

Concept of Referendum and Extension of Independent Political Rights Referendum

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Abstract:

This article provides detailed information on the fact that the referendum is an important institution of direct democracy, that the participation of society in the adoption of decisions important for the state and every citizen is ensured, that the rules and conditions of the referendum process are determined by the constitution and legislation of each country.

Keywords: Referendum, vote, citizens, people, human, obligation, rule, right, process, process, state.

Introduction. Referendum (Latin: referendum) is a direct expression of citizens' opinion by voting on the most important issues at the state, regional or local level. The form of adopting laws and solving the most important issues of state importance by popular vote. An important tool of direct democracy. The main difference between a referendum and an election is that when a referendum is held, a vote is not taken for a candidate or a list of candidates, but a specific issue - a law, a draft law, the constitution, amendments to the constitution, the powers of individuals (for example, presidential terms), the country's international status, or its internal policy. any question will be asked. Election results can be determined both by the majoritarian system and by the proportional system, while the results of the referendum can be determined only on the basis of the principles of majoritarianism (calculation of the absolute majority vote). Plebiscite is a special form of referendum. In some countries (Mass, France) plebiscite is a slightly broader concept than referendum. Some countries (for example, the USA) do not distinguish between a plebiscite and a referendum. The constitutional law of the modern states provides for the referendum and various forms of its holding. Referendums are divided into national referendums held on the territory of the entire state and local referendums held in individual federal subjects or administrative territorial units. A referendum on the constitution or laws can be held. In the first case, a referendum is held on a draft of a new constitution or changes and amendments to the constitution, and in the second case, a referendum is held on a draft law or an enacted law. Consultative referendums (also known as plebiscites) and decisive referendums are of legal significance. Consultative referendums are held to determine the will of the voters on some issue, and other state bodies make decisions based on this (such referendums are held in Switzerland and Spain). In decisive referendums, an issue is put to the voters for a final decision. There will also be mandatory and optional referendums. If the need to hold referendums is specified in the constitution or another constitutional legal document (for example, when the constitution is amended), a mandatory referendum is held. Optional referendums are held depending on the will of the relevant state body or electoral body.

Discretions Arising in the Referendum

In the Republic of Uzbekistan, the Law “On the Referendum of the Republic of Uzbekistan” was first adopted on November 18, 1991. This Law, taking into account the international experience over the years, as well as the practical experience gained in the Republic of Uzbekistan, was adopted in 2001. adopted in a new version on August 30. The referendum of the Republic of Uzbekistan is a nationwide vote of citizens on the most important issues of society and state life for the purpose of adopting laws and other decisions of the Republic of Uzbekistan.

Referendum, along with elections, is a direct expression of the will of the people. Decisions made in the referendum will have supreme legal force. If the decisions made in the referendum do not provide for a different procedure, the decisions made in the referendum can be canceled or changed only by means of a referendum. The referendum will be held in the entire territory of the Republic of Uzbekistan.

Who will participate in the referendum?

Every citizen of the Republic of Uzbekistan who has reached the age of eighteen before the day of the referendum or on the day of the referendum has the right to participate in the referendum. A citizen of the Republic of Uzbekistan living or residing outside the territory of the Republic of Uzbekistan has the full right to participate in the referendum. Citizens who have been declared incompetent by the court, as well as persons who have been detained in penal institutions in the form of deprivation of liberty due to the commission of serious and extremely serious crimes, do not have the right to participate in the referendum. It is prohibited to directly or indirectly restrict the rights of citizens to participate in the referendum based on their origin, social and property status, race and nationality, gender, education, language, religion, type and nature of their occupation.

Voting in the referendum

The ballot in the referendum is filled in by the voter in a secret voting booth or room. The presence of persons other than the voter is prohibited when filling out the ballot. A citizen who does not have the opportunity to fill out the ballot independently has the right to invite anyone other than the members of the referendum commission and observers to the cabin or room. Citizens put a “+” or “x” sign in the empty square on the right side of the option they are voting for on the referendum issue.

