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## SOME PROBLEMS AND THEIR SOLUTIONS REGARDING THE IMPLEMENTATION OF THE CONTROL FUNCTION OF LOCAL COUNCILS OF PEOPLE'S DEPUTIES

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**Sunatilla S. Akhatjonov**

Researcher Of Namangan State University, Uzbekistan

### ABSTRACT

Within a historically short period of time after gaining independence, Uzbekistan introduced its state administration, based on the traditions of national statehood, developed in all respects on the basis of the development of democratic states. In this regard, the state management institutions that should be established, the principles of the separation of powers and the final result that we should achieve in the end were explained in a number of works and pamphlets of our first president, I.A. Karimov[1]. First of all, the legal basis for all reforms in the field of public administration and separation of powers in Uzbekistan was created [2].

### KEYWORDS

Strengthened, Constitution, modernization, general encyclopedia, legislative and executive systems.

### INTRODUCTION

In particular, in Article 11 of our Constitution, the Constitution of Uzbekistan, “the system of state power in Uzbekistan is based on the principle of division of power into legislative, executive and judicial power”, and the legislation in this regard was strengthened at the constitutional level [3] In addition,

serious attention was paid to the improvement of regional representative bodies, which are considered one of the main links in the modernization of state administration. First of all, a legal framework was formed in this regard and reforms in this regard were successively developed. The first of the legal

documents adopted for this purpose was the constitution of independent Uzbekistan. In particular, section 5, chapter 21 of our general encyclopedia is called “Fundamentals of local state power” and included in this chapter are 99, (about the fact that local councils of people’s deputies are representative bodies of state power) 100, (about the powers of local authorities) 101, ( activities of local representative bodies in articles 102 (about the approval of the heads of local councils and governors by local councils) and 103 (about the organization of the activities of local councils, determining the scope of their authority and the procedure for electing local councils of people’s deputies) legally justified [3]. Later adopted Laws “On Local State Power”, “On the Oliy Majlis of the Republic of Uzbekistan”, “On Political Parties”, “On the Status of a Deputy of the Regional, District and City Council of People’s Deputies”, “On Citizen Self-Government Agencies”, “On elections to regional, district, city councils of people’s deputies” and a number of other laws have once again strengthened the legal basis of the work to be done in this regard.

## THE MAIN FINDINGS AND RESULTS

In particular, the law “On Local State Power” is of great practical importance in determining the basis and direction of the activities of local representative bodies in Uzbekistan. This law was adopted in 1993 and consists of 7 chapters and 29 articles. Subjects, object of activity, powers and organizational processes of the local representative body are based on it. In particular, in Article 1 of the law, the subjects of local representative bodies are defined in a clear and understandable manner, which is expressed as follows. “Councils of People’s Deputies in provinces, districts and cities (with the exception of cities subordinate to the district, as well as districts subordinate to the city) are representative bodies of state power [4].”

Even now, reforms in this field continue at a rapid pace, and the essence of these reforms is revealed in a number of pamphlets and lectures of our president Sh. Mirziyoev [5] In essence, the legislative and executive systems of power are organized at the level of local governments, and in this system, the role of law-making power (or, more precisely, by-laws) is performed by the Councils, headed by the governor, consisting of deputies elected by the people, that is, local representative bodies [6]. The executive power at the local level is district and regional hokimities headed by governors in regions and regions.

Local Councils of People’s Deputies are the representative bodies of state power in regions, which include deputies elected from regions and 60 members of regional councils, and 30 members of district councils. 30 deputies in city councils (except cities included in districts), and 60 deputies in the city of Tashkent form the council. Deputies work in local councils for a five-year term of office. These Councils, as representative bodies in the region, exercise public control over the activities of the executive authorities. Deputies perform their activities in groups. These groups appear in the following 2 ways. In the first group, political parties form a party deputy group consisting of deputies elected to the Council from their parties. At least five deputies from one party must be elected [7] to form a party deputy group. If we take into account that the number of political parties in Uzbekistan is 5, we can see 5 party deputation groups in one Council. But we don’t always see 5 party deputy groups in the Council. For example, if we take into account the newly formed ecological party of Uzbekistan, this party had a lot of difficulty in taking the seats of deputies in the local council elections in 2019. A single people’s deputy managed to occupy only one of the existing 30 deputy seats in the Chust District Council.

