



**“RECENT AMENDMENTS TO THE CONSTITUTION OF UZBEKISTAN ON
PERTAINING THE MODERNIZATION AND IMPROVEMENT OF
LEGISLATIVE, EXECUTIVE, AND JUDICIAL BODIES”**

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ABSTRACT

This article elucidates the legal intricacies concerning the interplay among the branches of state authority, as outlined in Article 11 of the Constitution of the Republic of Uzbekistan. It delves into the delineation of duties and responsibilities of each supreme body of state power and the dynamics of their interaction. The revised Constitution of the Republic of Uzbekistan, ratified on April 30, 2023, brought clarity to the jurisdiction of state authorities. Notably, it expanded the prerogatives of the parliament and provided clarity on the presidential powers vis-à-vis the executive branch. In addition, it introduced the mechanism of parliamentary oversight over the activities of state administrative bodies and reinforced procedures for implementing appropriate legal measures based on its findings. Additionally, it defined the scope of authority for heads of the judiciary system occupying key governmental positions. Drawing on the experiences of democratic nations, the article examines these democratic reforms and their implications.

Keywords

parliament, president, executive power, Cabinet of Ministers, Judiciary, Supreme Court, parliamentary scrutiny, responsibility, accountability, authority, separation of powers.

Introduction

It is widely acknowledged that the separation of powers within a state, wherein each branch assumes specific responsibilities and executes them without encroaching upon the functions of other branches, has remained a central concept among scholars of political theory throughout history [1]. Undoubtedly, contemporary society places significant emphasis on matters such as separation of powers and the transparency of operations within each branch [2].

Hence, every individual seeks optimal conditions and resources from the state for their sustenance, growth, and advancement. In addition, individuals desire



awareness of governmental actions and direct involvement in them, alongside the assurance of numerous human rights by the state. Such objectives are undoubtedly realized through the functioning of democratic, legal state governance.

Methodology

Ongoing administrative, legal, and constitutional reforms in our nation, the article stresses the efforts directed towards elucidating the favorable aspects of public administration, encompassing the legislative, executive, and judicial branches of state power. Following the enactment of the new constitution, particular emphasis was placed on matters such as the roles of the president and parliament within these bodies, notably the government.

This endeavor involved employing analytical, generalization, comparative-legal, systematic-structural, and formal legal research methodologies to advance scholarly understanding in this sphere.

Research results

In the course of socio-political and administrative-legal reforms within our nation over the past six to seven years, there has been a concerted effort to restructure the operations of state authorities within a novel basis. This restructuring aims to bolster the efficacy of governmental functions, advance procedures pertaining to governmental accountability to both the parliament and the public, and amplify the role of the parliament. Programmatic initiatives are underway to ensure high efficiency by facilitating the effective execution of governmental decisions. In addition, substantial endeavors have been undertaken to transform the judiciary into an institution that tangibly safeguards human rights and freedoms.

Over the past 25 years, Uzbekistan has undergone significant historical developments towards independence, resulting in the establishment of the legal foundations governing the parliamentary, executive, and judicial branches of state power in alignment with constitutional principles. These principles, such as the “separation of powers” and “check and balance system”, originally conceived by theorists and subsequently embraced as fundamental values, have been instrumental in shaping the organization and functioning of these authorities, yielding notable achievements.

This period is characterized by several key milestones, including the establishment of the Cabinet of Ministers of the Republic of Uzbekistan as the central executive authority, the delineation of its legal basis, and the initial direct oversight of executive power by the president. Subsequently, there was a significant shift with the removal of the rule designating the president as the chairman of the Cabinet of Ministers, along with measures to enhance the status of the Prime Minister within the Cabinet’s activities. Additionally, the nomination of



the Prime Minister candidate by the winning party or parties with an equal number of seats in elections, as well as the establishment of procedures for their dismissal through a vote of no confidence, marked important developments.

In the realm of justice, the establishment of the Constitutional Court, the Supreme Court, and the Supreme Economic Court, along with the specialization of courts since 2001, stand out as significant advancements. These measures, among others, have contributed positively to the evolution and effectiveness of our country's public structures.

Analysis of the research results

Over time, alongside evolving social dynamics, there has been a growing imperative for state authorities to operate with greater efficiency, transparency, and accessibility, drawing upon the experiences of developed nations worldwide. Since assuming office as President, in December 2016, Shavkat Mirziyoev initiated comprehensive social, political, legal, and cultural reforms, attuned to the demands of society, the requests of citizens, and the contemporary imperatives. Over the past seven years, numerous legal foundations pertaining to the functioning of all branches of government have been revised, and their operations restructured to align with current contexts. In emphasizing this, the head of state has underscored the paramount principle that “**state ought to serve the people**”[5].

