



## **LEGAL BASIS OF THE ELECTION SYSTEM A NEW LEVEL OF DEVELOPMENT**

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<b>Received:</b> 1 <sup>st</sup> October 2022 <b>Accepted:</b> 1 <sup>st</sup> November 2022 <b>Published:</b> 7 <sup>th</sup> December 2022	There is a constant need to improve the existing electoral system in Uzbekistan, relying on our national values, based on international standards, studying the experiences gathered in foreign countries, and conducting a comparative analysis of the election processes conducted in our country. In this regard, the newly adopted Election Code of 2019 in the Republic of Uzbekistan, its preparation of the election based on international standards was analyzed and appropriate conclusions were drawn up.
<b>Keywords:</b> Election, election code, election modernization, information technologies, ballot.	

In the history of Uzbekistan, the years 2017-2020 were a very rich period of important changes and realities in the political system of society. The most important thing was the new reform of the electoral system, that is, the establishment of the freedom of citizens to express their will and political point of view. In the action strategy for the further development of the Republic of Uzbekistan, "increasing the role of the Oliy Majlis in the system of state power, further expanding its powers to solve important tasks related to the country's internal and external policy, and to exercise parliamentary control over the activities of the executive power, to develop the political system, in the life of the state and society on August 15, 2017, the decision of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to create and maintain a unified electronic list of voters of the Republic of Uzbekistan" was adopted based on the tasks of strengthening the role of political parties and creating a healthy competitive environment between them. According to it, the tasks were set "to ensure the widespread introduction of modern information and communication technologies to the election process, as well as to introduce the information system for managing the election process and to create the hardware and software infrastructure necessary for their effective use, to introduce the information system for managing the election process in the entire territory of the country." With this decision, the Regulation "On the procedure for forming and maintaining a unified electronic list of voters of the Republic of Uzbekistan" was approved. [1.1.].

On October 4, 2018, the decision of the President of the Republic of Uzbekistan "On measures to introduce modern information and communication technologies into the election process" was adopted, according to which "generally recognized international rules on preparing and conducting elections and referendums, ensuring the implementation of constitutional electoral rights of citizens" principles and standards, taking into account the advanced experience of foreign countries, gradual liberalization of the electoral system and legislation, wide introduction of modern information and communication technologies in the activities of election commissions and referendum commissions, modernization of the election management system, ensuring information security during the election process, the tasks of strengthening public control in preparing for and conducting elections, ensuring broad public participation in the activities of election commissions and referendum commissions [1.1.].

On November 6, 2018, in the decision of the President of the Republic of Uzbekistan "On organizational measures to improve the activities of the Central Election Commission in the Republic of Uzbekistan", it was stated that "generally recognized international principles and standards, foreign taking into account the advanced experience of the countries, the tasks related to gradual liberalization of the electoral system and legislation" were defined [1.2.].

If we look at the history of the adoption of the legal framework for the 2019 parliamentary elections, preparations for the elections were made in more than two years. This process took place in harmony with organizational and practical work: in January 2019, the new Uzbekistan Ecology Party was established, conditions were created for the transparency of mutual relations between political parties, freedom to express various critical and other attitudes to political parties was formed in the media, election campaigns were organized by political parties. and the debates and mutual criticism between the candidates nominated by them began to take place. Of course, although these

processes could not fully meet international standards and requirements for elections in developed countries, they were completely new and followed democratic values.

Amendments and additions to Article 79 of the Constitution of the Republic of Uzbekistan in accordance with the law "On amendments and additions to certain legal acts of the Republic of Uzbekistan in connection with the democratization of the procedure for the formation of the government and strengthening of its responsibility" adopted on March 6, 2019 at the initiative of the President of the Republic of Uzbekistan Sh.M.Mirziyoev was introduced, and the following authority was added to the absolute powers of the Legislative Chamber of the Oliy Majlis: "Considering and approving the candidates for the membership of the Cabinet of Ministers of the Republic of Uzbekistan upon the submission of the Prime Minister of the Republic of Uzbekistan for their subsequent approval by the President of the Republic of Uzbekistan" [1.3.].

