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THE NATURE OF COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
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ABOUT ARTICLE

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Abstract: This article analyzes the legal aspects of interaction between the Cabinet of Ministers of the Republic of Uzbekistan and the Oliy Majlis based on the articles of the new edition of the Constitution. Also, based on the position and role of the Oliy Majlis of the Republic of Uzbekistan in the system of state power, theoretical and scientific opinions and considerations regarding the status of the Oliy Majlis of the Republic of Uzbekistan according to the principle of distribution of powers have been studied, and its tasks based on the constitution are shown. It is known that the Oliy Majlis of the Republic of Uzbekistan is a legislative body with the power to establish and determine, and its closest partner in this activity is the government, which is also manifested in the practice of foreign countries. The Cabinet of Ministers, in carrying out the current execution and issuance of orders, determines the need for regulation in society by law, develops this bill and submits it to parliament. The article provides statistical data on the government's activities in this direction and the results of a comparative analysis. The article also mentions procedures for cooperation between the government and parliamentary chambers in foreign countries.

INTRODUCTION

The Cabinet of Ministers of the Republic of Uzbekistan regularly communicates with all branches of state power in the execution of its main activities. This relationship is primarily regulated

by the Constitution and normative legal acts. As the adoption of laws by the parliament imposes on the government the obligation to deal with their execution, it also provides control measures regarding the state of law enforcement in the future. Therefore, the interaction between the government and the parliament is considered important.

According to Article 93 of the new version of the Constitution, one of the important joint powers of the chambers of the Oliy Majlis is to determine the system and powers of the legislative, executive and judicial authorities of the Republic of Uzbekistan. Accordingly, the powers and functions of government activity are determined by the parliament, and this is also important as the function of defining and empowering the representative body.

METHODS

In the course of research, as a result of today's constitutional and legal reforms in our country, an attempt was made to clarify the legal aspects of the issues of mutual cooperation between the state administration, including the Cabinet of Ministers and the Oliy Majlis of the Republic of Uzbekistan.

Analytical, generalization, comparative-legal, systematic-structural and formal legal methods of scientific cognition were applied for this purpose.

RESULTS

Naturally, the relations between the executive power and the parliament take place in several important directions, and one of the most important directions of cooperation among them is the relations in the sphere of legislation. Relations between the Cabinet of Ministers of the Republic of Uzbekistan and the Oliy Majlis in the legislative sphere can be analyzed into several groups. That is,

firstly, cooperation in the law-making process;

secondly, cooperation in the process of law enforcement;

thirdly, parliamentary inquiries and parliamentary investigation;

Research results and its analysis

The activities of the Cabinet of Ministers in the legislative process are primarily regulated with Article 98 of the Constitution of the Republic of Uzbekistan, the Law "On the Cabinet of Ministers of the Republic of Uzbekistan"[1], Law "On the procedure for the preparation and submission of draft laws to the

Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan"[2], "Regulation of the Cabinet of Ministers of the Republic of Uzbekistan" approved by the Cabinet of Ministers of the Republic of Uzbekistan[3], Law "On the Regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan"[4], Law of the Republic of Uzbekistan "On Normative Legal Acts"[5], "Regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" approved by the decision of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan[6], Resolution of the President of the Republic of Uzbekistan "On introducing the position of the Authorized Representative of the Cabinet of Ministers of the Republic of Uzbekistan in the Oliy Majlis of the Republic of Uzbekistan"[7], Regulation "On the procedure for the participation of representatives of the subject of the right of legislative initiative in the consideration of the draft law in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan"[8] approved by the joint resolution of the Council of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and the Senate of the Oliy Majlis of the Republic of Uzbekistan, September 15, 2015 No. 220-III/PK-41-III and other acts. It can be seen that the legal bases related to the government's legislative activities are also numerous in terms of size.