Significant reforms have been enacted across all branches of the public power system. Due to the rapid pace of this ongoing process, it is feasible to highlight only the most crucial reforms. It is well understood that the executive branch holds considerable importance within the state power apparatus. This is primarily because it serves as a versatile entity responsible for addressing pressing and contemporary issues, as well as ensuring the implementation of parliamentary decrees and presidential directives.

With regards to the executive branch, the head of state emphasized in the 2018 address to the Oliy Majlis that, “government, in all nations, constitutes a highly competent entity tasked with driving reforms forward”. Presently, government structures encompass over 160 offices and organizations, with 8 deputies of prime ministers overseeing various sphere and sectors. However, the question arises: “Does the role of the Cabinet of Ministers and its departments adequately align with the demands of these days?” Regrettably, a positive response cannot be provided to this question. In essence, there is a pressing need to reconfigure the government as an administrative management entity, devoted to serving the public, meeting the demands of the modern era, and ensuring transparency in its operations.

In contemporary governance within developed democratic nations, a primary governmental objective is the provision of targeted public services to the populace,



emphasizing service delivery over administrative control of society. Consequently, there is a concerted effort to streamline the governmental structure, incorporating the efficient utilization of information and communication technologies across governmental functions and its associated entities. This transition towards an “E-Government” model is notable for its emphasis on expediting and enhancing public service delivery by minimizing human intervention, thus evolving towards a “Digital Government”.

In response to the prevailing circumstances, the legislation governing the operations of the Cabinet of Ministers underwent a substantial revision, resulting in the enactment of the law titled “On the Cabinet of Ministers of the Republic of Uzbekistan”, on December 10, 2019 [7]. Its notable feature lies in its comprehensive reinforcement of the Cabinet of Ministers’ authority across various spheres of societal functioning. This law delineates the avenues for collaboration between the Cabinet of Ministers and other branches of governmental authority, while clearly delineating the boundaries of governmental powers vis-à-vis parliament and judicial bodies. In addition, it amplifies the procedures pertaining to the constitutional and legal accountability of the Cabinet of Ministers, including the criteria for expressing a vote of no confidence in the Prime Minister and the procedures for the dismissal of a government official. A significant aspect of this legislation is its mandate for the Cabinet of Ministers to facilitate open dialogue with the populace, address grievances from individuals and legal entities, entertain their representatives, and organize thematic outreach meetings. Consequently, this initiative brings the citizenry into closer proximity to state power, enabling them to directly voice their concerns and issues.

The subsequent reform initiative involved administrative restructuring with the objective of streamlining governance and minimizing non-sectoral responsibilities of state entities, alongside the widespread integration of digital technologies into their operations. In December 2022, the presidential decree titled “On measures to implement administrative reforms in New Uzbekistan” was enacted to effectively align governmental activities and those of its subordinate bodies with contemporary standards and regulations (reference [8]). As outlined in the decree, starting from January 1, 2023, the count of independent republican executive authorities was reduced from 61 to 28, while the number of deputy prime ministers was trimmed from 8 to 4. Additionally, the role of advisor to the prime minister was abolished, alongside numerous secretariats and other organizational entities within the government. Notably, the number of ministries was reduced from 25 to 21, and 12 republican-level governing bodies with overlapping functions were dissolved. It was stipulated that the funds liberated through these downsizing measures would be allocated towards addressing societal welfare issues.



Consequently, the redundant bodies were eliminated, leaving individual entities accountable for their specific mandates and tasks.

As a natural progression of these reforms, the constitution of the Republic of Uzbekistan, which has been drafted and adopted these days based on extensive consultation and observation of public opinion, places the principle of “serving the people” as the primary criterion for the formation and operation of state power within a democratic foundations. Significant regulations are being delineated to guide the activities of the government.

Article 115 of the Constitution, in contrast to its predecessor, comprehensively outlines the constitutional liabilities of the Cabinet of Ministers. Specifically, it enumerates the Cabinet of Minister’s key competencies and functions across twelve essential spheres, including the economy, taxation, budget, macroeconomic growth, poverty alleviation, provision of adequate living standards, social welfare, environmental conservation, management of natural resources, biodiversity preservation, climate change mitigation, epidemic control, pandemic response, support for civil society organizations, and the safeguarding of citizens’ economic, social, and other legal rights and interests. Notably, the previous text only detailed six areas of responsibility for the Cabinet of Ministers.

