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ДИНАМИКА РАЗВИТИЯ КОМПЕТЕНЦИИ МЕСТНЫХ СОВЕТОВ В ПРАВОВЫХ НОРМАХ УЗБЕКИСТАНА

В данной статье анализируется и подробно рассматривается динамика развития компетенции местных советов в правовых нормах Узбекистана в период с 1992 по 2024 год с целью увеличения количества полномочий в рамках 10 законов и отраслей.

Ключевые слова: *местный совет, политический институт, понятийный аппарат, правовой документ, местный бюджет, местные налоги и сборы, местные депутаты, контроль, хоким, суд, местные органы юстиции, земельные отношения.*

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THE DYNAMICS OF THE DEVELOPMENT OF COMPETENCE OF LOCAL COUNCILS IN THE LEGAL NORMS OF UZBEKISTAN

In this article, the dynamics of the development of the competence of local councils in the legal norms of Uzbekistan in the period from 1992 to 2024 is analyzed and examined in detail in order to increase the number of powers within the framework of 10 laws and sectors.

Key words: *local council, political institution, conceptual framework, legal document, local budget, local taxes and fees, local deputies, control, governor, court, local justice bodies, land relations.*

Introduction. As we know, the effective functioning of the mechanism expected from the decentralization process and the practical implementation of the principle of separation of powers in the system of local state authorities, how far the people's deputies, which are local councils in Uzbekistan, exercise their powers, rights and obligations of regional, district, and city councils. independent implementation, how the

relations between local councils and local executive authorities are regulated, and how cooperation of local councils with civil society institutions and citizens' self-government bodies is established in many respects. In particular, the effectiveness of regional, district, and city councils of people's deputies, which is the lower body of the Oliy Majlis of the Republic of Uzbekistan, which is our parliament, directly affects the expected result of the decentralization process in that area. It is a fact that does not require proof today. In particular, in the address of the President of the Republic of Uzbekistan Sh.M. Mirziyoyev to the Oliy Majlis in 2020, he stated the following: «Local executive bodies, representative offices and the institutional foundations of the neighborhood should be further improved. Local hokims and councils work on the basis of the Law adopted 27 years ago, that is, when the institution of hokims was first introduced. Taking into account that this document does not fully meet the requirements of our current reforms, it is necessary to fundamentally update it... The Legislative Chamber and the Senate, together with the Cabinet of Ministers, should develop new draft laws on the fundamental improvement of the activities of local executive and representative bodies and neighborhood institutions by April 1, 2021. These documents should clearly define the limits of authority, duties and functions of governors, their deputies and advisers [1]. In addition, the President of the Republic of Uzbekistan, Sh.M. Mirziyoyev, in his speech at the first session of the Senate of the Oliy Majlis on January 20, 2020, rightly expressed the following opinions: «The most regrettable thing is that local councils hardly use their powers to find solutions to urgent issues in the regions. It is known that in recent times, especially in the last three years, legal frameworks aimed at strengthening the control activities of local councils have been created. In particular, the accountability of the mayor, deputy mayor, heads of the prosecutor's office, justice, internal affairs, finance, tax and health departments has been determined. Although local councils are given such broad powers in the legislation, their results are not visible in practice» [14]. This in itself shows that it is an urgent issue to analyze the dynamics of the development of the competence of local councils in the norms of the law.

Literature analysis and methodology. Issues related to the dynamics of the development of competence of local councils in the legal norms of Uzbekistan and its specific aspects Z. Israilova, S. Adilkhodjayeva, Sh. Asadov, D. Bekchanov, A. Dadasheva, Sh. Jalilov, G. Ismailova, A. Yoldoshev, G. Malikova, A. Mahmudov, S. Muratayev, H. Odilgariyev, M. Radjabova, H. Ruzmetov, I. Sobirov, A. Tolaganov, I. Khamedov, O. Khusanov, A. Babadjanov by V. Avseenko, A. Akmalova, G. Atamanchuk, M. Baglay, V. Baranchikov, G. Barabashev, N. Bandar, V. Bocharov, T. Byalkina, O. Kishakovskaya, R. Mukhayev, M. by Yegorova, and in foreign countries A. Herbert, M. Jeffery, A. Thompson, W. Donald, W. Smithburg, Jesse Ribbot, Case Miller Allin Lockner (USA), A. Chandler, J. Kingdom, Steve Parkinson, Rod Latham, Roger Kemp (UK), Carlos Silva Jean Buchek (Switzerland), Maleka Banu, Siddique Kamal (Bangladesh), Orapin Sopchokchai (Thailand) have been extensively studied.