In the second group, deputies carry out their activities in the Council by joining permanent commissions (depending on the situation, they can also form temporary commissions) and have the right to send a deputy's request with the request to give a reasoned explanation or state their point of view to the heads of organizations and responsible persons in the area regarding the issues related to their activities.

At this point, I think it is necessary to pay attention to the word deputy. In the Internet encyclopedia prepared on the basis of the National Encyclopedia of Uzbekistan, the word “deputy” is defined as follows.

“Deputy - (Latin: deputatus - representative) - an elected member of the state representative body; In the Republic of Uzbekistan - the authorized representative of the people in the Oliy Majlis of the Republic of Uzbekistan, the Dzhokorg Council of the Republic of Karakalpakstan, people’s deputies in the regional, district and city councils. Their status, powers, guarantees of deputy activity are defined in the law of the Republic of Uzbekistan “On the status of deputies in the Republic of Uzbekistan” (from the author: and in a number of other laws) (May 6, 1995); 2) a person delegated by the team (group) to perform any task [8]”.

The right of a deputy of the local council (hereinafter, deputy) to send a request to the deputy is based on articles 5 and 8 of the law “On the status of deputies of the regional, district and city councils of people’s deputies” [9]. In addition, Chapter 9, Article 71 of the Model Regulations of the People’s Deputies of Regions, Districts and City Councils adopted on the basis of Decision No. 154-II of December 30, 2010 of the Senate Council of the Oliy Majlis of the Republic of Uzbekistan serves as the legal basis for a deputy to send a request to a deputy does [10]

In today’s practice, the presence of a number of problems and shortcomings in the way deputies work with requests for deputies is one of the factors that prevent local Councils from performing their main function of control. First of all, what is a parliamentary inquiry? Looking for an answer to this question, we turn to the National Encyclopedia of Uzbekistan. According to it, “Deputy’s request (interpellation) is the right of a member of parliament to demand an official explanation from the government or some minister on issues of the government’s general policy or on certain activities”. In the Republic of Uzbekistan, deputies of all systems have the right to address relevant bodies and officials with requests. This right is stipulated in the Law of the Republic of Uzbekistan “On the Status of Deputies in the Republic of Uzbekistan” (May 6, 1995) [11]”.

Article 8 of the Law “On the Status of the Deputy of the Regional, District and City Council of People’s Deputies” adopted in 2004 is called “Deputy request” and according to this article, a request by a deputy is a request by a deputy to the representatives of the local executive authority and the enterprise on a social issue is a request sent to the leaders of the organization with a request to provide a reasoned explanation or state their point of view [12]. The deadline for sending the answer to the deputy's request is also specified in this article, and this period means no more than ten days from the date of receipt of the deputy's request. We conducted a survey of the MPs themselves regarding their opinion about the parliamentary election. But the results of the research showed that not all deputies fully understand the essence of the request for a deputy, its legal status. Deputies can be divided into three groups in terms of working with the request of a deputy.

1-group deputies understand the nature of the parliamentary request and this situation is reflected in the requests sent by them. In such requests, the head of the organization to which the request was sent was asked to give an explanation or state his opinion on a specific issue or situation. The content, form, date, order number, address of the request are clearly written, the language is polite and warning, free from excessive pressure. In relation to such a deputation request, the person in charge to whom the request was sent is also very attentive, and there is a high probability of returning the answer within the specified period.

Deputies of the 2nd group, without fully understanding the essence of the deputation request, and with a little legal knowledge obtained without a close acquaintance with the relevant legislation, form a wrong impression in their imagination about the deputation request, and in their eyes, the deputation request is a tool for the organization's leaders and other officials to issue and fulfill tasks. In the requests sent by such thinking MPs, there is an approach of pressure, an attempt to collect something, say, in the name of the Road Construction Department, to urgently demand the asphaltting of a road somewhere. We have seen that the officials to whom the request was sent usually respond by reminding or explaining the legal solution to the issue that needs to be resolved, and sometimes leave it completely unanswered.

Deputies of the 3rd group also replace it with "deputy's appeal" without fully understanding the essence of the deputation request. The effectiveness of such requests is also not as expected.