In contemporary times, there has been a notable rise in the legal and political consciousness among the populace, accompanied by a burgeoning diversity of viewpoints and ideologies within society. Concurrently, citizens are increasingly scrutinizing the decisions and undertakings of executive authorities, impartially assessing their actions. Consequently, the paramount objective of the state these days is to foster transparency and to streamline the operations of governmental bodies in a more open and accountable manner.

To realize these objectives, it is pertinent to underscore that the Cabinet of Ministers has vested significant powers aimed at ensuring transparency, legality, and efficiency in the functioning of executive authorities. These powers encompass combating corruption, enhancing the quality of public services, and broadening their accessibility. Such measures are in consonance with prevailing democratic principles and the evolving rules of governance recognized by the international community. Implementation of these measures is poised to expedite processes in delivering effective and high-quality public services, thereby contributing to the welfare of citizen.

In accordance with Article 118 of the newly revised Constitution, which mandates government officials to respond to parliament and its members’ requests and necessitates hearing reports from Cabinet members of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan regarding their activities, with dismissal of government officials being a potential consequence. It can be argued



that these constitutional amendments strengthen the governmental accountability to the elected representatives.

The enhancement of executive decision-making quality, as noted by the scholar, is attributed to parliamentary oversight over government operations. This oversight aids in aligning decisions with societal and state interests, fostering optimal and proportional government activities, consequently impacting the efficacy of public policy.[10]

Simultaneously, these procedures align with the objectives outlined in the Presidential Decree of Uzbekistan, January 28, 2022, which emphasizes redirecting public administration towards serving citizens as per the **Development Strategy of New Uzbekistan for 2022-2026**.[11]

Recognizing that local governments exercise executive powers, the responsibilities of local authorities in addressing social welfare issues at grassroots levels are paramount. The proficient execution of laws and decisions by lower executive bodies is essential for the practical significance of governmental decisions for the population.

Another critical aspect pertains to subordinate executive bodies earning public trust by effectively managing national policies. Consequently, the ongoing improvement of the legal framework governing the activities of local executive bodies becomes imperative.

Article 99 of the previous iteration of the constitution delineated the fundamental structure of local state authority, specifying that the Councils of People's Deputies are presided over by governors at the regional, district, and municipal levels. In addition, Article 102 detailed the distribution of representative and executive powers among governors based on their jurisdiction. Additionally, Article 100 elaborated on the respective powers vested in both the local representative bodies and the governor.

This scenario did not align with the principle of the separation of powers as outlined in Article 11 of the constitution. Consequently, it enabled the consolidation of authority within a single individual, potentially combining the powers of local representative bodies and the executive branch. Such consolidation could impede the effective functioning of the locally elected representative body. This state of affairs has long been a subject of legitimate concern among experts, scholars, and the broader populace.

The new constitution addresses this issue through a democratic basis. Specifically, Article 120 stipulates that the Councils of People's Deputies in regions, districts, and cities will be led by a chairman elected from among the deputies in accordance with the law. Additionally, Article 121 mandates that only the mayor of the region, district, or city will head the executive power in the respective area.



These provisions ensure the future distribution of powers at the local level. Practically, this delineates the separation of the two powers – representative and executive – by establishing entirely independent bodies. Consequently, citizens will have the ability to monitor and, if necessary, evaluate the activities of local governors.

Current reforms introduce democratic procedures and innovations in parliamentary activities. Notably, Article 93 grants the Oliy Majlis additional powers, including oversight of the annual anti-corruption report and conducting parliamentary investigations.

These measures have enabled public awareness of corruption and governmental accountability, facilitating vital forms of parliamentary oversight, including investigating specific incidents and recommending governmental resignations, thereby enhancing governmental accountability.

The number of powers vested in the Legislative Chamber of the Oliy Majlis, which is designated as a professional chamber under Article 94 of the constitution, has expanded from the previous five to twelve. This expansion includes responsibilities such as receiving reports from the Prime Minister and members of the government regarding current socio-economic issues facing the nation, as well as evaluating and endorsing the candidate nominated for the position of Prime Minister of the Republic of Uzbekistan, a process now solely within the purview of the lower chamber rather than both chambers. This development aims to ensure the professional commitment of the chamber's representatives, who work consistently in the broader interests of the state. Additionally, it permits deputies of the lower house, organized along partisan lines, to cast votes for the Prime Ministerial candidate in accordance with their party's objectives. Similar procedures are observed in several European nations such as Germany [12] and Poland [13], among others.