As Russian researcher R.Vesnin noted, "political organizations protecting the public interests such as industry, commerce, and financial capital, and it submits relevant bills to the parliament in this direction"[9], another Russian expert, A. Koshel, emphasizes that the activity of the parliament is increasingly becoming an instrument formalizing the policy of the president and the government from the point of view of the law[10].

We cannot fully agree with these points. The reason is that the powers of the parliament as an independent and most important branch of state power are established in the constitution and other normative legal acts. Thus, as the most important authority of this branch of power, the task of regulating the spheres of social life by adopting laws. In turn, the execution of these laws is the main function of the executive branch.

The place and role of the parliament in the branches of state power is certainly incomparable. Because this branch of power is considered as the body that determines the legal basis for all authorities. As A.Bezrukov notes "in the conditions of the ongoing state-legal changes, the issues of the activity of the legislative power, which has a special place in the "check and balance system", because this power that creates the rules of conduct, and by observing them, other branches of the state power operate and ensure constitutional legitimacy"[11], this point sounds reasonable.

Indeed, management of society and state life cannot be imagined without legal foundations. From this point of view, the importance of such authority of the parliament in determining the legal basis of relations in social life is extremely high.

According to Article 98 of the new version of the Constitution of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan is defined as one of the subjects of the legislative initiative.

The participation of the Cabinet of Minister in the law-making process is one of the most important aspects of its relations with the Parliament. In particular, one of the instances for this relations could be that 525 laws were adopted during the activity of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan in 2015-2019, 288 of them or 54.9 percent, more than half of the adopted laws, were directly suggested by the Cabinet of Ministers of the Republic of Uzbekistan[12].

A similar situation was observed in Russia, where 33.8 percent of the laws adopted in the 8th convocation were suggested by the government, and this indicator gradually reached 60 percent[13], in Kyrgyz Republic, the volume of laws corresponding to the share of the government is 40 percent[14]. Such cases show the effectiveness of the government's activity in regulating social relations through legislation.

These examples show how productive the government is in regulating the life of the state and society through legislation.

According to Article 20 of the Law of the Republic of Uzbekistan "On Normative Legal Acts" adopted on April 20, 2021 in a new version, the preparation of drafts legislative acts of the Republic of Uzbekistan, decrees and resolutions of the President of the Republic of Uzbekistan, and resolutions of the Cabinet of Ministers of the Republic of Uzbekistan can only be initiated by state bodies. It is reinforced that there is no authority to resolve the issues or problems that arise through the mechanisms and administrative procedures provided for in the law[15]. The legislation thereby excludes the drafting and introduction of a law in parliament for any relation. By this, it is shown that it is appropriate to regulate social relations by developing a draft law and adopting it only in cases where there is a necessity and certainly if there is no possibility to regulate social relations through existing procedures.

According to Article 6 of the Law "On the Procedure for Preparing and Submitting Draft Laws to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan"[16], The Cabinet of Ministers develops draft laws on its own initiative or on the instructions of the President or on the basis of proposals and recommendations of the committees of the parliamentary chambers and submits them

to the lower chamber. The role and importance of the Ministry of Justice of the Republic of Uzbekistan as a special body that implements the activities of the government in this regard is significant. In particular, according to Article 7 of this law, the important powers of the Ministry are as follows:

to ensure the execution of a unified state policy in the law-making and law enforcement;

to develop priorities for improving law-making activities, ensure their execution;

to develop draft laws and submits them for consideration in the prescribed manner in accordance with the instructions of the President of the Republic of Uzbekistan, or on its own initiative,

to consider and summarize the proposals of state and economic management bodies and local government bodies on issues of preparation of draft laws;

to carry out a legal expertise draft laws in terms of determining their compliance with the Constitution and laws of the Republic of Uzbekistan, the rules of legal writing, as well as in terms of the validity and expediency of the application of the referring rules;

to conduct an analysis of the draft laws in terms of determining the rules that create conditions for corruption and other offenses in the system of state power and management bodies, as well as introduce excessive administrative and other restrictions for business entities that cause them to incur unreasonable expenses;

to develop proposals on the harmonization of normative legal acts with the Constitution of the Republic of Uzbekistan and the laws of the Republic of Uzbekistan, on ensuring the systematicity and integrity of legal regulation;

to analyze and summarize proposals on the improvement of normative legal acts and submit them to the President of the Republic of Uzbekistan and the Cabinet of Ministers of the Republic of Uzbekistan for consideration.

