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THE ROLE AND SIGNIFICANCE OF ELECTIONS IN UZBEKISTAN AS THE MAIN CONSTITUTIONAL LEGAL INSTITUTION AND THEORETICAL AND LEGAL ASPECTS OF DEVELOPMENT

Abstract: The article highlights that elections are an important constitutional and legal institution, state power belongs only to the people, the state must express the will of the people and serve it, and citizens unite in the processes of governing the state and the society in which they live. Also, the national legislation reflects their organizational and legal mechanisms.

Key words: democracy, elections, direct participation of citizens, electoral legislation, declarations, international standards.

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Introduction

Election has long been known as a way of forming collective bodies of power and recruiting for organizational and managerial strata.[1] Therefore, the institutional formation of elections coincides with historical processes and the emergence of representative democracy in the mechanism of power.

We often see elections as a way of implementing representative democracy, recognizing the legitimacy and legitimacy of government and a simple form of political participation. In fact, the election institution has its own internal contradictions, which are polyfunctional and politically uneven.

For instance, in electoral politics it is applied not only in democratic regimes, but also in authoritarian and totalitarian regimes, where the choice is simply limited or the choice is usually ignored. We have seen this election many times during the pre-independence history of our country - under the rule of the former Soviet Union.

Today, regular and free elections in many countries are considered as one of the most important signs of democracy. However, although it is still used in the context of Islamic law, the importance of the institution of elections is underestimated. In these

countries, the use of this institution does not guarantee the selection of the most worthy people. Even under military conditions, the election institution is not destroyed. Usually, in these circumstances, elections are usually postponed until a stable order is established in the country.

Electoral law and the system are the main legal instrument in the system of democratic state formation. Since it is represented in the daily practice of state bodies. It appears in the form of elected officials and helps to ensure the functioning of the state.

Elections are a direct reflection of democracy, and the importance of this popular institution is growing every day. Its comprehensive study has been the subject of research in many sciences. Researchers find interesting and even controversial comments on this subject.

In this article we will try to explain the key aspects of the role and importance of elections as a key constitutional and legal institution. The adoption of our Constitution in 1992 and the strengthening of a special chapter on the principles of the electoral system are the constitutional basis for the formation of national electoral legislation. In other words, the

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electoral law and practice of Uzbekistan became an integral part of the democratic reforms carried out in the country over the years of independence, and allowed courageous steps to be taken towards a new democratic rule of law and a fair civil society.

From the point of view of jurisprudence, it is quite natural to evaluate and analyze electoral law as a separate legal institution. Indeed, in the theory of law, the term "legal institution" refers to a set of legal norms that govern the same social relations and form a separate independent group with all the most important aspects of the corresponding part (territory) and having internal integrity.

Uzbek scholar Akmal Saidov emphasizes that "the modern electoral law of our country has become an important constitutional institution, which clearly demonstrates the power of the people." [2] According to B.A. Strashun, the electoral system is governed by the rules of electoral law. This is also understood as a system of legal norms - a separate branch of constitutional (state) law. In his opinion, the electoral system, in the broad sense, is a system of public relations related to the election of public authorities.[3]

The electoral institution as a whole includes the following democratic reforms in Uzbekistan in the political sphere: first, the reforms are in line with national interests and are aimed at protecting our independence; secondly, step by step; thirdly, the level of democratic changes corresponds to the mentality and mentality of people; fourth, drawing on historical and national experience; fifth, can distinguish such basic principles as taking into account the norms and requirements of international law.

From the point of view of modern constitutional law theory, an electoral institution is understood as "the most complete normative description of the material and procedural mechanisms in relation to a specific subject (area) through methods and means of legal regulation of constitutional law". The legal assessment of the electoral system, the institutionalization of electoral law as an independent sphere are reflected in the theoretical and legal studies of scholars such as S.S. Alekseev, A.V. Mordovtseva, V.S. Nersesants, V.N. Protasov, Y. Tikhomirov.

