

The Improvement Perspectives of the Institute of Legislative Initiative in Republic of Uzbekistan

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Abstract: The most basic social relations in society are regulated by laws. The process of creating a law begins with the implementation of a legislative initiative.

According to Kh.T.Odilkoriev, the legislative process is a sum of the actions of the state supreme representative body aimed at creating new laws, making additions and changes to the existing laws, as well as repealing outdated laws in accordance with the procedure established by the Constitution, determining relations that need to be regulated by law, includes the preparation of the bill, its discussion and adoption¹. According to M. Najimov and Sh. Saidullaev, "law-making as a component of law-making is manifested as a complex process carried out on the basis of the supreme legislative authority of the state or a national referendum"².

Proposals for the adoption of a specific law, as well as for amending or repealing the current law, are constantly submitted to the parliament by the competent bodies defined in the Constitution.

Based on the proposal of the President of the Republic of Uzbekistan Sh.Mirziyoev to reform the institution of the right of legislative initiative at the meeting with the members of the Constitutional Commission, the institution of "introduction of legislative proposals" was introduced in Article 98 of the updated Constitution. According to it, not less than one hundred thousand citizens with the right to vote, the Senate of the Oliy Majlis of the Republic of Uzbekistan, the Human Rights Representative (ombudsman) of the Oliy Majlis, and the Central Election Commission were designated as the entities that submit legislative proposals to the Legislative Chamber.

The institution of legislative proposal is a type of legislative initiative, which is the right of authorized entities to propose the main idea or concept of a future law, which will later become a bill in the Legislative Chamber.

There are distinct differences between the right to initiate legislation and the right to introduce legislative proposals. The right of legislative initiative includes a specific draft law - that is, the text of the future law, which includes all components (preamble, articles, etc.) and complies with the structural requirements.

The right of legislative initiative is the submission of a proposal to the parliament by authorized bodies and persons for the adoption of a draft law and the adoption of an appropriate decision to consider it in the prescribed manner. In accordance with the procedure of the right of legislative

¹ Odilkoriev H.T. Constitution and civil society. - T.: Sharq, 2002. - p.250.

² Najimov M.K., Saydullayev Sh.A. Legislative technique. Study guide. Revised and Completed 2nd Edition. - T.: TSUL, 2009. - P. 34.

initiative, a draft law and documents attached to it are submitted to the Legislative Chamber by subjects.

A legislative proposal is a concept in which only the idea of the future law is expressed, not all procedures. In a legislative proposal, not a draft law, but the basic concept of a future law is proposed by authorized entities.

By introducing the institution of introducing legislative proposals and expanding the range of subjects of legislative initiatives, the share of laws in the system of regulatory legal documents will increase, the number of subordinate documents will be reduced, the problems in society and legislation will be solved in time by developing draft laws in a timely manner, and the people will be directly involved in law-making. creates conditions³.

In a democratic state, law-making is important in expanding the participation of citizens in the management of public affairs. In this regard, Article 98 of the updated Constitution strengthened the right of at least 100,000 eligible citizens to submit legislative proposals to the Legislative Chamber in the legislative initiative procedure.

In the experience of foreign countries, the right of citizens to initiate legislation is provided for in the constitutions of Austria, Spain, Italy, Switzerland and a number of other countries. Their general requirement is that the signatures of the appropriate number of voters are collected to introduce the draft law based on the people's initiative. For example, signatures of 50,000 voters in Switzerland, Hungary, Italy, 100,000 in Poland, 500,000 in Spain must be collected. As it can be seen, this institution is successfully used in the advanced experience of developed democratic countries and is considered a great democratic positive innovation in the national legislation.

Strengthening the institution of citizens' appeal to parliament with legislative proposals at the constitutional level has a positive effect on the constitutional principle of people's power.

Expanding the participation of citizens in the management of state affairs leads to the solution of systemic problems by the people as direct law makers through the improvement of legislation. It serves to solve various socio-economic issues related to the constitutional rights of citizens, and most importantly, as the initiator of reforms, people directly participate in making important decisions for the realization of their future, dreams and goals⁴.

Granting such a right to the Human Rights Representative (ombudsman) of the Oliy Majlis serves to ensure and protect human rights in law-making. Based on the appeals of the citizens, this body submitted 6 draft laws to the Legislative Chamber based on the right of legislative initiative by the deputies.

In 2021, the Human Rights Representative (Ombudsman) sent 93 proposals on draft laws to the Oliy Majlis and the Cabinet of Ministers.

Secondly, granting such a right to the Senate serves to eliminate legal gaps in the application of laws in the field of socio-economic development of regions. During the work of the Senate, more than 40 relevant proposals on current laws have been submitted to the Government. The institute of the right of legislative initiative of the upper houses of the parliament exists in countries such as Spain, Poland, and the Czech Republic.

Thirdly, granting the right to propose legislation to the Central Election Commission of the Republic of Uzbekistan serves to improve the norms related to the election legislation.

³ Bell E Yosef. The legal supremacy of legislative initiatives in judicial proceedings: The Israeli lesson International Journal of Constitutional Law, Volume 18, Issue 3, October 2020, Pages 965–987, <https://doi.org/10.1093/icon/moaa069>
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⁴ Anthony Johnstone. The Separation of Legislative Powers in the Initiative Process. Nebraska Law Review, Vol. 101, No. 125, 2022. 38 Pages Posted: 14 Dec 2022. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4287968

Determining the institution of introducing legislative proposals in the Constitution serves to express the will of our people and citizens in the form of laws, socio-economic development of regions, to eliminate problems in the field of human rights, and most importantly, to create a system of timely prevention of legislative problems by increasing the number of subjects of the right of legislative initiative.

The right of legislative initiative is an activity related to the submission of a proposal to the parliament on the adoption of a draft law, amendment or repeal of the current law by competent bodies and individuals in order to transform the will of the state and society into laws⁵. According to the Constitution, the President, the Republic of Karakalpakstan, deputies of the Legislative Chamber, the Cabinet of Ministers, the Constitutional Court, the Supreme Court, and the Prosecutor General have the right to initiate legislation. In this case, it is important that each subject implements this right based on his activities and powers.

Therefore, Article 98 of the updated Constitution stipulates that the Constitutional Court, the Supreme Court and the Prosecutor General of the Republic of Uzbekistan have the right to initiate legislation on issues included in their powers.

In the activity of the Legislative Chamber, the number of draft laws introduced by the judicial authorities and the Prosecutor General is not high. Through this, the above subjects will be able to present drafts of laws only in the scope of their activities.

⁵ Overview of the Legislative Process. <https://www.congress.gov/legislative-process>