

## ACTUAL ISSUES OF IMPROVING THE LAW-MAKING ACTIVITY OF THE PARLIAMENT WITHIN THE FRAMEWORK OF ADMINISTRATIVE REFORMS

**Teshaboev Akbarshokh Adkhamjon ugli**

Head of department of the Institute of State and Law of the UzFA,  
doctor of philosophy in legal sciences,

**Nematov Jurabek Nematilloevich**

Main researcher of the Institute of State  
and Law of the UzFA, DSc(in Law),

**Nazarov Ravshan Rinatovich**

Senior researcher of the Institute of State, and Law of the UzFA,  
PhD (in Philosophy),

**Kvitkov Yaroslav Mikhaylovich**

Senior researcher at the Institute of State and Law of the UzFA,

**Abstract.** The article discusses the importance of implementing executive reforms, effective implementation of reforms, the role of parliament in this process, current issues of legal provision of administrative reforms. The essence of the functions of the parliament and the public in the legal regulation of administrative amelioration is highlighted. Also, in the context of administrative reforms, scientific and practical proposals were represented and final conclusions were drawn up regarding the significance of the law-making activity of the parliament and the important aspects of improving such activity.

**Key words and phrases:** the newly edition of Constitution, “New Uzbekistan”, administrative reform, effective implementation of administrative reforms, parliament, law, law-making process, public participation, legal experiment.

**Introduction.** Diverse kinds of societies have set various legal standards to thrive social, economic, political, cultural, as well as educational spheres for ages. Between 2017-2023, as a result of large-scale administrative reforms implemented in the Republic of Uzbekistan, positive changes were achieved in various fields and areas. In the national referendum held on April 30,

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2023, the people of Uzbekistan unanimously approved the updated Constitution, which defines the priorities of our national development. This historical political process created the need to form a state administration in Uzbekistan that ensures the priority of human value, state power to deal with the nation's needs first. The effective implementation of executive enhancements has vital responsibility on the chambers of the Oliy Majlis of the Republic of Uzbekistan to create legislation that provides the effective legal regulation of these reforms. In this regard, it is important to clearly define the tasks and functions of the ministries, offices and organizations that are implementing administrative reforms, and clearly specify their powers in the legislation. In order to ensure the effectiveness of this process, the scientific and information-analytical support of scientific research institutions - "think tanks" is significant.

Literature review. Many scientists have conducted research on the role of the parliament in the framework of administrative reforms, the importance of its law-making process in the context of reforms, ensuring the participation of citizens along with the general public in the law-making process.

Russian scientists such as Ya.T.Khabrieva, T.P.Lebedova, O.V.Mikhailova, O.V.Sivintseva, E.A.Troitskaya reveal in their scientific works, the reasons and importance of administrative reforms, the activity of the modern parliament in this process, the law-making process expressed scientific opinions about the specific aspects of introducing new methods.

The primary goal of administrative reforms is to establish a new state administration. As the European scientist S. Hood noted, the effective implementation of the new administration will depend on the establishment of the following two important institutions. The first one depends on the establishment of "new institutional economy" and "new management" in the public administration sector [1. -P. 3–19.].

Scholars who have compared administrative reforms in foreign countries: Based on a scientific research, T. Christensen and Lagreid P. claim the necessity of legal regulation, along with development of proper regulatory refinements [1. -P. 3–17.].

To improve the role of the parliament in the sphere of executive ameliorations, clear definition of the status of the parliamentarians and the public service in its structures is considered as vital tool. In this regard, the positive experiences of foreign countries illustrate that the determination of the exact status of "individuals dealing with issues related to the activity of the parliament" in the public service allows for the development of the parliament in all aspects and effective legal regulation of the implemented administrative reforms. In particular, in this regard, determining the status of "parliamentary service" as a separate type of public service and determining its legal status is a justified situation in foreign countries [3. -P. 33.].

According to the second part of Article 3 of the Law of the Republic of Uzbekistan "On State Civil Service", "This Law will not apply to the activities of the deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and members of the Senate, employees

of the offices of the Legislative Chamber and Senate of the Oliy Majlis of the Republic of Uzbekistan" [ 4].

Hence, the opinion expressed by V. A. Shekhovtsov, A. A. Aboyan is noteworthy: according to authors, "giving the parliament control over the supreme executive power, increasing the powers of the parliament in the process of its formation" serves to achieve the primary goals of the implementation of governmental developments [5. -P. 9].