In 2020, the Ministry of Justice developed 199 drafts of normative legal acts, 44 of which are draft laws. In 2022, this indicator was 66 out of 234, 56 out of 213 in 2022, and 46 out of 186 in 2023, respectively[17]. It can be seen that the Ministry of Justice is the driving force in the law-making activity of the Cabinet of Ministers of the Republic of Uzbekistan.

An authorized representative of the Cabinet of Ministers of the Republic of Uzbekistan in the Oliy Majlis is another important person for the development of cooperation between the government and the

legislative authority. One of its main powers is to organize close cooperation of the Cabinet of Ministers with the Chambers of the Oliy Majlis in law-making activities, especially in the process of reviewing, discussing and adopting laws.

According to Article 93 of the newly revised Constitution of the Republic of Uzbekistan, the Chambers of the Oliy Majlis have the authority to adopt, amend the State Budget of the Republic of Uzbekistan basing on the submission of the Cabinet of Ministers of the Republic of Uzbekistan. This direction is also one of the important directions of cooperation between the representative body and the government.

As a researcher A.S.Koshel noted, the budgetary law is one of the most important laws. Parliament's powers in the financial sphere are its fundamental functions. It is the role of the parliament in approving the budget that determines its strength or weakness [18]. In fact, although the government and its bodies are engaged in the development of the budget and its full implementation in the future, the authority to make changes and additions to this law after discussions belongs only to the parliamentary chambers. This situation also represents its control function. After all, according to Article 94 of the Constitution, the control over the execution of the State budget of the Republic of Uzbekistan is defined as the competence of the Legislative Chamber.

As one of the important joint powers of the chambers of the Oliy Majlis, which was not defined in our previous constitution, the institution of parliamentary investigation was defined in Article 93 of the newly adopted constitution. In fact, as long as parliamentary investigation is determined at the level of the constitution, it will be possible for the chambers of the Oliy Majlis to purposefully study the activities of the government or any of its bodies and provide the public with its results.

According to Article 103 of the Constitution, a parliamentary investigation may be conducted by a joint decision of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan in order to investigate facts and events that may negatively affect the foundations of the country's security and sustainable development, threaten human rights and freedoms, society and state interests.

According to Article 4 of the Law "On Parliamentary Control" of the Republic of Uzbekistan, the implementation of the Constitution and laws of the Republic of Uzbekistan, decisions of the Chambers of the Oliy Majlis of the Republic of Uzbekistan and their bodies, state programs, as well as tasks assigned to state bodies, economic management bodies and their officials and the activities of the application of functions are defined as the object of parliamentary control.

In addition, the Law of the Republic of Uzbekistan “On Parliamentary Control” provides for “parliamentary investigation” as one of the forms of parliamentary control, and the implementation affects the most important interests of the society and the state, and may have a negative impact on the foundations of the country’s security and its sustainable development. It can be held by the decision of the Legislative Chamber and the Senate in order to study the facts or events [19].

However, this rule has a general nature, which states exactly what situation is affecting the most important interests of the society and the state, what facts can have a negative impact on the foundations of the country’s security and its stable development, what events and incidents should be investigated by parliament Article 21 of this law stipulates appropriate measures for the results of parliamentary control, but due to the fact that the procedure for the implementation of the above parliamentary control, the scope of the control, and the activities of which branches of the state power are not defined, in our opinion, it is practically impossible to execute these measures.