As a solution to these problems, the following tasks should be performed.

The process of sending a request by the party's deputy group is not fully reflected in our legislation, and it is appropriate to send a request in this manner and its procedures to be fully reflected in the legislation. Therefore, it is appropriate to put the sentence "or deputy group" after the word "Deputy" in paragraph 1 of Article 8 of the Law "On the Status of the Deputy of the Regional, District and City Council of People's Deputies". Through this sentence, the process of sending requests of groups of deputies in political parties, permanent and temporary commissions finds its legal expression. Also:

Among the deputation requests, only the deputation request has a legal basis in the legislation, and today's practice shows that there are also deputation appeals and recommendations that must be given by the deputy. Therefore, we think that the types of written messages sent by the deputy should find their legal expression in the legislation and should be distinguished from each other. This issue is reflected in the law "On the Status of the Deputy of the Regional, District and City Council of People's Deputies";

Training courses organized for ministries, their departments and departments, governorships, departments included in them, and heads of regional organizations and offices at all levels, allocating special hours and topics for working with appeals in seminars and trainings, including inquiries, appeals and proposals sent by deputies. providing relevant information and understanding about the methods and procedures of working with;

The secretariats of the local Councils, which work on a permanent basis, should effectively keep records and control the requests of deputies, and if necessary, discuss the requests of deputies in the session of the local Council;

fill in the proposed sample title for the written request of deputies of the local Councils, taking into account the proposals recommended by us;

it is no secret that in today's practice, appeals in our country are regulated on the basis of the law "On Appeals of Individuals and Legal Entities". Through this law, the appeals of both individuals and legal entities are legally regulated and the types of appeals are specified. But among the appeals, there is such a category of appellants that they can be added neither to the individual nor to the legal entity. Among the applicants of this category, it is possible to add deputies (deputies of all levels) and senators. Therefore, we think that it is not appropriate to regulate their requests based on the Law "On Appeals of Individuals and Legal Entities". In our opinion, it is appropriate to accept deputies and senators, who are considered as representatives of the people, as "social persons" and to introduce this term as a new norm in our legislation. In order to regulate this issue, to replace the Law "On Appeals of Individuals and Legal Entities" with the new Law "On Appeals in the Republic of Uzbekistan" and to "specify in the new law individuals, legal and social entities, the types and terms of appeals sent by them;

In our opinion, the essence of democracy means that the people hold the law-making and executive control in the management of the state. The issues of executive control implemented by the supreme representative bodies are expressed in the Law "On Parliamentary Control", and the issues of executive control implemented by the local representative bodies are not fully expressed in our current legislation. Therefore, development of a single law "On Representative Control" with a clear classification of the forms of executive control performed by the

representative bodies, the subject and objects of the control;

In the parliamentary system, which is the highest representative body, there is an institution of sending a request (parliamentary request) by the parliamentary chambers, and introducing a similar institution in the activity system of the local councils, i.e., the institution of the Council request;

Introduction of new institutions and norms proposed to be established above into science as political terms and classification of these terms in encyclopedias, as well as re-editing of the tariffs given in the encyclopedias regarding the request of the deputy;

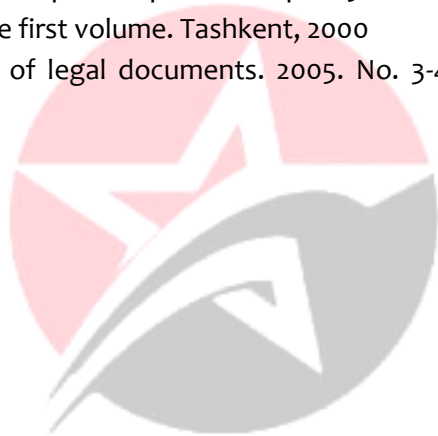
## CONCLUSION

Adding sentences starting with an additional paragraph to the end of Article 8 of the Law of the Republic of Uzbekistan "On the Status of a Deputy of the Regional, District and City Council of People's Deputies" and to the relevant articles of normative legal documents that legally reflect requests sent by members of the Parliament and its chambers, and in these sentences, a deputy or it is expedient to clearly define the circumstances and terms of delay of the request sent by the delegation group.

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