### **Discussions**

The analysis of administrative developments enforced in foreign countries in different periods reveals that the parliament is the most important subject in ensuring the effectiveness of legal reforms in the government. It is difficult to ensure the effectiveness of administrative reforms without the law-making, control and higher representative functions of the Parliament. It is difficult to ensure the effectiveness of administrative reforms without the law-making, control and higher representative functions of the Parliament. Various opinions and attitudes have been expressed in the scientific literature about administrative reforms. According to the analysis, administrative enforcement is a system of increasing the efficiency of the state power system, improving the quality of public services, free from excessive control and repetitive functions, and establishing compact and modest public control. [6. -P.243.].

The effectiveness of governmental reforms highly depends on a solid legal basis. In recent years, in order to ensure the effectiveness of the governmental reforms implemented in Uzbekistan, strong legal foundations are being created. For example, the Decree of the President of the Republic of Uzbekistan adopted on September 8, 2017 "On approval of the concept of administrative reforms in the Republic of Uzbekistan" No. PF-5185 and the Concept of Administrative Reforms in the Republic of Uzbekistan approved based on No. PF-5185 [7], Decree of No. PF-269 [8] of December 21, 2022 "On Measures to Implement Administrative Reforms of New Uzbekistan", January 25, 2023 "On Primary Organizational Measures to Effectively Establish the Activities of the Executive Authorities of the Republic" Decree No. PF-14 [9], Decree No. PF-269 [8] of December 21, 2022 "On Measures to Implement Administrative Reforms of New Uzbekistan", January 25, 2023 "On Primary Organizational Measures to Effectively Establish the Activities of the Executive Authorities of the Republic" Decree No. PF-14 [9], as well as 20 normative legal documents aimed at administrative improvement of the activities of ministries and agencies were adopted related to this direction.

The new Constitution adopted on the basis of the national referendum held on April 30, 2023 is considered as the legal foundation of executive amendment. According to the Article 94 of the newly revised Constitution, the absolute power of the Legislative Chamber of the Oliy Majlis increased from 5 to 12, while the absolute power of the Senate of the Oliy Majlis rose from 14 to 18 [10].

As T.Ya. Khabrieva wrote, "The Constitution is a developing legal issue that is subject to

the pressure of circumstances and should be modified if the current situation requires" [11, -P.8].

In accordance with the Article 98 of the new version of the Constitution, significant alterations occurred in the composition of the subjects of the legislative initiative, new subjects entered the process. In particular, according to the third part of this article, "Not less than one hundred thousand citizens of the Republic of Uzbekistan who has the right to participate in elections are eligible to submit legal propositions to the Senate of the Oliy Majlis of the Republic of Uzbekistan, the Human Rights Representative of the Oliy Majlis of the Republic of Uzbekistan (Ombudsman), the Central Election Commission of the Republic of Uzbekistan according to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" [12]. For the first time in the history of Uzbekistan, the establishment of the institution of introducing legislative proposals in the constitution serves to express the willing of citizens in the form of laws, to thrive the socio-economic development of regions, to eliminate problems in the field of human rights, and most importantly, to create a system of timely prevention of legislative problems via boosting the number of subjects of the right of legislative initiative. The establishment of this new constitutional norm is also important, as it allows to further expand the participation of the general public in the law-making activities of the parliament.

Today, under the conditions of administrative reforms in Uzbekistan, intensive work is being carried out on the implementation of the concept of "Digital Parliament". Citizens are widely involved in the law-making process, using the possibilities of modern information technologies. Particularly, the general public is actively participating in the law-making process of the parliament based on the following means:

**firstly**, an opportunity was created on the official website of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan to provide suggestions and opinions according to citizens' vote, that is to say that, residents open a personal cabinet and send their reasoned proposals regarding the bills under consideration in the chamber. At this point, it is worth to note that this practice, i.e., the "electronic parliament" program, is working effectively in England, Germany, Italy, Russia, France and other developed countries;

**secondly**, a special program for sending proposals on legal drafts - a portal for discussion of drafts of normative-legal documents was established. Through this portal, citizens of Uzbekistan had the opportunity to submit their initiatives regarding the drafts of all normative legal documents. As of December 1, 2023, 22,378 draft normative legal documents were posted on this portal, which shows how wide its scope is [13];

**the third one** is explained by the fact that according to the Article 98 of the newly revised Constitution, not less than one hundred thousand citizens of the Republic of Uzbekistan who have the right to vote, have the right to submit legislative proposals to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan under the procedure of legislative initiative. First of all, this right leads to the expansion of citizens' participation in the management of the process of

administrative reforms, the resolution of systemic problems by the public as direct law-makers, via improving legislation. Secondly, it serves to solve various socio-economic issues related to their respective constitutional rights, and most importantly, as the initiator of reforms, people directly participate in making important decisions to realize their future, dreams and goals, and deal with problems in society in a timely manner. Similar norms exist in the constitutions of countries such as Switzerland, Austria, Hungary, Poland, Spain, Italy, and Brazil.