This means that starting from this year, the Legislative Chamber has the right to approve not only the candidate of the Prime Minister, but also the members of the government, to discuss their future programs. Of course, this is not only a right, but also a huge responsibility of state importance.

Finally, on June 25, 2019, the Election Code of the Republic of Uzbekistan was adopted. This Electoral Code incorporates 5 laws adopted during the period of independence - the Oliy Majlis of the Republic of Uzbekistan, the Presidency of the Republic, local representative bodies, as well as guarantees of citizens' electoral rights, and the Central Election Commission. The 5 previous laws contained 190 articles in all, various duplicated or obsolete articles were shortened and consolidated. 103 articles were added to the Code. These articles comprised 18 chapters [1.4.].

Articles that did not exist before in the Election Code - the single electronic list of voters in the country, pre-voting activities of the precinct election commission, activities of the precinct election commission on the day of the vote, voting at the place where the voter is standing, activities of the precinct election commission after the end of the vote, the procedure for nominating candidates for the Senate, concerning the organization of voting for the election of members of the Senate, the procedure for voting for the election of members of the Senate, the counting of votes for the election of members of the Senate and the determination of election results, regarding the equipment of buildings, rooms and voting rooms where representatives of the mass media are located, district election commissions items were received.

The main task of this code was to prepare for the elections of the President of the Republic of Uzbekistan, deputies of the Legislative Chamber of the Oliy Majlis, members of the Senate, regional, district and city representative bodies and to coordinate the activities and actions related to their holding from legal aspects [1.4.]. Adoption of the Election Code created the following facilities for voters:

- by combining these 5 scattered laws, adopted in different years, into a single Election Code, removing articles that repeat each other or become outdated in life, created clarity and convenience for any citizen to get familiar with;
- various confusions and misunderstandings that may occur during election campaigns have been prevented, interactions and relations between various entities in the election system have been simplified;
- the organization of the activities of all bodies of political parties, all experts and employees organizing the election at the lower levels from the Central Election Commission to the polling station has become easier and more convenient;
- made it easier for foreign and national experts, representatives of international organizations related to election monitoring to analyze the situation in the activities of election study and monitoring of the election campaign.

The election code also took into account the requirements of international standards and the experiences of developed countries. In particular, the articles of the UN Declaration of Human Rights and Freedoms, the OSCE Bureau for Democratic Institutions and Human Rights (DIIHB), and a number of recommendations of the Venice Commission were expressed in the code. Earlier in the Legislative Chamber of the Oliy Majlis, 15 deputy seats (quota) were allocated for the Ecological Movement, and it was introduced that they should be elected at the Conference of the Ecological Movement. The maximum permissible deviation of the number of voters in the electoral districts during the formation of electoral districts was determined by law (articles ensuring equality in the right to vote), rules were established regarding openness, transparency, collective action in the activities of election commissions, requirements for collecting signatures of citizens in order to support candidates for deputy improved on the basis of the principles of justice (that is, the observance of the principles of universal suffrage was strengthened), voters were given the right to sign in support of several political parties or candidates for deputy (previously, such a right was limited to one party), fully identifying voters and rules for forming a single electronic list of voters were adopted, allowing for their accurate registration, excluding multiple registrations, and also for candidates for deputy in another election campaign articles on creating opportunities were introduced [1.4.].

Incorporation of the legal frameworks related to elections in a single code is recognized by international organizations as an important and serious political and legal guarantee for the exercise of citizens' electoral rights. At the same time, this is an important value of the democratization of the electoral system. In particular, in the "Declaration on Criteria for Free and Fair Elections" adopted by the Council of the Inter-Parliamentary Union on March 26, 1994 at its 154th session held in Paris, attended by representatives of the parliaments of 112 countries, "in accordance with international legal obligations to conduct free and fair elections the obligation of states to provide laws that are understandable, simple, convenient for voters and ensure their free voting" is defined. The OSCE/ODIHR has accepted the obligation of all countries to codify their national electoral legislation, which has been recognized by all countries. In general, the adoption of the Election Code was an expression of the international standards of implementation of elections in Uzbekistan.

