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## RESPONSIBILITY OF LOCAL COUNCIL DEPUTIES AND ISSUES IN ITS IMPLEMENTATION

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### ABSTRACT

This article discusses the activities of local council deputies within the framework of Uzbekistan's legislation, focusing on the issues of their accountability, the legal basis for holding them liable, the right to immunity granted to local council deputies, the procedure for early termination of their powers, and other aspects requiring attention.

In addition, the article presents relevant conclusions and recommendations derived from the analysis of the issues related to holding local council deputies accountable.

### KEYWORDS

Deputy, local council deputies, accountability, liability regulations, right to immunity, authority, early termination.

### INTRODUCTION

**Local council deputies** play a crucial role in the system of state governance based on the Constitution and legislation of the Republic of Uzbekistan. Their accountability is not only legal but also political and social in nature. However, existing legal norms and issues in their implementation pose obstacles to the effective enforcement of local council deputies' accountability. Additionally, the efficiency of

interaction between local councils and other state bodies is also a significant factor in this process.

The accountability of local council deputies is of vital importance in strengthening trust between society and the state. This accountability aims to ensure social justice, protect the interests of the population, and enhance the effectiveness of state governance.

The President of the Republic of Uzbekistan, Shavkat Mirziyoyev, in his speech at the first session of the Senate of the Oliy Majlis on January 20, 2020, rightly stated: “The most regrettable thing is that local councils are barely utilizing their powers to solve pressing issues in the regions. It is well known that, particularly in the past three years, legal frameworks have been established to strengthen the oversight activities of local councils. Specifically, accountability has been introduced for the heads of administrations, deputies, prosecution, justice, internal affairs, finance, tax, and healthcare authorities. Although the legislation grants such broad powers to local councils, their results are not evident in practice.

A register of tasks and functions of representative bodies of local state authorities has been developed, with the primary objective of systematizing, monitoring, and creating a unified open electronic information database about the tasks and functions of these bodies.

Specifically, the formation and maintenance of the register are carried out by an authorized body through the use of information and communication technologies via the “E-Kengash” portal—an automated online information system for representative bodies of local state authorities (hereinafter referred to as the electronic system).

Deputies must maintain close communication with the population to address social issues within their respective regions. They need to accurately identify the needs of the people and propose relevant initiatives.

Being a deputy means holding the trust of the people. To uphold this trust, the rights and responsibilities of the people’s representatives, as well as their immunity and the fundamental guarantees of their activities, are

outlined in the laws. The Law “On the Status of Deputies of Regional, District, and City Councils of People’s Deputies” defines the rights, responsibilities, and primary guarantees of local council deputies.

These deputies have the right to be elected to and serve on council committees, propose issues for discussion in council sessions, provide opinions on matters under review, submit proposals regarding candidates for elected, appointed, or confirmed positions, participate in debates, and make deputy inquiries. Their duties are also clearly established in the legislation.

The accountability of local council deputies plays a vital role in strengthening trust between society and the state. This accountability is aimed at ensuring social justice, protecting the interests of the population, and enhancing the efficiency of state governance.

In his analysis, A.B. Barikhin emphasizes the electoral formation of local councils, their representation of the population’s interests, and their authority to make decisions on behalf of the public within local jurisdictions. Legal scholar A. Mahmudov highlights that deputies can be regarded as trusted representatives of the people, while representative bodies of local state authority are recognized as institutions that primarily operate in the interest of the population on behalf of the people.

Consequently, local state representative bodies and their deputies must focus their activities on justifying this trust and ensuring that their actions align with the expectations and needs of the people they represent.

A deputy enjoys the right to immunity throughout their term of office. Without the consent of the relevant Council of People’s Deputies, a deputy cannot be subjected to criminal prosecution, detention, arrest, or

administrative penalties imposed through judicial proceedings within the jurisdiction.

A deputy cannot be held liable for opinions expressed, viewpoints stated, or actions taken while exercising their official powers in the relevant Council of People's Deputies. This protection extends even after the expiration of their term. However, if such actions involve offenses such as insult, defamation, or other violations for which liability is stipulated by law, the deputy may be held accountable only if their immunity is revoked.

As we know, a higher-ranking prosecutor may revoke a submission made by a lower-ranking prosecutor requesting consent to hold a deputy accountable.