Political and legal aspects of the use of electoral systems in stable democratic conditions were studied in the scientific works of D. Rae, A. Liphart, M. Duverger, J. Sartori. In the works of R. Katz, D. Reeve, A. Ver, P. Taage-Pierre, M. Schugart and other scientists critically examined the relative electoral system and its very rare methods of providing panachage (German panaschieren, French panachage - "mixed", lists voters), incremental voting.

The main task of a legal institution is to ensure a holistic, relatively complete legal regulation within a certain area (part) of this type of public relations. Because all social relations related to the organization and holding of legal elections in the field of people's

power are so numerous and diverse, they are combined into one set, that is, they group norms according to the same criteria. The rules of the relevant election law institutions (such as the head of state, parliament, local representative bodies) govern general relations for all areas of elections.

The modern electoral institute is a system of legal rules governing relations related to ensuring the right of candidates to be elected to representative bodies and to elected government posts. These norms include the basic principles of electoral law, the requirements for candidates, the organization and activities of election administration bodies, constituencies and other (territorial) electoral units, the status of voters, the election campaign, and the results of voting as well as determine the procedure for appeal.

At present, the Constitution of the Republic of Uzbekistan contains a separate chapter XXIII, which is called the "Electoral System", and the adoption of a number of electoral laws on it gives the following institutional dimensions.[4]

Firstly, the constitutional consolidation of the principles of the electoral system guarantees the observance of universally recognized international standards of electoral law.

Secondly, constitutional norms serve as the basis for electoral law. This approach is fully consistent with the 1990 OSCE Copenhagen Human Dimension Document (paragraph 5.3) [5] and the 1994 Declaration on Criteria for Free and Fair Elections, adopted by the Inter-Parliamentary Union in 1994. [6]

The electoral right is a subdivision of the constitutional law, and its norms are reflected in the constitutions, election laws, documents of the head of state, government decisions, constitutional court decisions, and instructions of the Central Election Commission.

As mentioned above, the legalization of citizens' electoral rights in Uzbekistan by new electoral technologies has its own specific focus. In particular, the first direction of the formation and development of the institutional image of the electoral system of the Republic of Uzbekistan is connected with constitutional and legal issues of citizens' electoral rights and their guarantees. The second direction is the harmonization of the organization of elections with international election standards, the third is the constitutional and legal regulation of the participation of political parties in elections, and the fourth is the legal status, functions and activities of election commissions; the fifth, it covers a wide range of issues related to the participation of civil society institutions in the electoral process.

Analysis of the theoretical and constitutional-legal issues of the formation and development of a democratic electoral system in Uzbekistan shows that the electoral system in the Republic of Uzbekistan is growing in the process of building a democratic state

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and civil society. The electoral system in the context of democratization and liberalization of public administration in the Republic of Uzbekistan shows that the constitutional and legal framework for the election of the President of the Republic of Uzbekistan, the legal framework for the elections to the Oliy Majlis of the Republic of Uzbekistan and the elections to local Kengashes of people's deputies have been formed. A common feature of these institutions is the creation of conditions for the free expression of the will of citizens, the continued institutionalization of the national electoral system and the improvement of the legal framework.

The electoral system, created as a constitutional legal institution on the basis of the norms established by the Constitution and the law, ensures the renewal and continuity of state power based on a democratic order and technologies, as well as the legality of the free expression of the will of citizens.

The institutional and legal image of the electoral system as a way of political and legal transformation of state power institutions is determined not only by constitutional law, but also by the rules of electoral law, which directly interact with other branches of law.

In addition, the participation of citizens in the elections shows that it has its own subject, methods and regulatory framework. In particular, it is characterized by large-scale changes in foreign and domestic policy led by President Shavkat Mirziyoyev. On December 22, 2017, the head of state addressed to the Oliy Majlis with the goal of ensuring that the preparation and conduct of elections in our country are fully consistent with international standards and democratic principles. It is characteristic that the appeal on the agenda was the development and adoption of the Electoral Code of the Republic of Uzbekistan.

In this regard, the task of developing the Electoral Code is established in the State Program for the Implementation of the Strategy of Action in the five priority areas for the development of the Republic of Uzbekistan for 2017 - 2021 - "The Year of Active Entrepreneurship, Support of Innovative Ideas and Technologies".