If we look at the practice of foreign countries, in particular, the CIS countries, then in the Law of the Kyrgyz Republic on the parliamentary regulations, the executive authorities, including the government and its individual members, are controlled by the parliament; legal entities with the participation of state bodies and local self-government bodies; organizations financed from republican and local budgets; It is established that a parliamentary investigation will be conducted on the actions (inaction) of private companies whose activities are important for the economy of the Kyrgyz Republic. [20].

According to its results, proposals can be made to adopt, amend or cancel normative legal acts, hold individuals accountable, or improve the activities of state bodies and their constituent units, as well as local self-government bodies. That is, this normative legal acts fully describes the procedure and mechanism of the parliamentary investigation and the circumstances arising as a result of it.

Although the Law “On Parliamentary Control” of the Russian Federation contains an article on parliamentary investigation, the Federal Assembly of the Russian Federation adopted a special Law “On Parliamentary Investigation” regulating this activity.

According to this law, as one of the objects of the parliamentary investigation, the facts of violation of financial discipline, represented by the non-timely execution of the budgets of the federal budget revenues and expenses or the budgets of funds outside the state budget of the Russian Federation in terms of size, composition and purpose, inefficient spending of expenses, the federal budget and the state budget of the Russian Federation it is established that it is also possible to conduct an investigation on the issues related to the management and disposition of federal property funds [21]. According to

section 3 of Article 15, of the Law “On Parliamentary Control” of the Russian Federation, the Chambers of the Federal Assembly of the Russian Federation may consider the issue of trust in the Government of the Russian Federation based on the results of the measures for the implementation of parliamentary control within the framework of their powers established by the constitution and laws [22].

The above 2 normative legal acts have defined in detail all aspects of the parliamentary investigation, and directly defined the mechanism of regulation of the resulting relations and the resulting legal measures.

Parliamentary investigation is declarative in the Law of the Republic of Uzbekistan “On Parliamentary Control”, that is, it exists de jure, but de facto – there is no legal mechanism for its implementation, we believe that despite the existence of all the bases of this article, the society and the probability of working in public life is very low.

It will be necessary to amend Article 18 of the Law “On Parliamentary Control” of the Republic of Uzbekistan in terms of legal basis and mechanisms for parliamentary investigation, such as mass violations of the rights and freedoms of citizens guaranteed by the Constitution of the Republic of Uzbekistan, the occurrence of situations that pose a real threat to the health of citizens, contracts affecting the state’s interests and undermining the country’s economic potential existence of grounds for its formation, facts of violation of financial discipline with budget revenues and expenses or non-timely targeted execution of funds from state extra-budgetary funds and ineffectiveness of expenses, other situations that may pose a real threat to the life of the state and society.

Only then, all aspects of the parliamentary investigation process, which is an important mandate of the parliament as defined in our new constitution, shall be embodied in the law.

In addition, according to the conclusion of this parliamentary investigation, it is necessary to reflect the procedures for expressing a vote of no confidence to the Prime Minister by the deputies of the Legislative Chamber of the Oliy Majlis in Article 21 of Part 1 of the Law of the Republic of Uzbekistan “On Parliamentary Control”.

CONCLUSION

According to the analysis of the legal nature of the relationship between the government and the parliament, the relationship between the Cabinet of Ministers of the Republic of Uzbekistan and the Oliy Majlis is mainly carried out with the lower house of the parliament, the relationship between the two

state authorities first begins with the formation of the head of the government and its composition, the Cabinet of Ministers is the initiator of most laws adopted by the parliament. and the fact that it is the author is the basis for coming to conclusions that the relationship of the Cabinet of Ministers with the Parliament also serves to improve the legislative process.

Cooperation between the Cabinet of Ministers and the Oliy Majlis is not only in the direction of legislation, but also includes complex processes and procedures related to the organization of governmental activities, hearing its reports, responding to its requests etc. For this reason, the relationship between these two authorities is very important in the development of the country. It is appropriate to note that, based on the improvement of this cooperation, it is possible to reach new stages of the country's development.

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