

## **PARLIAMENT AND GOVERNMENT IN UZBEKISTAN: DEVELOPMENT OF A NEW SYSTEM OF RELATIONSHIP**

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**Abstract:** This article is devoted to the mechanisms for the implementation of parliamentary control in Uzbekistan, that is, the request of a deputy of the Legislative Chamber of the Oliy Majlis or the member of the Senate, a parliamentary request. It also includes listening to the answers of the members of the government to the questions of the deputies of the Legislative Chamber, that is, shortcomings in the organization of the "government hour" and proposals for their elimination.

**Keywords:** separation of powers, system of checks and balances, parliamentary inquiry, inquiry of a member of the Legislative Chamber, inquiry of a member of the Senate, "government clock", control function of the parliament, etc. Since the first days of independence, Uzbekistan has been implementing state management based on the division of power into legislative, executive and judicial branches, with the people being the source of state power, which is one of the principles of a democratic state.

This principle is considered the basis of parliamentarism, and it is manifested in the interaction and relations of the legislative supreme representative body with other institutions of state power. As each branch of government fulfills its function, it complements and harmonizes the other. The balance of the legislative and executive branches of state power is usually the basis of the classification of forms of state administration. According to this, countries are divided into republics with parliamentary, presidential or mixed (semi-presidential) government and constitutional, parliamentary and absolute monarchies.

In our opinion, the relationship between the parliament and the government is important in the construction of the state, and the result of their cooperation plays the role of the main indicator in ensuring the development and stability of the society. According to the system of mutual checks and balances, the balance of the legislative and executive powers was clearly reflected, especially in the control function of the parliament. When talking about this function, of course, it is impossible not to mention the responsibility of the government to the parliament. However, such accountability is used in countries with parliamentary and mixed governments. The government of presidential republics is usually responsible only to the head of state.

The Cabinet of Ministers of the Republic of Uzbekistan is responsible not only to the head of state – the President, but also to the Oliy Majlis. Accountability before the parliament implies political accountability of the head of the executive power – the Prime Minister, who has the right to express a vote of no confidence, which entails the resignation of the government.

Also, as in democratic countries, the legislative supreme representative body participates in the formation of the state administration apparatus, including the country's government. In countries like France and Spain, the head of government is approved only by the lower house of the parliament – through a vote of confidence<sup>1</sup>. However, unlike these countries, if the approval of the Prime Minister candidate presented by the President of the Republic of Uzbekistan is rejected 3 times by the chambers of the Oliy Majlis, the head of state has the right to dissolve both chambers, not the lower chamber.

In a country that is building a legal democratic state and a civil society, it is necessary for the parliament to work in cooperation with the government. Cooperation between the legislative and executive authorities, maintaining a balance, is manifested in the initiation of legislative projects, as well as in the control of the adopted decision and the implementation of laws. Only the law that is put into practice and can affect social relations is considered effective. For this reason, from

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<sup>1</sup> Constitutional (state) law of foreign countries. General part. – M.: "BEK", 2000. – P. 464.

the first periods of independence, the ideas of the rule of law and the goal of building a legal state in Uzbekistan were put forward. The rule of law is achieved by the implementation of the adopted regulatory documents.

Parliamentary control is carried out by studying the implementation of laws. That is, the activities of state bodies, economic management bodies and their officials in the implementation of the Constitution and laws of the Republic of Uzbekistan, decisions of the chambers of the Oliy Majlis of the Republic of Uzbekistan and their bodies, state programs, as well as the implementation of tasks and functions assigned to them are the object of parliamentary control<sup>2</sup>.

The task of controlling the executive power, recognized by world parliaments, has a special place in the Oliy Majlis of the Republic of Uzbekistan. This control has a number of goals. They are as follows:

- to determine the factors affecting the effectiveness of legal documents and their shortcomings;
- trying to regulate certain social relations;
- ensuring law enforcement by individuals and legal entities;
- to ensure an increase in the level of legal culture and awareness of citizens.

In a civil society, ensuring that parliamentary oversight functions as a balance against the executive, no structure of government can operate without public accountability. The French researcher B. Shantebu emphasizes the importance of control functions of the parliament, and believes that even historically the legislative function originated from it<sup>3</sup>.

Another French scientist, M. Lesage, believes that if the body that adopted the laws does not have the ability to control the actions of the executive power, that is, the administration that must implement this law, they will remain on paper<sup>4</sup>.

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<sup>2</sup> Law of the Republic of Uzbekistan "on parliamentary control", April 11, 2016, No. 403 / [www.lex.uz](http://www.lex.uz)

<sup>3</sup> Kerimov A.D. Parliamentary law of France. – M.: "Norm", 1998. – P. 78.

<sup>4</sup> Interview of the editor-in-chief of the journal with M. Lesage, professor of the University of Paris-1 // "State and Law", 1999, No. 1. - P. 14.