During this period, the adoption of the Decree of the President of the Republic of Uzbekistan "On organizational measures to improve the activities of the Central Election Commission of the Republic of Uzbekistan" dated November 6, 2018 and the "Program of measures to improve the electoral law and law enforcement practice" strengthened the preparation and public discussion of the election code, improving the draft text and adoption of the Electoral Code, as well as harmonization of other legislative acts and documents of the Central Electoral Commission with the Electoral Code. In accordance with the Decree of the President of the Republic of Uzbekistan "On measures to introduce modern

information and communication technologies into the electoral process", the elections will now be held in a completely new format, not only from a legislative point of view, but also technically and technologically.

In particular, the adoption of the Resolution "On measures to introduce modern information and communication technologies in the electoral process"[7] on October 4, 2018 was a logical continuation of democratic reforms in the electoral law of Uzbekistan. The election code is based on the Constitution of the Republic of Uzbekistan, five election laws and about forty regulations of the Central Election Commission, as well as nearly thirty years of national election practice and international best practices (election codes of countries such as Azerbaijan, France, the Netherlands, Canada, Italy, Sweden, Belgium, Poland, Albania, Belarus) and more than a dozen international standards and democratic principles.

On June 25, the President of the Republic of Uzbekistan Shavkat Mirziyoyev signed the Law "On Approval of the Electoral Code of the Republic of Uzbekistan", which entered into force on June 26, 2019. The Electoral Code consists of six chapters and a special part - 12 chapters, a total of 18 chapters and 103 articles.

The most important news of the Electoral Code was following: in the Legislative Chamber, the Institute of Quota for Deputies of the Ecological Movement of Uzbekistan was liquidated, and the existing deputy seats (150 seats) were retained; Local governments have canceled the procedure for nominating candidates for district (city) councils of people's deputies. As noted above, the Code governs the formation of a single electronic voter register. A single ballot was introduced for early voting and voting on election day. The process of collecting signatures by political parties allowed voters to sign in support of one or more candidates or parties.

The Electoral Code abolished the rules restricting the participation of persons who committed less serious crimes (2,300 people), that is, all people in this category will vote, with the exception of those sentenced to imprisonment for serious and very serious crimes.

It is stipulated that the maximum deviation in the number of voters in constituencies should not exceed 10%. The creation of electoral districts for elections to the Legislative Chamber established that the Central Election Commission on the basis of representations of the regional and Tashkent city councils of people's deputies. Early voting ends three days before election day. There is a procedure according to which political parties have the right to cancel their decision on the appointment of a specific person no later than fifteen days before the election. A single deadline for all candidates to begin campaigning must begin the day after the deadline for registration. The number of

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trusted representatives of candidates for deputies has increased from three to five.

In this regard, the Electoral Code also enshrines a number of new rules concerning the Central Election Commission. The first is the requirements for members of the Central Election Commission (citizens of twenty-five years, usually with higher education, experience in organizing and conducting elections, having a public image and permanently residing in the Republic of Uzbekistan for at least the last five years). The second - members of the Central Election Commission are equal in status to deputies of the Oliy Majlis and members of the Senate.

It is obvious that the Electoral Code, developed on the initiative of the President, will provide legal guarantees for the introduction of new best practices that will ensure a more transparent electoral process in our country. Studies show that free and democratic elections play an important role in further deepening democratic reforms and developing civil society in the country.

As the President of the Republic of Uzbekistan Sh. Mirziyev noted, “according to the Constitution,

citizens have the right to participate in the management of state and public affairs, both directly and through their representatives. Voting for a candidate or party program and its support is a clear sign of representative democracy.”[8]

In summary, the Constitution of the Republic of Uzbekistan contains generally recognized principles and norms of international law. This aspect is also important in the development of the national electoral system. The electoral system has developed in accordance with international electoral standards, and its legislation is one of the most dynamic and consistent in the national legal system. Over the years of independence, the election of the President of the Republic of Uzbekistan, elections to representative bodies of state power have become an integral part of the country's socio-political life and have had a significant impact on the political and legal awareness of citizens. Over the past period, electoral legislation has developed rapidly, and today it has become an independent legal branch covering a number of legislative acts.

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