



## ON THE ISSUE OF THE RIGHT TO LEGISLATIVE INITIATIVE IN MODERNISATION PROCESS OF STATE POWER: FROM UZBEKISTAN'S PERSPECTIVE

**A.Q. Khudoyberdiyev**

**Department Head, Institute Of State And Law, Uzbekistan Academy Of Sciences,  
Uzbekistan**

**ABSTRACT:** - In this scientific article, the implementation of legislative policy in the process of modernization of state power, as well as the process of creating laws, which are considered the most important means of state power, the concept of the right of legislative initiative, the procedure for submitting opinions and comments on draft laws to the Legislative Chamber – the Oliy Majlis of the Republic of Uzbekistan through initiative and other issues are scientifically analyzed.

**KEYWORDS:** State bodies, Constitution, legislative initiative, the right to legislative initiative, legal policy, regulatory legal document, law.

### INTRODUCTION

Uzbekistan as an independent sovereign country confidently has been following the path of building a democratic rule of law and the formation of a just civil society and

occupies a strong place in the world community. Thanks to stability and order, inter-ethnic harmony and civil harmony, our young state is gaining trust and respect.

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Large-scale reforms are being carried out in our country in the economy, politics, state building, judicial law and other areas of society. The legislative initiative, which is an important stage in the creation of the law in the processes of modernization of state power carried out in our country, occupies a key place in today's reforms of the legislative process.

Creating laws that legally regulate the life of society is an extremely complex task, and its entire responsibility rests with the legislature. In fact, the Oliy Majlis (the State Parliament) of the Republic of Uzbekistan was elected to fulfill this complex task, both of its chambers were mobilized to express the interests of the people and raise their will to the level of law.

As Shavkat Mirziyoyev, the President of the Republic of Uzbekistan, emphasized the following points at one of the joint meetings of the Oliy Majlis Chambers: "Dear deputies, you should regularly work on yourself to take the initiative, create a solid foundation for the public interest in the decision made in each field. Voters expect you to take the initiative and show your alternative opinion and strong political will. Because the saying that the truth is born in arguments and arguments has a deep vital meaning. Of course, every deputy should be able to think as an expert in this field when adopting a law related to a certain field. Because the legal documents you adopt will directly affect the lives of millions of people, our entire nation. But this effect can be both positive and negative. Therefore, a deputy who has won the people's trust has no right to

make a mistake, to forget his high responsibility"<sup>1</sup>.

The general and separate work procedures of the Oliy Majlis of the Republic of Uzbekistan are established according to the Constitution (Basic Law) of the country, the laws of the Republic of Uzbekistan "On the Regulations of the Senate of the Oliy Majlis of the Republic of Uzbekistan", "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", "On the Preparation of Draft Laws and Introducing to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", and direct activity within the committees of the Oliy Majlis of the Republic of Uzbekistan, that is, the legislative body, begins with the manifestation of a legislative initiative.

What is a legislative initiative? In order to find an answer to the question, it is necessary to understand what kind of right it is. There are different definitions of legislative initiative in scientific legal literatures. "Legislative initiative – is the formal introduction of a bill to the legislative body in the established order"<sup>1</sup>. "Legislative initiative – is the right to submit proposals for the adoption of draft laws or new laws to the country's parliament". "Legislative initiative – is the right to submit bills to the legislative body, which obliges this body to review the bills and make a decision on them"<sup>2</sup>. As it can be seen from aforementioned definitions, the legislative initiative – is the main and primary stage of the law-making activity, that is, the law-making process.

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It is known that the important rules defining the basis of law-making activities are first of all strengthened in the Constitutions and special laws. The stages of the law-making process are regulated in more detail in the regulations of the country's highest body and its chambers. According to famous Uzbek scholar in legal studies – H.T. Odilqoriyev, the process of creating a law, that is, the direct activity within the framework of the legislative body, begins with the presentation of a legislative initiative. In order to understand the essence of the legal issues related to the legislative initiative, it is necessary to carefully observe the following aspects of it:

- 1) The essence of the right to the legislative initiative;
- 2) Problems arising as a result of the implementation of the legislative initiative;
- 3) Scope of the subjects of the right of legislative initiative and their characteristics, and etc.;

As it can be proven from the above definitions of legislative initiative that the concepts of “legislative initiative” and “right to legislative initiative” are used as separate terms in scientific legal literature. In our opinion, these concepts mean the same thing. In some definitions, “legislative initiative” is expressed as a set of actions aimed at the implementation of this right, and in other comments to the introduction of a bill of a certain subject, the fact of introducing a bill of law. It is not correct to describe the legislative initiative as the right of the subject who

introduces the bill to the legislative body. Because, in this case, the right (real possibility) of the competent bodies and individuals to take legislative initiative is being mixed up with the action that represents a separate stage of the legislative process .

