
Adoption of the Electoral Code of the Republic of Uzbekistan – a New Stage in the Development of the Electoral Legislation of the Republic

Kholikulov Pirnafas –

*Associate Professor of the Department History of Uzbekistan Karshi
Institute of Engineering and Economics*

Abstract: The article notes that during the years of independence in Uzbekistan, a legal framework for democratic elections was created, and on this basis, central and local government bodies were democratically formed. It is recognized that 6 laws on elections have been adopted, and these laws repeat the democratic principles of elections, which, in turn, creates difficulties in conducting elections. For this reason, the necessity of consolidating the electoral legislation into a single document – the Electoral Code is explained.

In the process of developing the Electoral Code, international experience in the preparation and conduct of elections was studied and the requirements of electoral standards developed by international organizations were taken into account. It is noted that the Electoral Code adopted on this basis has raised the electoral legislation in our country to a new level.

Key words: elections, democratic elections, public administration, electoral legislation, political system, constitutional and legal foundations of elections, international election standards, election campaign, unified electronic list of voters, ballots, organization of voting..

Introduction

As a result of the elections, the masses of the people participate in the administration of state power. Elections have developed as a result of several centuries of historical development of a separate society and are a political institution aimed at the formation of state and public administration on a democratic basis. To date, in many countries of the world, democratic elections associated with the formation of public authorities have become an integral part of the political system. Today, the level of development of the rule of law and civil society in democratic countries is determined by the elections held in them, the participation of the population in elections, and the level of voters. The exercise of free suffrage is determined by the will of the people and the legitimacy of any government, as well as the degree of participation of each person in the government of his country.

Main part. Article 117 of Chapter XXIII of the Constitution of the Republic of Uzbekistan is called the Electoral System, which establishes the constitutional and legal framework for elections [1]. As mentioned above, based on the legal norms on elections defined in the Constitution, during the years of independence, 6 laws and a number of by-laws on elections were adopted. It is ensured that elections held in accordance with the norms established by the Constitution, electoral laws and requirements established by legislative acts are conducted on the basis of publicity, transparency and national and international norms. At first glance, it seems that matters in this regard have been settled, but a large number of normative and legal documents regulating elections, the presence of

duplicating norms in them caused certain difficulties in organizing and conducting elections. President Shavkat Mirziyoyev paid special attention to this issue in his message to the Oliy Majlis of the Republic of Uzbekistan on December 22, 2017, saying: “I would also like to dwell on the electoral law, which is important in our political life. The six laws and a number of by-laws adopted in this regard, unfortunately, have not yet been consolidated into a single document. For this reason, it is necessary to develop and adopt a unified Electoral Code that meets international norms and standards” [2].

To ensure the implementation of the Action Strategy for the Development of Uzbekistan for 2017-2021 and the development of the Electoral Code based on the requirements of the tasks set by the head of the country, a working group was created headed by the chairman of the Central Election Commission Mirzalugbek Abdusalomov. It included members of the Central Election Commission, the chambers of the Oliy Majlis, the Ministry of Justice, representatives of political parties and other public organizations, scientists, politicians and experts. The working group took into account the national experience gained in the field of electoral legislation and practice in our country during the years of independence, the electoral legislation of the advanced countries of the world and the Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the OSCE documents of the Copenhagen Council of 1990. “On Humanitarian Criteria”, Declaration of the Inter-Parliamentary Union “On Fair Elections”, Commonwealth of Independent States (CIS) “On Democratic Elections” International standards and norms of elections, which were consistently studied, and their advanced ideas and norms were included in the draft norms of the Electoral Code [3].

The working group studied the experience of more than 50 countries in developing a new Electoral Code, international organizations, including the OSCE Bureau for Democratic Institutions and Human Rights, the SCO, the CIS, the World Association of Electoral Bodies, the Organization of Islamic Cooperation, took into account the recommendations of the missions, the proposals of the Venice Commission [4] .

The draft Electoral Code developed by the working group was submitted for public discussion in several areas in accordance with the Action Plan prepared jointly by the Chambers of the Oliy Majlis and the Central Election Commission [5]. According to it, the draft Electoral Code has been submitted for public discussion on the portal for discussing draft regulatory legal acts of the Republic of Uzbekistan (www.regulation.gov.uz) and posted on the official website of the Central Election Commission (www.elektions.uz). The project was widely discussed by voters, scientists, deputies, experts, activists of political parties and journalists in the media - radio, television, newspapers and magazines, Internet networks.

The project has passed a public examination by experts from civil society institutions. The draft Electoral Code was actively discussed with the participation of the general public in regional, district and city election commissions, as well as in mahallas, trade unions and educational institutions in order to obtain the opinions of practitioners. In particular, on November 16-17, 2018, the Central Election Commission organized a round table in the Kengashi of People's Deputies of the city of Almalyk, Tashkent region, held to discuss the draft Electoral Code in Bukhara, together with the OSCE Coordinator in Uzbekistan and the regional branch of the German Konrad Adenauer Foundation in our country to Central Asia “Improving the electoral law and democratic elections: the experience of Uzbekistan and international practice”, tense were the discussions held at the meetings of residents of the mahalla gatherings “Kyzylkum”, “Oktom”, “Kulba” of the Forish district. During the discussions, experts in the field of elections, representatives of the population expressed their opinion on ensuring fair and more intensive elections.

More than 30,000 people took part in the holding of about 300 events to discuss the draft Electoral Code, and more than 450 proposals were received [6]. It should be noted that the proposed proposals include the specifics of holding elections to regional, district and city Kengashes of people's deputies, the activities of election commissions conducting elections to local Kengashes, the number of candidates and their proxies, the registration procedure, the status of observers and authorized representatives of political parties, related to the organization and conduct of voting.