The Electoral Code has also incorporated new provisions that reflect the norms of international law. They consist of:

- giving only political parties the task of playing the role of the subject of all political relations related to the elections during the election campaign;
- The special privilege given to the ecological movement - the rule of allocating 15 parliamentary seats given to it was removed from the law (half a year later, this movement declared itself a political party);
- cancellation of the right of citizens to nominate candidates from self-governing bodies to local representative bodies - people's deputies to district and city councils (this situation ensures that the election to the lower house will be of national, not local, importance);
- candidates of political parties previously occupied 135 seats in the Legislative Chamber, but now this number has increased to 150 [1.4.].

Another important aspect of the Election Code was the expansion of the rights of the authorized representative of the political party. According to the code, the authorized representative of the party was given the right to participate in the meetings of the election commission, in the handing over of documents, in checking that the signature sheets are filled in correctly, and in counting the votes at the polling station. In previous elections, this representative had the right to participate only during the counting of votes cast by voters at the polling station. In previous elections, when political parties had only one observer in the polling stations and during the counting of votes on the day of the election, this limitation was not included in the code. This, of course, creates ample opportunities for the transparency of the election campaign and public control.

The Election Code stipulates that the election campaign during the election campaign begins in the morning of the last day for the registration of candidates, aimed at ensuring that political parties have equal opportunities in the election campaign. In the previous elections, campaigning could begin after the date (time) when the candidates for deputy were registered by the Central Election Commission (CEC). This situation allowed the candidates for deputy to start their campaigns at different times.

In the law on the presidential election, which was implemented in the previous elections, it was forbidden to register the citizens who are persecuted by the law as candidates for the presidency of the Republic of Uzbekistan due to the fact that a criminal case was initiated in relation to the demands placed on the presidential candidates. This rule contradicted the presumption of innocence in the judicial system. Therefore, this article was not included in the Codex.

According to the law on presidential election, a political party could nominate a candidate for the presidency of the Republic of Uzbekistan only if it was registered by the Ministry of Justice of the Republic of Uzbekistan at least six months before the announcement of the start of the election campaign. In the election to the Legislative Chamber of the Oliy Majlis, this figure was four months. In the Code, these terms are set for the presidential election and the election for the Legislative Chamber deputies - "at least three months in advance" [1.4.].

According to the previously implemented legislation, the Central Election Commission will refuse to accept documents for registration from a political party in case of falsification of signatures on signature sheets during the election campaign. The Central Electoral Commission informs the authorized representative of the leaders of the relevant political parties about the inconsistencies and deviations from the legal requirements found in the documents submitted for registration. This situation created the risk of political parties not being able to participate in the election, and it was not possible to get out of this situation. This legal coordination - the standard "that the Central Election Commission refuses to accept documents for registration from a political party in case of falsified signatures" was not included in the code, and it was expressed in the code as follows: "political parties are required to correct the identified inconsistencies and errors in the documents within two days and submit them to the Central Election Commission a new right was given.

In the Code, the right to participate in the election was given to persons detained in places of deprivation of liberty by the court's verdict for having committed a crime with a low social risk. In order to implement election principles in life, Article 7 of the Code has strengthened the rule that "Secret voting is ensured by creating appropriate conditions that exclude the possibility of controlling the voter's will in any way." Also, the electoral rights of persons with disabilities have been expanded.

In the Code, the right of the Central Election Commission, election commissions of all other levels and their members to perform their activities independently of any state bodies, public associations and officials was strengthened.

In previous elections, a "ballot paper" was issued to early voters. The use of both the ballot and the ballot in the election would have caused various confusions. The term "ballot paper" was removed from the Code, and the only document - the ballot paper - was used.

In the previous legislation, constituencies for holding the election of deputies to the Legislative Chamber were formed according to the submissions of regional and Tashkent city hokims, while in the code it was established that the constituencies for holding elections at this level were formed according to the submissions of people's deputies of regions and Tashkent City Councils.

In the previous election legislation, it was stipulated that the observers from the neighborhood citizens' assembly would only participate in the elections of regional, district and city councils of people's deputies. In the Code, observers from citizens' self-government bodies were given the right to participate in all elections. This situation

allowed an important institution of civil society - community assemblies to exercise public control of elections on behalf of the population [1.5.].