The list of subjects of the right of legislative initiative in the law-making of foreign countries shows diversity. First of all, members of parliament and the government, and in a number of countries, including the Republic of Uzbekistan, have this right. In addition, the right of legislative initiative can be given to other state bodies: state authorities of the subjects of the federation, human rights representatives (ombudsmen) and others. In a number of countries, it is recognized that people and public organizations have the right to initiate legislation. For example, in Bulgaria, it is stated that the right of legislative initiative is used by any representative of the people and the Council of Ministers. (Article no.87 of the Bulgarian Constitution). In Slovakia, bills can be introduced by committees of the National Council, deputies, and the government. (Slovak Constitution, Article no.87, Part 1), in Germany, bills are introduced by the Federal Government, by members of the Bundestag and Bundesrat. (Part 1, Article no.76 of the Basic Law), in the Czech Republic, bills are introduced by deputies, groups of deputies, the Senate, the Government or representatives of higher self-governing territorial units .

As the subject of the right to the legislative initiative – the president is interpreted

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differently. In some countries (for instance in Russia, Poland, and etc.), the president has this right. In other countries, for example, in the USA, the right to initiate legislation is officially given to the members of the Congress chambers. In Germany, Austria, and Switzerland, the leading subjects of the right of legislative initiative are the governments of these countries. This is because the party that wins the parliamentary elections will have the opportunity to form the government. They, in turn, are engaged in the implementation of the programmatic goals of the party and exercise the right of legislative initiative. The fact that the governments of this country occupy the main place in the legislative process should not give rise to the misconception that subjects of the right of other legislative initiatives do not participate in the preparation of quality and life-important laws. For example, in Germany, the Federal Chancellor is elected by the Bundestag (German Parliament) and is the leader of the party that wins the elections. The government will be formed by him from the members of the party that formed the majority of the parliament under his direct leadership. Therefore, draft laws are prepared and developed by the Government of Germany and its employees. Such a situation should not lead to the conclusion that the draft laws introduced by the government will only be approved by the Bundestag. In this case, the function and role of the Bundestag is that it will be able to accept or reject any of these legislative initiatives .

In the case of Uzbekistan, it is called a preliminary study of the chambers of the Oliy Majlis of Uzbekistan, which carefully analyzed and considered the bills. That is, bills are first studied in the lower house of the Oliy Majlis of the Republic of Uzbekistan. The issue of regulating the activities of the government, which is provided for the consideration of draft laws in the Russian Federation, is regulated on the basis of the requirements provided for by the regulations.

From the aforementioned ideas, it can be highlighted that the legislative initiative means the opinions and comments expressed by the subjects with the right of legislative initiative specified in the Constitution of the Republic of Uzbekistan on draft laws and the preparation of the initial version of the draft law.

Therefore, based on the above statement, it can be also concluded that both the ready draft law and the reasonable legislative proposal should be recognized as the object of the right to the legislative initiative.

The legislative initiative includes the preparation of a draft normative act as a stage of the legislative process and its submission to the parliament. Already, it is advisable not to exclude all work related to the creation of the draft law outside the scope of this stage. Otherwise, the whole process of creating a law will turn into formalism, and it will consist of official surface work that gives the legal force to the final (finished) project.

Thus, the right to the legislative initiative is the submission by the authorized bodies,

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organizations and persons established by the Constitution of a specific draft law or a proposal to adopt a new law, as well as a proposal to change or repeal the current law, to the attention of the lower house of the parliament, and to consider this issue by it in the prescribed manner. is to make an appropriate decision about it.

7. Schick R., Zeh W. So Arbeitet der Deutsche Bundestag (in German language). – Darmstadt: Neue Darmstadter Verlagsanstalt, 1999. – P.82.

## REFERENCES

1. Constitution of the Republic of Uzbekistan. –Tashkent, 2021. <https://lex.uz/docs/35869>.
2. Mirziyoev Sh.M. Speech of the President of the Republic of Uzbekistan at the Joint Meeting of the Chambers of the Oliy Majlis (in Uzbek). <https://uza.uz/20.01.2020>.
3. Legislative Initiative (in Russian). <http://dic.academic.ru>.
4. Bolshoi Entsiklopedicheski Slovar. Yuridicheski slovar (in Russian). <http://dic.academic.ru>
5. Odilqoriyev H.T. Tul'teev I.T. Bicameral Parliament (in Uzbek). Revised and supplemented second edition. – Tashkent: Ministry of the Internal Affairs Academy of Uzbekistan, 2005. – P. 99.
6. Ismoilov B.I. Implementation of the Right to the of legislative initiative in the Law Enforcement Practices of Foreign Countries and the Republic of Uzbekistan (in Russian). Informational and educational legal portal. Available at: [http:// Allpravo.ru](http://Allpravo.ru).

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