the parties.

Generally, financing of political parties by state may be considered to be the most important mechanism in creation of intense competition between political parties. Moreover it promotes the competition of political parties not only in the process of elections but during their activities as a whole. A political party seeks for increasing the number of its voters and electorate who support it in the periods between elections. Participating in elections, the party wins the most deputy seats in the lower chamber of the Parliament. Thus the more a party gains the deputy seats, the more funds it gets. At present 80 percent of political parties of several European countries are financed by state. For instance, in Germany annually 500-600 million Euros are allocated to political parties (Kak finansiruetsya, 2014). French Act № 88-226 and Organic Act № 88-227 adopted on March 11, 1988 prescribes such responsibilities as defining the limits of the costs of hustings in the national elections, presentation of the financial account of

their costs to nominees during the hustings, financing of political parties by the state, presentation of the declaration by nominees and presidential candidates on their property status. Besides, the French Parliament has adopted Acts on pre-election campaigns. Within these acts the National counting board on pre-election costs and financing of political parties, and the Main Office for Prevention of Corruption have been founded (Partii 2004, 20-21). As it is seen in many countries including Uzbekistan the political parties are financed by state. This, besides ensuring high activity of parties restricts them from obtaining the funds by illegal means. The Constitutional Law of the Republic of Uzbekistan “On strengthening the role of political parties in the renewal and further democratization of state governance and modernization of the country” adopted on April 11, 2007 is serving as a legal base in regulating the existing political parties’ charters and programs, their participation in the process of forming the state power and their activity.

After the Constitutional Law and the laws “On introducing the amendments to particular articles of the Constitution of the Republic of Uzbekistan” adopted on April 18, 2011 and January 20, 2014 have come into force the political parties have not only improved their influence on the activity of the legislative-and-representative branch of the state power but at the same time have had the opportunity to take part in forming of the sections of the executive branch and supervising their activity. These laws create favourable conditions for further intensifying fair constructive competition between political parties that have their representatives at the central and local organs of state authority. But it is necessary to mention that the parliamentary opposition coming out as a competing force, by its content is not a political force that fights against the state power. In contrary it becomes an integral part of the state power that impartially criticizes the government’s programs and their execution at the legislative-and-representative branch.

Article 14 of the Law “On political parties” was adopted as amended on January 20, 2014. Its novelty is seen in the followings: first, the group of parties functioning in the local councils, their membership, registration, formation, termination of their activity and the rights of political parties are given in a separate article 14. Second, the notion “group of party” is specified, i.e. the following definition is given: “Party group - an association of deputies created by deputies proposed from a political party, to express the interests of the party in Jokargy Kenes of the Republic of Karakalpakstan, in the Council of people’s deputies and registered in accordance with established procedure”. Thirdly, the minimum number of deputies to form a party group is also envisaged. For instance according to Part 4 of Article 14 “Party groups in the Jokargy Kenes (Supreme Council) of Karakalpakstan, regional, Tashkent city and town Councils of people’s deputies are formed, provided that they include at least five members elected in the Jokargy Kenes of Karakalpakstan or the Council of deputies from the respective political party” (Xalq so‘zi, January 20, 2014). In conditions of multiparty system legal protection of the activity of party groups promotes fair competition, consideration of tasks prescribes in programs of each party through the representatives at local councils and their execution.

And the people hold an interest in that and that will undoubtedly give its positive results for the society. Altogether a new democratic political system has been created in the Republic to ensure broad participation of citizens in governance of state and public affairs. Growth of the citizens' political culture and thought, political activity is leading to the growth of significance of parties in state and public life. In general the multiparty system plays an important role in the process of development of a law-based democratic state and civil society in our republic. Therefore a legal base for ensuring the development of multiparty system has been created. And this is of great importance for democratization and modernization of the society, realization of human rights and freedoms and development of citizens' political consciousness and political culture in Uzbekistan.

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REFERENCES

- Andreeva, G.N., Anokhina, N.V. and Meleshkina, Ye.Yu. 2004. *Partii i vybory: Khrestomatiya*. Moskva: INION.
- Constitution of the Argentine Nation. Accessed 18 April 2015. <http://www.senado.gov.ar/web/interes/constitucion/ingles.php>
- Constitution of the Republic of Korea. Accessed 18 April 2015. http://www.servat.unibe.ch/icl/ks00000_.html
- Constitution of the Republic of Uzbekistan. Accessed 18 April 2015. <http://www.press-service.uz/en/constitution/laws/general>
- France Constitution. Accessed 18 April 2015. http://www.servat.unibe.ch/icl/fr00000_.html
- Islom, Karimov. 1996. *O'zbekiston: milliy istiqloq, iqtisod, siyosat, mafkura*. Toshkent: O'zbekiston.
- Kak finansiruyutsya partii za rubedjom. Accessed 11 November 2014. <http://www.politjournal.ru/index.php?action=articles&dirid=69&tek=3652&issue=106>
- Kurochkin, A.V. 2009. "Mekhanizm gosudarstvennoy registratsii politicheskikh partiy v zakonodatelstve zarubedjnyh gosudarstv (na primere Germanii)." *Uspehi sovremennogo yestestvoznaniya: materially konferentsii* 5. Accessed 25 December 2014. <http://www.rae.ru/use/pdf/2009/5/90.pdf>
- O'zbekiston Respublikasining ayrim qonun hujjatlariga o'zgartirish va qo'shimchalar kiritish to'g'risida O'zbekiston Respublikasining Qonuni. "Xalq so'zi", 2014 yil, 14 (5944)-son.
- Osnovy teorii politicheskikh partiy. 2007. Moskva: Yevropa.
- Political Parties in Brazil. Accessed 18 April 2015. <http://www.v-brazil.com/government/laws/political-parties.html>
- Polojenie o zapreshenii i rospuske politicheskikh partiy i analogichnyh merah. Accessed 17 March 2015. <http://www.legislationline.org/ru/documents/action/popup/id/14192>
- Temur tuzuklari. 1996. Institutes of Temur Instituts de Temour. Translated by A. Soghuni and H. Karomatov. *Toshkent: Adabiyot va san'at*. (In Uzbek, English, and French)
- The Law of the Republic of Uzbekistan "On Financing of Political Parties". Database of national labour, social security and related human rights legislation. Accessed 18 April 2015. http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=68166&p_country=UZB&p_count=169
- The Law of the Republic of Uzbekistan "On Political Parties". Accessed 18 April 2015. <http://www.legislationline.org/documents/action/popup/id/7640>
- The Law of the Republic of Uzbekistan "On Public Associations in the Republic of Uzbekistan". Accessed 17 April 2015. <http://www.refworld.org/docid/44159e444.html>
- The Political Parties, Elections and referendums Act. Accessed 18 April 2015. http://www.legislation.gov.uk/ukpga/2000/41/pdfs/ukpga_20000041_en.pdf
- The Registration of Political Parties Act. Accessed 18 April 2015. http://www.legislation.gov.uk/ukpga/1998/48/pdfs/ukpga_19980048_en.pdf