For the first time in the country's history, the legal basis for the formation of the upper chamber of the parliament - the Senate - was established. In the legislation related to the previous elections, convening a joint meeting of local representative bodies to elect members of the Senate, nominating candidates for Senate membership, voting should be carried out in accordance with the procedure established by the law, and the members of the Senate at the relevant joint meetings of the deputies of the representative bodies of the state power of the Republic of Karakalpakstan only the regulations on the election procedure were to be developed and approved by the Central Election Commission. The code contains 13 new articles on the election of members of the Senate.

If we refer to the international experience, in China, elections to the National People's Congress will be held in February, two months after the term of the previously elected deputies. Such parliamentary elections are held in Italy in March, in the Russian Federation in September (Presidential election in March), in France in June, in the USA in November, in Hungary in April, and in Japan in October. In Italy, Japan and dozens of other countries, parliamentary elections may be held up to 2-3 times in 4-5 years as a result of the imbalance of party forces within the parliament. In such countries, it is difficult to schedule elections for a specific month.

If we refer to the data on the experience of financing foreign political parties, Australian political parties receive an average of 58.1 million US dollars per year, Canada \$112.7 million, Germany 110 million euros, and Japan twice as much [1.7.8.]. At the same time, political parties increase their budgets through membership fees and sponsorships. Non-governmental committees supporting political parties operate in the US and collect funds for them from citizens. However, it is determined that the assistance provided by citizens will not exceed 2000 US dollars per person. In Austria, this figure is 2500 euros [1.9.].

Normative documents on allocating private funds to political parties or candidates for deputy have also been published by the UN. It mainly recommends the following: "The information provided by the states requires a comprehensive approach to financing, that is, setting the permissible limits of the funds given by donors, limiting the spending on campaigns, spending money on political parties and election campaigns."

International normative documents and the experience of developed countries show that the establishment of the normative rule "allowing the involvement of private funds in the financing of the election campaign of political parties in an amount not exceeding the funds allocated from the state budget" will have a positive effect on the quality and effective implementation of elections as democratic values formed in the following decades.

From the beginning of the 20th century, democratic elections began to appear as a democratic institution for the formation of state authorities. Also, in that period, the elections were recognized as the will of the people in state administration, in addition to being a factor of mitigating conflicts between the rich and the poor, ensuring social stability. Finally, over time, democratic elections have become an important institution of civil society. By the middle of the 20th century, elections in developed countries have become an integral part of human rights and freedom, the formation of state authorities based on the wishes of citizens, and at the same time, they have become an integral part of the legal state and civil society. Elections have become the main means of giving citizens of every country the right to be elected to positions such as local representative bodies, parliamentarians, and presidents. Also, during elections, every citizen will have the opportunity to be an active participant in political processes. As a result, citizens began to deeply feel how important their votes for candidates are, and that they have the ability to influence state authorities.

The turning point in the formation of the democratic electoral system in the country began after Sh.M. Mirziyoyev was elected as the President of the country. The subsequent history of the country was called the period of formation of the new Uzbekistan, and changes began to manifest themselves in all spheres of society. During this period, fundamental changes in the improvement of the electoral system were manifested in the following directions.

In conclusion, the work done in the field of the electoral system in Uzbekistan in the last three years showed the following differences compared to the previous ones:

- for the first time in the country's history, the activity of the Central Election Commission in the election campaign in 2019 was positively evaluated by international organizations;
- for the first time in the country's history, debates, debates, arguments between candidates for deputy were clearly shown on television;
- for the first time in the country's history, the problems and shortcomings of political parties and election campaigns were openly criticized by mass media and bloggers;
- in order to prevent confusion in participation in the elections, a single electronic list of voters was developed, the election was carried out on the basis of this list;
- persons deprived of freedom in prisons, accused of committing a non-serious crime, were given the right to vote in elections;
- the elections were positively evaluated by international organizations, they were recognized as open and free in accordance with international standards.

Holding elections in the country on the basis of democratic principles and values began to mean that a new Uzbekistan is being created, which is open to the whole world and strives to develop a civil society.

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