The draft Electoral Code, which underwent intensive discussion, was adopted on June 25, 2019 by Law No. ZRU-544 of the Republic of Uzbekistan [7]. The adoption of the Electoral Code raised the electoral legislation of the Republic of Uzbekistan to a new level and, in turn, fixed new norms in the electoral legislation of the republic that correspond to international standards. They consist:

- The Electoral Code defines the procedure for applying a unified electronic list of voters at the legislative level (*Article 28 of the Electoral Code*). The unified electronic list of voters is a state information resource containing information about voting citizens and their addresses of permanent and temporary residence in accordance with the information bases of authorized state bodies. It is formed and updated on the basis of information provided by state bodies, and during the election campaign is determined by the relevant precinct election commissions;

- Candidates for election commissions are submitted by citizens' self-governing bodies, public associations, enterprises, institutions and organizations, and it is envisaged that these candidates will be discussed at meetings of people's deputies of district and city councils and recommended for consideration. relevant electoral commission for approval. It has been established that more than half of the members of the precinct election commission cannot be recommended from one organization (*Article 25 of the Electoral Code*). According to the previous electoral practice, the majority of members of the precinct election commission were formed from one institution. In order to ensure the effective functioning of precinct election commissions, this practice was abolished in accordance with the Electoral Code.

- The requirements for members of election commissions of all levels have been strengthened. According to the Electoral Code, those who have reached the age of twenty-one, who, as a rule, have a secondary or higher education, and experience in preparing and conducting elections, who have earned a reputation among the population, are recommended to the composition of election commissions, a rule was introduced that citizens can be members of regional, district , city election commissions, district and precinct election commissions (*Articles 23, 25 of the Electoral Code*).

- The "electoral leaflet" that was used for early voting was annulled. The Code introduced a single document - "Bulletin" for those who voted early and for those who voted on election day (*Article 57 of the Electoral Code*).

- It is established that the voter can mark "+" or "√" or "x" in the empty box to the right of the name of the candidate for whom he votes (*Article 55 of the Electoral Code*). According to the previous rules, only the "+" sign was used. This led to the invalidation of ballots with other marks. As a result, there was a misunderstanding in taking into account the political will of the population.

- The procedure for nominating candidates for district (city) Kengashi of people's deputies by local self-government bodies of citizens has been canceled. Based on the position of citizens' self-government bodies in the socio-political life of the country, the Code gives them the right to participate in elections as observers (*Article 33 of the Electoral Code*) [8].

- The voter was given the opportunity to sign in support of several candidates or parties during the process of collecting signatures by political parties. Previously, a voter could only sign in support

of one political party. This caused certain difficulties in the process of collecting signatures for political parties (*Article 38 of the Electoral Code*).

- The voting time for the elections was set from 08:00 to 20:00 (*Article 51 of the Electoral Code*). According to the previous rules, the voting time for the elections was set from 08:00 to 20:00. Considering that elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and local Kengashes are held in the winter season, it is easy to understand that this caused certain difficulties for the members of the precinct election commission.

- A procedure has been introduced for the immediate posting of copies of the protocol of the precinct election commission on the count of votes in the premises for a period of at least 48 hours for public familiarization (*Article 58 of the Electoral Code*). Also, this article establishes that authorized representatives of political parties participating in the process of counting votes, observers have the right to receive a certified copy of the protocol of the precinct election commission.

- The procedure for electing members of the Senate of the Oliy Majlis of the Republic of Uzbekistan is determined by the Code (*Chapter 14, Articles 75-87 of the Electoral Code*). Previously, elections to the Senate were regulated by the Regulations of the Central Electoral Commission.

- A procedure has been introduced for paying for the travel of proxies of candidates for deputies through the territory of the Republic of Uzbekistan at the expense of funds allocated for holding elections. Previously, no financial resources were allocated for the activities of proxies of candidates (*Article 43 of the Electoral Code*).

- In addition, the Electoral Code provides for the application of the immunity rules applicable to members of the Central Electoral Commission, members of the Legislative Chamber and members of the Senate (*Article 13 of the Electoral Code*).

Summary. The Electoral Code, developed at the initiative of the President, is a document that serves to implement democratic principles such as openness, transparency, truthfulness and impartiality of elections, and acquires relevant content and great legal, social and political significance. The adoption of the Electoral Code will, first of all, prevent the repetition of the norms of legal documents in the electoral system of the country, most importantly, the implementation of the requirements of this Code will ensure more transparent electoral processes in the country, and will legally guarantee the introduction of new best practices.

References:

1. The Constitution of the Republic of Uzbekistan. – T.: Uzbekistan, 2020.
2. Message of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis of the Republic of Uzbekistan, December 22, 2017 // Official website of the President of the Republic of Uzbekistan – www.prezident.uz
3. A new era of reforms in the field of elections // Narodnoye Slovo, July 2, 2019.
4. Elections in Uzbekistan will be transparent in accordance with international requirements // Khalk Suzi, November 28, 2019.
5. A new era of reforms in the field of elections // Narodnoye Slovo, July 2, 2019.
6. A new era of electoral reforms // Narodnoye Slovo, July 2, 2019.
7. Electoral Code of the Republic of Uzbekistan // National database of legal documents of the Republic of Uzbekistan, 06/26/2019, No. 03/19/544//3337.
8. See: Electoral Code Article 330; Decree of the Central Election Commission “On the legal status, rights and obligations of observers of citizens’ self-government bodies in elections to

regional, district and city Kngashi people's deputies, as well as the procedure for processing their documents" // Source: <http://www.elections.uz/uz/lists/view/485>.