

## Constitutional and Legal Guarantees of Democracy in Uzbekistan

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### ANNOTATION

*This article is devoted to proposals and recommendations aimed at further improving the constitutional and legal guarantees of democracy in Uzbekistan by researching the theoretical legal issues of ensuring people's power and the legislative experience of foreign countries in this regard.*

**KEYWORDS:** national legislation, rule of law, democracy, Constitution, governance mechanism, political elections, political freedom.

### Introduction

Democracy is participation in the formation, election and management of state power through the people or their representatives directly or indirectly in the legal forms established by laws.

Chapter 2 of the Constitution of the Republic of Uzbekistan is called "Democracy", and Article 7 of this chapter confirms that the people are the only source of state power. The content of this article is reflected in the fact that in the Republic of Uzbekistan, it is established that state power is exercised only by the authorities authorized by the Constitution of the Republic of Uzbekistan and the laws adopted on the basis of the interests of the people.

It should be noted here that "Democracy" is a Greek word, this phrase first appeared in the Greek city-state, and later spread to the whole world and took a firm place in the political vocabulary.

Another group of scholars interprets the concept of democracy as the participation of the people directly or through their chosen representatives in the management of the state and society. The word democracy is formed from the combination of the words "demos" - people and "kratos" - power, and means "democracy". [12, pp. 124]

So, democracy is a direct constitutional institution, in which it is understood that the source of state power originates from the people.

Also, there are different views on the concept of democracy in legal literature and in the works of legal scholars. In particular, when talking about the essence of democracy as a principle, lawyer S. Saidgazieva says that its essence is that the people are considered to be the only source of state power, that the state expresses the will of the people and serves its interests, that state bodies and officials receive their powers from the people and are responsible to society and citizens. , notes that citizens use the right to participate in the management of society and state affairs directly and through their representatives, state power is exercised only in the name of the people, it is manifested in the fact that state power is not allowed to be exercised in the name of a specific group, party or other agency. [10]

In other sources, it is noted that democracy is based on the recognition of the equality and freedom of all people, the unification of the population in various public organizations, the election of state power and management bodies with the participation of the people, the distribution of state power and the participation of the people in the management of the state. [5, pp. 8]

It should be noted that the principle of democracy is reflected in the Constitutions of most

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democratic states as a main priority rule. For example, Article 3 of the French Constitution, Article 20 of the German Basic Law, and Article 2 of the Finnish Constitution are devoted to this principle, and state power is fully derived from the people, and democracy is implemented through elections, referendums, and state authorities.

In the national legal literature, the people are the only source of state power, and the people's sovereignty, firstly, means that the people have unlimited power in the country, and secondly, the people can exercise their power directly and through the state authorities and local self-government bodies. [3, pp. 15]

### **Main part**

During the past period of the independence of the Republic of Uzbekistan, a base of legal documents providing direct democracy was created. In turn, the current legal system of our country is the Constitution, 16 codes of the Republic of Uzbekistan, 383 basic laws of the Republic of Uzbekistan, 306 laws of the Republic of Uzbekistan on additions and amendments, 4702 Decrees of the President of the Republic of Uzbekistan, 2292 Decisions, 4410 Orders, Ministers of the Republic of Uzbekistan 10743 Decisions of the Court, 244 multilateral international agreements, 418 bilateral agreements concluded by the Republic of Uzbekistan, 364 bilateral and other joint agreements concluded with the CIS countries, 308 multilateral documents signed by the Republic of Uzbekistan within the CIS and 2653 Uzbekistan Departmental normative legal documents registered by the Ministry of Justice of the Republic are organized.

Currently, 122 of the 811 laws existing in our national legal system have become invalid, and 1484 of the 2653 departmental normative legal documents registered by the Ministry of Justice of the Republic of Uzbekistan are still in force. [11]

In turn, today in Uzbekistan there is a need to research the constitutional and legal guarantees of democracy from a scientific and theoretical point of view, and the relevance of this topic is shown in the following:

Firstly, the lack of scientific research on the constitutional-legal guarantees of the implementation and maintenance of democracy in Uzbekistan and, in this regard, the theoretical-legal research of this topic; Secondly, there are a number of legal gaps related to the implementation of democracy in the current legislation, which in turn requires the improvement of the mechanism for the implementation of democracy defined in our Constitution. For example, in Article 78 of the Constitution, the joint powers of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan are authorized to hear and discuss the reports of the Prime Minister of the Republic of Uzbekistan on the current issues of the country's socio-economic development, but the issues related to the mechanism of hearing the Prime Minister's reports in the legislation has not found its expression. In this regard, whether the hearing of the Prime Minister's report is mandatory or optional for the Prime Minister, which chamber has the right to propose hearing the Prime Minister's report, and how long the Prime Minister's report can be heard remain legal gaps in the legislation; Thirdly, there is a need to research and solve some issues in the practice of law enforcement related to the application of the principle of separation of state power, which is one of the important institutions of democracy. For example, in the Constitution of the Republic of Uzbekistan, the structure of the legislative power, the structure and system of the judicial power are clearly established in detail. It is difficult to make such an opinion about the executive power. As the composition of the Cabinet of Ministers of the Republic of Uzbekistan, which is the central body of the executive power, is strengthened in the Constitution, the issue of the system of the executive power is not sufficiently strengthened.

