



## **ISSUES OF ENSURING ACTIVE PARTICIPATION OF CIVIL SOCIETY INSTITUTIONS IN ELECTORAL PROCESSES AND FURTHER IMPROVEMENT OF THEIR ORGANISATIONAL AND LEGAL FOUNDATIONS**

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### **Abstract**

The role of genuine, fair and democratic elections in the implementation of democratic reforms is unparalleled. Therefore, the power of the people is inconceivable without democratic elections. The adoption of the Election Code of the Republic of Uzbekistan serves as an important legal basis for the construction of a new Uzbekistan, as well as for the implementation of our citizens' right to vote, the establishment of the rule of law and the development of civil society.

Under the conditions of civil society and the rule of law, elections are not only a sign and manifestation of democracy, but also its necessary condition. Article 21 of the Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948, contains the following democratic principle: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The authority of government shall be derived from the will of the people, which shall be expressed by universal and equal suffrage, by secret ballot or by other equally effective means guaranteeing freedom of choice".

The provisions of the Constitution of the Republic of Uzbekistan become more relevant with the adoption of separate electoral laws. It is worth noting that the constitutional approach to the electoral system provides the basic principles of the right to vote and serves as a basis for separately adopted electoral laws.

Reforms in the field of state and society building in Uzbekistan are systematic and consistent, aimed at deepening democratic reforms and ensuring freedom of elections. The importance of our national legislation and electoral practice is incomparable in the fact that the processes of preparing and holding elections fully comply with international norms and democratic principles.

Therefore, as the President of the Republic of Uzbekistan Sh. Mirziyoev stated in his speech at the joint session of the Legislative Chamber and the Senate of the Oliy Majlis, the most important directions are: deepening democratic processes in our society, supporting the development of civil institutions, increasing the prestige and influence of political parties and intensifying competition for the votes of voters.





In his research on the role of political parties and other civil society institutions in improving the legal culture of citizens, X. Mamatov, a legal scholar with a doctorate in law, says: "... civil society institutions (organisational structures) make a significant contribution to improving the legal culture of the population... The formation and development of civil society requires the political, legal and moral superiority of citizens". Touching upon various aspects of the activities of civil society institutions, the author emphasises the following: "Political parties, public associations, non-governmental organisations and citizens' self-government bodies undoubtedly play an incomparable role in raising the political and legal awareness and activity of the population, improving its legal culture and involving it in the process of managing state affairs. If we take an election campaign as an example, political parties and other public organisations will carry out propaganda and mass education activities on a very large scale".

As a result of the consistent and gradual reforms implemented in New Uzbekistan on the initiative of President Shavkat Miromonovich Mirziyoev, a new national electoral system has been created that meets democratic requirements and universally recognised international standards, and ensures the broad participation of civil society institutions. In particular, on 22 January 2018, the President of the Republic of Uzbekistan, with the decision № 5308 and PF-5308 which is the State Programme approved the task of developing the Election Code project under the leadership of the Central Election Commission and ensuring broad participation of civil society institutions in the electoral process on the basis of the current electoral legislation and normative legal documents of our republic.

The Election Code of the Republic of Uzbekistan, adopted on 25 June 2019, introduced more than 30 electoral procedures along with the codification of five electoral laws. These innovations, included in the electoral legislation, further strengthened the role of civil society institutions in the electoral process. It can be seen in:

The first innovation is contained in Article 23 of the Election Code, according to which candidates for membership of the precinct election commissions are proposed by self-governing bodies of citizens, public associations, enterprises, institutions and organisations, and these candidates are discussed at the meetings of the district and city councils of people's deputies and submitted to the relevant district election commission for approval.

F. Nasriddinov, Doctor of Philosophy in Legal Sciences, defined the legal status of election commissions as follows: "All election commissions established in order to implement the constitutional principle of people's power in order to ensure the will of the people through elections are a state body with a special status. The unique status of election commissions is reflected in the unique order of their formation with the





participation of state bodies and civil society institutions and in the uniqueness of the legal regulation on the activity of exercising their powers to conduct election campaigns at various stages”.

According to the Guidelines on the formation of the composition of the district and precinct election commissions, approved by the Decision of the Central Election Commission of the Republic of Uzbekistan № 932 dated 11 September 2009, candidates for membership of precinct election commissions are nominated by citizens’ self-government bodies - at a meeting of citizens or a meeting of citizens’ representatives or at a meeting of citizens’ assemblies, public associations, by enterprises, institutions and organisations - discussion at a meeting of working teams and the result of the meeting (meeting) is formalised by a statement, and at least 50 days before the election, people’s deputies are invited to district and city councils for consideration.

In the 2019 elections for representative bodies, for the first time through the above-mentioned processes, 111,461 candidates were nominated through civil society institutions for membership of district election commissions in 10,260 polling stations.

In fact, the precinct election commission occupies an important place in the system of election commissions and acts as a unique key link. After all, the precinct election commission is a collegial state body authorised to prepare and conduct elections in the precinct. The direct participation of civil society institutions in the formation of this body serves to ensure that precinct election commissions carry out their activities impartially and without any enmity towards other subjects of the election process.

The second innovation is that in order to implement public control by civil society institutions during the electoral process, Article 33 of the Election Code provides for the participation of observers from self-governing bodies at polling stations.

The participation of the chairman (elder) of the Civic Assembly of local authorities, his deputy, adviser and other officials of the Civic Assembly bodies as observers in all activities related to the preparation and conduct of the election, including voting and counting on election day, created a legal basis for the implementation of public control over compliance with the law.

Electoral legislation and practice is a process of continuous improvement, and these improvements are being made in line with the reforms being carried out in the country.

As a result of the reforms implemented by President Shavkat Mirziyoyev to build a new Uzbekistan, the activity of mass media, social networks and bloggers, the political





activity of the population and the sense of belonging to the events taking place are increasing sharply.

In our opinion, in line with these reforms, it is appropriate to make some changes and additions to the electoral legislation in order to further strengthen the role of civil society institutions in the electoral process.

In particular, the right to appoint observers not only from local self-government bodies but also from trade unions to monitor the electoral process and to discuss candidates for regional, district, city and district electoral commissions at meetings of local self-government bodies and trade unions and relevant people's deputies should be granted.

In addition, the democratic institutions of civil society should monitor the observance of the electoral law by the participants in the electoral process during the election campaign. This will serve to strengthen public control over the electoral process, further enhance the role of civil society institutions in the electoral process and support democratic processes.

In conclusion, it can be said that the importance of elections in the context of the formation of civil society depends on the methods and means by which the progress of the electoral process is brought to the attention of the population. Ensuring the transparency of the electoral process is one of the most important factors in organising and holding elections in accordance with the law, and this is undoubtedly achieved through public scrutiny of the electoral process.

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