Additionally, in this article, provisions are outlined regarding the authority of the Legislative Chamber to issue parliamentary inquiries and other forms of parliamentary oversight to officials of state institutions at the constitutional level. This establishes public and representative scrutiny over their activities, thereby enhancing their accountability and responsibility. Consequently, citizens will be empowered to monitor governmental actions through their elected representatives.

In addition, Article 103 confirms that a parliamentary inquiry may be initiated through a joint decision of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan. This mechanism is activated when there is a necessity to investigate facts and events that could potentially undermine the country's security and sustainable development, jeopardize human rights and freedoms, or threaten societal and state interests. As a result of such investigations,



legal measures, including the removal of the head of the state institution, may be implemented. Notably, this practice is reminiscent of procedures observed in the Russian Federation among CIS countries [14].

In this context, the enhancement of legal mechanisms aimed at effectively overseeing government activities by parliamentary chambers signifies that these actions and undertakings will be under the scrutiny of elected representatives, thereby ensuring transparency and accountability.

It is noteworthy that the constitutions of various countries within the Commonwealth of Independent States (CIS), such as the Kyrgyz Republic and Russia, have incorporated provisions for the establishment of institutions like the Security Council and the presidential administration [15]. However, our constitution lacked such provisions. Through Article 109, the constitutional and legal framework for the formation of the President of the Republic of Uzbekistan's Administration was introduced for the first time, specifically to oversee the functioning of the Security Council and provide leadership, thus addressing the existing legal vacuum at the constitutional level.

These days, it is noteworthy that reforms have been implemented within the judicial branch of state power. Notably, in 2017, spurred by presidential initiative and subsequent decree, the merger of the Supreme Economic Court and the Supreme Court occurred, leading to the establishment of a unified judicial entity responsible for dispensing justice throughout the country. Additionally, a new constitutional body, the Supreme Council of Judges of the Republic of Uzbekistan, was formed. This council, representing the judiciary community, serves to uphold the constitutional principle of judicial independence within the Republic of Uzbekistan.

In addition, administrative courts were instituted, empowered to adjudicate administrative disputes arising from public-legal relationships. These reforms significantly curtailed interference in judicial activities and mitigated instances of corruption by enhancing judges' salaries. Notably, procedures for the election and appointment of judges were revamped, transitioning from five-year terms to ten-year terms and eventually to indefinite appointments [16]. These reforms constitute pivotal steps toward ensuring the delivery of justice within the judicial system.

In compliance with the constitutional reform and as stipulated in Article 132 of the revised constitution, judges of the Constitutional Court are appointed for a tenure of ten years, with no provision for re-election. In addition, under the new regulations, individuals are precluded from serving consecutively as both the chairperson and deputy chairperson of the Supreme Court of the Republic of Uzbekistan, or as the chairperson and deputy chairperson of the Supreme Council of Judges for more than two consecutive terms.



Additionally, the current discourse underscores the increasing insulation of judges from accountability in specific cases, as well as the broadening of rules pertaining to judicial immunity. Additionally, there is a notable emphasis on the state's responsibility for ensuring the safety of judges and their family members. Additionally, the creation of a distinct constitutional article addressing court financing signifies a significant step towards bolstering the capacity for impartial and autonomous dispensation of justice.

One of the notable advancements within the Constitution pertains to judiciary and prosecution office, notably the delineation of the legal profession in a distinct new Chapter 24. This chapter outlines provisions ensuring that lawyers can freely meet with their clients and provide counsel without obstruction. Additionally, it underscores that the honor, dignity, and professional activities of lawyers are safeguarded by the state and are legally guaranteed.

In addition, the inclusion of provisions mandating transparent, effective, and easily understandable guidelines for the activities of state authorities in the new constitution serves to underscore its orientation towards the welfare of the populace, ensuring accessibility and accountability.

Conclusion

In this article we have endeavored to enumerate the most significant reforms within the state power system, both past and ongoing. However, it is imperative to acknowledge that each provision of the revised constitution now encompasses human rights. In addition, the forthcoming endeavors of state authorities are poised to advance these objectives and responsibilities.

Presently, Uzbekistan stands at the precipice of profound rejuvenation and reform. Remarkably, the primary architects and advocates of these reforms are the people themselves. The enactment of the new constitution assumes paramount importance in delineating the principal avenues of reform, aimed at further augmenting the well-being of our populace, unequivocally safeguarding human rights, freedoms, and interests, and fostering an engaged civil society underpinned by the ethos of "for the dignity of man". Consequently, we anticipate that it will serve as the primary legal foundation for the prosperous existence of both present-day citizens and future generations.

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