The citizen throws the completed ballot into the ballot box (Fig. Ballot boxes must be visible to the members of the precinct committee conducting the referendum and observers. A tampered ballot can be replaced with a new one at the citizen's request. Tampered ballots should be counted, canceled and kept separately. If some citizens are unable to come to the polling station due to their health or other reasons, at their request, the precinct committee conducting the referendum shall vote at the place where the citizen is standing, using mobile voting boxes. constitutes

Can citizens vote early?

A voter who cannot be at his place of residence on the day of the referendum has the right to vote early. Early voting begins ten days before the referendum and ends three days before the referendum. The time of early voting is determined by the Central Election Commission of the Republic of Uzbekistan and is brought to the attention of citizens and observers through mass media. A voter receives a referendum ballot from the relevant precinct committee based on an application stating the reasons for not being able to vote early on the day of the referendum (vacation, business trip, going abroad, etc.). In the presence of at least two members of the relevant precinct commission, the voter signs the list of voting citizens that he has received the ballot in the referendum. The ballot in the referendum is filled in by the voter in a specially equipped secret voting booth or room. The voter makes a decision and leaves the completed referendum ballot in a sealed envelope, which is kept in the safe of the relevant precinct

commission. The signatures of two members of the precinct commission are placed on the glued place of the envelope, and they are confirmed with the seal of the commission.

According to the Law “On the Referendum of the Republic of Uzbekistan” (originally adopted on November 18, 1991, adopted in a new version on August 30, 2001), the referendum of the Republic of Uzbekistan is the most important issues of society and state life for the purposes of adopting laws and other decisions of the Republic of Uzbekistan. is a public vote of citizens. [1] Decisions made in the referendum have supreme legal force and can only be canceled or changed by referendum. The referendum will be held in the entire territory of the Republic of Uzbekistan. With the initiative of holding the referendum: citizens of the Republic of Uzbekistan; Oliy Majlis of the Republic of Uzbekistan; The President of the Republic of Uzbekistan can be elected. If at least 5 percent of the total number of citizens of Uzbekistan who have the right to participate in the referendum (at least 18 years old) have collected signatures (the number of signed citizens is evenly and proportionally distributed by each administrative territorial structure); A referendum can be held with the vote of two-thirds of the members of the chambers of the Oliy Majlis of the Republic of Uzbekistan, at the justified request of the President of the Republic of Uzbekistan. The following issues cannot be the subject of a referendum: changing the territorial integrity of the Republic of Uzbekistan; State budget and taxes of the Republic of Uzbekistan; amnesty and pardon; conducting emergency and urgent measures to ensure public order, public health and safety; Fulfilling obligations arising from international agreements of the Republic of Uzbekistan; appointment and dismissal of officials. The referendum will be held by secret ballot. A referendum was held for the first time in the history of the Republic of Uzbekistan on December 29, 1991. In this referendum, the people of Uzbekistan unanimously approved the correct adoption of the Constitutional Law of the Supreme Council of Uzbek Republic of August 31, 1991 “On the foundations of state independence of the Republic of Uzbekistan”. On January 27, 2002, a referendum was held in the Republic of Uzbekistan on the formation of a two-chamber parliament and on changing the constitutional term of office of the President of the Republic of Uzbekistan from 5 to 7 years. These referendums show that democracy is strengthening in Uzbekistan.[2]

On January 10, 2021, a referendum was held to amend the Constitution of Uzbekistan. The proposed changes are aimed at democratizing the political system of the state and strengthening the independence of the judiciary. The majority of the referendum votes were confirmed. The main changes proposed in the referendum concerned the powers of the parliament and the president.[3] The powers of the Parliament were expanded, a second chamber - the Senate - was created. There are 84 seats in the Senate, 16 are appointed by the president and 68 are elected by regional assemblies. The Senate will have the power to accept or reject laws passed by the lower house. The president's powers were also limited in several ways. The maximum term value for the presidency has been changed from twice to four years, the interaction has been transferred to grow the existing terms at once. The president will no longer be able to amend parliament or appoint values. The referendum was considered a step in the direction of democratization in Uzbekistan, which has been under authoritarian legal rule for many years.

In general, the referendum held in Uzbekistan is an important stage in the country's efforts to transition to a more open, inclusive and democratic political system. The results of the referendum will be important for the future of Uzbekistan and its relations with the international community.

References

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