The analysis of parliamentary control is related to its various forms, the uniqueness of the state system and, in turn, the mutual relations of political institutions. In particular, in accordance with the Law "On Parliamentary Control" in our country, its forms are as follows:

- Review of the state budget execution progress;
- Reviewing the annual report of the Cabinet of Ministers of the Republic of Uzbekistan on the most important issues of the country's socio-economic life;
- Review of the report of the Cabinet of Ministers on the progress of implementation of the state program for the relevant year, arising from the Address of the President of the Republic of Uzbekistan to the Oliy Majlis of the Republic of Uzbekistan;
- Listening the report of the Prime Minister of the Republic of Uzbekistan on some current issues of the socio-economic development of the country;
- Listening to the information of members of the government, heads of state bodies, economic management bodies in the meetings of the Legislative Chamber, the Senate on issues related to their activities;
- Listening the answers of the members of the government to the questions of the deputies of the Legislative Chamber at the meetings of the Legislative Chamber;
- Listening the reports of governors of regions, districts, and cities on issues related to the development of the relevant area at the Senate meetings;
- Listening the reports of the heads of the diplomatic missions of the Republic of Uzbekistan in foreign countries on the issues of their activities;
- Listening the report of the Accounts Chamber of the Republic of Uzbekistan;
- Listening the report of the Prosecutor General of the Republic of Uzbekistan;
- Listening the report of the Chairman of the Board of the Central Bank of the Republic of Uzbekistan;
- parliamentary inquiry;

- Request of a deputy of the Legislative Chamber, a member of the Senate;
- Listening information from heads of state bodies, economic management bodies by the Legislative Chamber, Senate committees;
- to study the state of execution of legal documents, the practice of law enforcement by the committees of the Legislative Chamber, the Senate, and to monitor the adoption of legal documents by them;
- parliamentary scrutiny<sup>5</sup>.

Of course, this control implies checking, monitoring and auditing the activities of any institution of state power as an important factor of social management in civil society. At this point, the essence of the control task of the Oliy Majlis is manifested in the fact that the people have the right to control the activities of all structures to which they have given administrative authority in the conditions of the democratically organized system of separation of powers.

It should be said that the Laws of the Republic of Uzbekistan "On Parliamentary Control", "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", "On the Regulations of the Senate of the Oliy Majlis of the Republic of Uzbekistan", "In connection with the further improvement of law-making and parliamentary control processes, some of the Republic of Uzbekistan Laws such as "On Amendments and Additions to Legislation" define parliamentary polls, deputy and senator polls.

It is known that the deputy has the right to send requests to officials, as a rule, on issues related to ensuring the rights and legal interests of the voters of the respective electoral district. That is, it can be seen that behind every request of the deputy is the interest of the people. The reason is that the request of the deputy is sent on the basis of a public appeal. The problem of the population will be recorded in it. Also, the Legislative Chamber, as a rule, once a month at its meeting listens to the answers of the members of the government to the questions of the deputies of the Legislative Chamber, that is, holds the "government hour". These questions, in turn,

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<sup>5</sup> Law of the Republic of Uzbekistan "on parliamentary control", April 11, 2016, No. 403 / [www.lex.uz](http://www.lex.uz)

are of two types – written and oral. Members of the government or officials must answer the written questions of the deputies within a certain fixed day. Regardless of the form, the questions must be read out at the plenary session of the chambers or asked by the deputy or senator.

In particular, in 2018-2021, "government hour" was held 30 times, during which 41 members of the government answered the questions of deputies. Most importantly, the "Government Hour" events held starting from 2021 were covered directly on the official YouTube and Facebook pages of the Legislative Chamber<sup>6</sup>.

As mentioned above, despite the fact that parliamentarism began to form in the Republic of Uzbekistan from the first years of independence, it would not be wrong to say that it has been 5 years since parliamentary control was put into practice. This is certainly the result of the fundamental reforms being carried out in the country by President Sh.M. Mirziyoev in building an open, free civil state. Now it is necessary to improve it without being limited by the achieved achievements. Therefore, the Oliy Majlis chambers are exercising parliamentary control, but in what order are the parliamentary polls and the "government watch" process? the question is natural. The reason is that the documents do not strictly specify how much time should be allocated to the parliamentary request and its response. In the aforementioned regulatory documents, it is established that the schedule of "Government Hour" is determined by the Council of the Legislative Chamber in agreement with the Prime Minister, and that a written response to the request of the parliament, deputy or senator, if no other deadline is set, no later than ten days from the date of receipt of the request. The questions of the deputies of the Legislative Chamber to the members of the government are sent by the Council of the Legislative Chamber to the Cabinet of Ministers at least ten days before holding the "government hour". The procedure for responding to the request was not clearly reflected.

Due to the loophole in the legislation, some officials are looking down on the requests. That is, sending wrong answers to the MP's request, trying to appease the

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<sup>6</sup> Five years with the strategy of actions: a summary of reforms // [www.strategy.uz](http://www.strategy.uz)

MP with shallow answers. In most cases, the answer to the deputy's request is signed not by the official himself, but by other persons who are not authorized to do so.