The prosecutor's submission seeking consent to prosecute, detain, arrest, or impose judicially administered administrative penalties on a deputy is reviewed by the relevant Council of People's Deputies.

Accountability to voters has a significant impact on the political reputation of deputies. This responsibility encourages them to perform their duties with diligence and integrity.

Thus, the accountability of local council deputies is not only of legal but also social and political significance. Their sense of responsibility is one of the key factors in ensuring public welfare and advancing state governance.

Local council deputies exercise their powers in accordance with the Constitution of the Republic of Uzbekistan, the Law "On Local State Authority," and other normative legal acts. Specifically, in cases and procedures stipulated by law, the powers of people's deputies can be recognized, terminated prematurely, or consent may be given to hold them accountable.

Currently, countries are striving for extensive cooperation not only in the fields of politics and economics but also in the improvement of their legal systems by exchanging experiences. In our country, during the years of independence, a significant amount of experience has been accumulated, which is worthy of being an example for many foreign nations. However, studying foreign experience in each area helps to address national-level problems in that field, avoid repeating mistakes made in some countries, and draw on methods and tools that have proven effective in both traditional and foreign practices.

When analyzing the legislation of Turkey and France, incorporating the analyses or opinions of scholars from these countries can add additional value. Their insights play a crucial role in shaping the understanding of local council deputies' accountability. Examining the experiences of Turkey and France regarding the accountability of local council deputies is significant for enhancing the practice in Uzbekistan.

In Turkey, local council deputies exercise their powers based on the Law on Local Governments. The deputies in Turkey are characterized by the following aspects:

- Deputies are responsible for protecting the interests of the population in their respective regions and are required to submit regular reports.
- Their activities are monitored by special bodies and the public.
- In cases of corruption or abuse of office, strict accountability measures are outlined in the legislation.

This framework helps to ensure that deputies are held accountable for their actions, contributing to a transparent and effective governance system.

In France, local councils operate based on the Law on Communal Governance and Regional Cooperation. The following characteristics are specific to them:

- Deputies' powers, responsibilities, and limitations are clearly regulated by law.
- A mechanism for swift action is in place for addressing any legal violations.
- Deputies are continuously accountable to their voters and are responsible for justifying the trust placed in them.

This legal framework ensures that local council deputies in France are held to high standards of accountability, which contributes to effective governance and public trust.

The accountability of local council deputies in Turkey and France is similar in several aspects, such as the presence of accountability mechanisms and public oversight, strict anti-corruption measures, and the requirement for deputies to maintain close communication with their voters.

According to I. Trofimova, in France, the main directions of reforming local self-government do not align with any particular political party ideology. The reforms are primarily focused on decentralizing state power and governance. They aim to establish a broad collaboration between local government, business, politics, and civil society at the local level, distributing functions among these sectors. Researchers note that these reforms are moving towards a distribution of powers among these entities, enhancing cooperation at the local level.

However, the key difference is that in France, the powers of local council deputies are clearly defined, and the accountability system is institutionalized. In

contrast, Turkey has a system where the activities of deputies are closely monitored by both the public and local government authorities.

In Japan, executive and representative powers at the local level are separated and delegated to different bodies. The executive power lies with the local government, while the representative power belongs to the local assembly. The local government is responsible for implementing policies and managing affairs within its jurisdiction, led by a chief executive officer elected by the Assembly. The executive powers of local government include managing public services such as education, healthcare, transportation, and public safety.

The lack of clear legal provisions creates difficulties in defining the accountability of local council deputies. Furthermore, there are no effective mechanisms to monitor and evaluate their activities.

As we know, the distribution of tasks between the local government and local councils is legally unclear.

Given these issues, we believe that it is necessary to adopt clear provisions that define the accountability of local council deputies. The accountability of local council deputies, its legal foundation, and its implementation are important aspects of the state governance system in Uzbekistan. Studying the experiences of Turkey and France offers valuable lessons for improving legislation in this area.

To address current challenges, it is essential to improve legislation and control mechanisms, and enhance voter engagement. A systematic approach and cooperation among all stakeholders are crucial. Strengthening trustful relations between local councils and the public should be an integral part of this process.

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