The historical achievement of our people at the present time is the free and independent state of Uzbekistan. The sense of pride and patriotism helps the citizens of many countries in the world to reach the highest levels of development.

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As many scholars have pointed out, people's sovereignty is the basis and source of state sovereignty. [6, pp. 46; 7, pp.178; 8, 176] The sovereignty of our state, which is a form of expression of people's sovereignty, is the embodiment of powers and rights that apply to all the inhabitants and territory of the country, and determines the laws of social life and public-political order.

Strengthening the sovereignty of state power and establishing the rule of law is an interdependent process. That is, the development of a new model of society and the theory of the legal state are inextricably linked. Determining the position of our country in the development of the enlightened world requires recognition of the universal human values that the society has achieved, which it should accept and use.

This society is a form of life based on a person, his interests, and a prosperous life. All other factors of the development of society will have to be subordinated to people.

In Uzbekistan, the people are the only source of state power. The state expresses the will of the people, protects all its interests, and helps to realize its dreams. Article 2 of the Constitution of the Republic of Uzbekistan states: "The state expresses the will of the people and serves its interests. State bodies and officials are responsible to society and citizens". [1] In a legal state, first of all, the state itself, all its organs and officials must obey the law. The rule of law is the main principle of the legal state. It implies strict rule of law in all spheres of life. No state body, no economic and socio-political organization, no official, no person can be freed from the obligation to obey the law.

The law is equal for all. As the practical experience of developed democratic states shows, the system of democratic public service, which is one of the main elements of civil society, occupies a unique and important place in this system. Of course, liberalism, freedom and pluralism in the political sphere are one of the main characteristics of any society based on democratic principles. But it is also necessary to remember that it is difficult to imagine this situation without a public service institution that provides and guarantees it, and provides an opportunity for sufficiently stable development.

The main goal of our national legal ideology is to create a step-by-step democratic social justice society in Uzbekistan and clearly express the guidelines for building a legal state. The modern, state-of-the-art civil service system is the basis of this society. As the experience of recent years has shown, no democratic system, no country can develop stably without public service and civil servants who ensure its effective functioning. [2. pp. 321-323]

Therefore, we can emphasize that civil society is the main sign and condition of a democratic constitutional system, a system of relations and institutions of social life independent of state influence and intervention, based on certain interests, free economic relations, and based on a unique political form of social space. is a system aimed at creating conditions for the realization of the private interests and needs of individuals and communities in the spheres of socio-economic, cultural and educational life. One of the main characteristics of a civil society is the existence of a public service based on modern practice, legally protected, based on democratic principles, and taking into account the national mentality.

Modern approaches to the organization of public service are very common in the legal practice of foreign countries. Undoubtedly, studying the practice of foreign countries can greatly help in the organization of public service and the formation of the legal system in Uzbekistan.

Today, in Uzbekistan, citizens' assemblies are given wide powers to participate in the management of society and state affairs. However, due to the size of the population of towns, villages, villages and neighborhoods, instead of citizens' meetings, meetings of representatives are held. [9, pp. 75] Even in developed countries, it is recognized that citizens cannot directly participate in self-governance, and it is necessary to use different forms and methods of involving citizens and their associations. This

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approach made it possible to develop self-governance at the level of sub-territorial units and regions, optimize mass management, and unite the population into single territorial communities. The content of mass management determines the need to involve the population in management not only in citizens' assemblies, but also in higher regional units.

There is a need to develop self-government in Uzbekistan, the number of representatives, their election, the types of commissions on the main directions of the activities of citizens' assemblies, their election and operation, the introduction of various forms of citizen participation in the activities of local councils of people's deputies. [4, pp. 22] In Uzbekistan, the involvement of the population in the management of the respective territory is defined as one of the main tasks of the local authorities, which requires further improvement of their activities in this regard.

### Conclusion

The following scientific-theoretical conclusions were reached as a result of this research, which is known as constitutional-legal guarantees of democracy in Uzbekistan:

- the state power's source are only people;
- state power is exercised only by the authorities authorized by the Constitution of the Republic of Uzbekistan and the laws adopted on its basis in the interests of the people;
- the most important issues of society and state life are presented for public discussion, put to a general vote (referendum);
- that only bodies elected by the people can act on behalf of the people;
- the system of state power is based on the principle of division of power into legislative, executive and judicial powers;
- development of social life based on the diversity of political institutions, ideologies and opinions;
- in the state, a person, his life, freedom, honor, dignity and other inviolable rights are considered the highest value;
- protection of democratic rights and freedoms in the state by the Constitution and laws;
- the state performs its activities based on the principles of social justice and legality, aiming at the well-being of people and society.

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