For example, in 2018, deputies of the Legislative Chamber of the Oliy Majlis sent a total of 207 requests to officials, and 120 of them (58%) were answered by someone else, not by the relevant official. In 2019, a total of 242 deputy requests were sent to the first person (head) of a specific office, a reply letter for 175 (72%) of them were sent by deputies, 13 (5%) by heads of subordinate organizations, and 2 (1%) by other office officials<sup>7</sup>. This situation lowers the reputation of the institution of polling of deputies and senators and has a negative impact on its effectiveness.

If we look at the experience of the parliament of developed countries, the questions of people's representatives to the government are not only a form of control over the activities of the executive power, but also a process of obtaining information from it.

In order to address the minister, the member of parliament must express his desire to ask a question 48 hours before the time allotted for answers. Moreover, he puts his question on the "agenda" of the House of Commons. If the question is marked with an asterisk, the Minister must answer orally, otherwise he will simply provide the Clerk of the House with a text of his answer. Of course, it should not be forgotten that the speaker of the chamber will remove the "forbidden" question of the deputy, that is, the request to provide confidential information. Like Canada, ministers' answers to oral questions from members of the House of Commons of Great Britain are heard every day of the week except Friday. It should be said that plenary sessions of the chamber open with answers to questions and this process lasts 1 hour.

The experience of the National Assembly of the French Parliament is more similar to that of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan. The reason for this is, first of all, the order of activity of legislative representative bodies mentioned above covered certain days of the week. The

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<sup>7</sup> Sharipov F. The interests of the people are behind the deputy request. <https://uza.uz/uz/posts/deputatlik-s-rovi-ortida-khal-manfaati-turadi--02-07-2020>

purpose of agenda setting, which is the result of the French constitutional changes implemented in 1995, is to allow deputies to spend their free time from parliament with their constituents and to reflect their interests in the adopted laws, that is, to achieve practical results in the "voter-deputy-voter" chain.

On the other hand, in the French Parliament, for example, the questions of the lower house on the control of government activities are divided into written, oral - debated and non-debatable, and questions to the government.

Oral questions have been used in practice since 1875. The main difference between the above-mentioned oral questions is that the ministers' answers to the questions are reflected in the opportunity for debate by the deputies. The order and time of asking all kinds of questions are fixed, and they are carried out in the following form: - oral questions will be held on Tuesday from 9.00 to 13.00. Up to 25 pre-written questions can be asked at each meeting; - MPs' questions to the government are asked twice a week - on Tuesdays and Wednesdays from 15:00 to 16:00. In this case, the representatives of the people will address the executive power with 12 questions prepared in the same way as above. Each of them takes 5 minutes.

Focusing on the process of the written questions of the deputies of the control activity of the French parliament is manifested in its originality, in some cases exceptionality. All the work carried out in the parliament ultimately has one goal - to put the obtained results into a comprehensive discussion at the general meetings of the chambers. As for the written questions and answers, they are considered exceptions to the specific rule and are not discussed in plenary meetings, but are published in the parliamentary publication - Journal Officiel. With this, it can be said that he will be removed from the parliament. Also, written questions are an individual activity and can be easily used by both the majority and the opposition. Because in other processes of controlling the government, the majority of the parliament will have priority.

One of the main forms of parliamentary inquiries - written questions - should be put into practice and published in the Bulletin of the Chambers of the Oliy Majlis.



One of the forms of control of the activities of the executive power of the Parliament is the setting of a certain time for the questions of the deputy, which leads to: firstly, it increases the efficiency of the control of the executive power of the Oliy Majlis; secondly, the government begins to feel responsibility for its policies; thirdly, citizens' confidence in the state power will increase. Thus, it would be appropriate for the chambers of the Oliy Majlis to set a certain time for questions to the government and include it in the procedure of the chamber's regulations.

For example, if the Legislature works three days a week and one day of the week is dedicated to "government hour" from 10:00 to 12:00, it is a serious step towards building a legal democratic state and civil society. Because every week a certain leader is responsible for the activities of himself and his company in front of the people's representatives, it leads to the reduction of corporate relations, the elimination of vices such as nepotism, and the increase of leadership responsibility, in turn, it leads to being an example for others. Of course, if the population of the country is a direct witness of this situation, that is, if the parliamentary poll is shown through the media, citizens' awareness of political processes and political activity can increase.

### **Literature:**

1. Law of the Republic of Uzbekistan "on the regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", August 29, 2003, No. 522-II // [www.lex.uz](http://www.lex.uz)

2. Law of the Republic of Uzbekistan "on parliamentary control", April 11, 2016, No. 403 / [www.lex.uz](http://www.lex.uz)

3. Sharipov F. The interests of the people are behind the deputy request. <https://uza.uz/uz/posts/deputatlik-s-rovi-ortida-khal-manfaati-turadi--02-07-2020>

4. Interview of the editor-in-chief of the journal with M. Lesage, professor of the University of Paris-1 // "State and Law", 1999, No. 1. - PP. 14-19.

5. Constitutional (state) law of foreign countries. General part. – M.: "BEK", 2000.

6. Kerimov A.D. Parliamentary law of France. – M.: "Norm", 1998.0