Legal scholars Carolyn Evans and Simon Evans argue that: established democratic States, legislatures perform several distinct functions. They are representative bodies providing a mechanism by which citizens participate in public affairs and government; they are forums in which governments can be held accountable for their conduct; and they are (more or less) deliberative law-making bodies. In discharging each of these functions they can affect the enjoyment of human rights [14, -P. 545.].

Confirming the opinions of these scientists, it can be said that ensuring the participation of citizens in the law-making process by the parliaments serves to ensure human rights by the parliament and other state bodies in the context of governmental reforms. In this regard, it is urgent to develop modern and citizen-friendly mechanisms, introduce them and improve them based on citizens' suggestions.

There is also another important issue in ensuring the effectiveness of administrative reforms. And if it is, it is to predict, identify and find alternative solutions to the risks that may arise within the framework of the reforms being implemented. If we approach on such issue on the example of the parliament, then there is a need for the activity of "think tanks" that assist the parliament in scientific and information-analytical terms.

This can be explained by the following aspects:

*firstly*, in the conditions of administrative reforms, to determine the relations that are legally regulated by the parliament, to develop the relevant legal norms in relation to them;

*secondly*, developing proposals for their improvement while monitoring the implementation of adopted laws;

*thirdly*, to identify possible risks in the context of administrative reforms, to introduce information-analytical reports to the parliament based on the results of the analysis of corruption cases in the process of adopting laws.

Ensuring that the new norms do not create corrupt situations in the context of administrative reforms. This situation is determined during the anti-corruption examination of the draft normative legal document. It is also necessary to divide the criteria of freedom from the element of corruption into several categories, to develop appropriate analytical indicators for each category, and to monitor these indicators over time. In this regard, the Russian scientist G. Kupryashin noted that

"preventing corruption in the process of political modernization, and eliminating it to the smallest element will be a guarantee of maintaining balance in the management of common interests" [15, -P. 14.].

*fourthly*, to study the experience of foreign countries in improving the working method of the parliament in accordance with administrative reforms and prepare information on their results;

*fifth*, to study and analyze the experiences of legal provision of administrative reforms implemented in foreign countries;

*sixth*, to constantly develop and introduce proposals to the parliament to further enhance the participation of citizens in the law-making process.

It can be seen from these important tasks and functions that the effectiveness of the administrative reforms of the parliament is directly related to the efficiency of the activity of the "think tank" under it. It should be noted that these tasks cannot be performed actively by the parliament itself or its other structures. Therefore, for the social along with legal activities of the parliament, it is crucial to attract scientists and researchers who understand the essence of administrative reforms, know the law-making process, and have the skills to communicate with citizens.

In the frame of administrative reforms, legal regulation of the process of modifications is vital, as this process, as stated by Gennady Kupryashin, "administrative reforms are a complex process that is carried out in harmony with the process of modernization, economic, social, political and other relations in society" [16, -P. 59.]. In our opinion, it is necessary to ensure the harmony of this process, initially, by creating the legal basis of the reforms.

**Summary.** During the analysis of the relevant parts of the scientific, jurisprudential and political science literature, it can be said that the following important issues should be paid attention to in rising the role of the parliament and the public in the legal regulation of administrative reforms:

**firstly**, to prepare a regulation form in order to strengthen the role of the parliament and the public within the framework of administrative reforms, to thrive a program of measures "On strengthening parliamentary and public control in the process of administrative reforms";

**secondly**, to develop a "roadmap" for the effective regulation of legal relations arising in connection with the entry into force of the adopted laws;

**thirdly**, in the context of administrative reforms, to organize the activities of "think tanks" that provide scientific and information-analytical services to the parliament, to attract to it mature scientists who understand the essence of administrative reforms and know the law-making process;

**fourth**, to assess the importance of relationships within the framework of administrative reforms based on a specific criteria;

**fifth**, to determine the sequence of relationships that needs to be regulated based on the analysis and to develop draft laws related to them;

**sixthly**, it is appropriate to monitor the administrative reforms being carried out by the public, to conduct public surveys on them and to develop new legal norms based on their results.

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