Discussion and results. As we know, competence in a general sense is the range of powers, rights and duties of a state body, as well as a local self-government body or

an official, defined by law, charter or other document. First of all, before explaining the dynamics of the development of the competence of the local council as a political institution and its specific aspects, we should clarify the concept of a political institution. In particular, national political scientists Kh.T. Odilqoriyev and D.Kh. Razzokov consider political institutions as a category to be the state, legal, political, social institutions and organizations that regulate political relations between social subjects and work for the benefit of certain subjects [13. P. 19]. Also, in another place, it is concluded that it is appropriate to call social institutions and organizations created by people and their communities to participate in politics as political institutions [13. P. 93]. That is, based on the above theoretical definitions, we can directly consider the local council as a political institution, as it performs the functions and powers of norm creation, supervision, control, organization-management, information acquisition and representation.

When we say the conceptual basis of local council activity as a political institution, we can understand the normative legal documents that regulate the local council activity. We know that in Article 3 of the Law of the Republic of Uzbekistan «On Normative-Legal Documents» No. LRU-682 dated April 20, 2021, the normative-legal document was adopted in accordance with the legislation, the universally binding state co it is defined as an official document aimed at establishing, changing or canceling legal norms as «instructions» [4]. At the same time, based on Article 6 of this Law, we can understand the following types of legal documents that regulate the activities of the local council when it is called the conceptual basis of the activity of the local council:

- Constitution of the Republic of Uzbekistan;
- Laws of the Republic of Uzbekistan;
- Decisions of chambers of the Oliy Majlis of the Republic of Uzbekistan;
- Decrees and decisions of the President of the Republic of Uzbekistan;
- Decisions of the Cabinet of Ministers of the Republic of Uzbekistan;
- Orders and decisions of ministries and agencies;
- Decisions of local state authorities.

In this article, we will discuss the Law No. 913-XII of the Republic of Uzbekistan «On Local State Power» of September 2, 1993, as well as its specific aspects and development dynamics, which are part of the conceptual basis of local council activity. We will analyze.

As we know, the activity of local councils in the independent Republic of Uzbekistan was established politically and legally from January 4, 1992. In particular, according to paragraph 3 of the Law No. 496-XII dated January 4, 1992 of the Republic of Uzbekistan «On Reorganization of Local Authorities of the Republic of Uzbekistan», the people headed by governors in accordance with the laws of the Republic of Uzbekistan regional, district and city councils of deputies to solve all issues of local importance based on the interests of the whole state and the interests of citizens living in the territory of the council, to implement the laws of the Republic of Uzbekistan, presidential decrees and decisions of higher state agencies, to lead the activities of the lower councils of people's

deputies, the republic and it was decided to participate in the discussion of issues of local importance [5].

After the adoption of the Constitution of the Republic of Uzbekistan on December 8, 1992, the Law of the Republic of Uzbekistan dated January 4, 1992 No. 496-XII «On Reorganization of Local Authorities of the Republic of Uzbekistan» has lost its power. From this point of view, on September 2, 1993, the Law No. 913-XII of the Republic of Uzbekistan «On Local State Power» was adopted.

First of all, in the norms of the original version of this Law, we can see that they have the following powers as specific aspects of the competence of local councils:

- **Depending on the local budget sector.** In particular, in accordance with Article 24 of this Law, approval of the local budget and the report on its implementation, prospective regional development programs, the district, city master plan and its construction rules upon submission by the governor;
- **Dependence on local taxes and fees.** In particular, in accordance with Article 24 of this Law, determine the amount of local taxes, levies, and duties in accordance with current laws, and grant benefits for local taxes, levies, and payments that fall to the local budget;
- **Depending on participation in the appointment, dismissal of officials of local executive authorities and approval of the structure of local executive authorities.** In particular, in accordance with Article 24 of this Law, to approve the governor and his deputies, to dismiss the governor and his deputies, to listen to their reports on their activities, to approve the structure of the governor's office, the staff and salary fund according to the governor's submission;
- **Related to approval and cancellation of documents accepted by local government bodies.** In particular, in accordance with Article 24 of the above Law, in the cases provided for in this Law, to confirm the decisions of the governor, to cancel the decisions of the governor and the lower council that do not comply with the laws of the Republic of Uzbekistan;
- **Related to the independent determination of regulations regulating its internal activities and structural units.** In particular, in accordance with Article 24 of this Law, approving the Rules of Procedure of the Council of People's Deputies, regulations on permanent and other commissions of the Council of People's Deputies, introducing changes and additions to them, permanent and temporary commissions of the Council of People's Deputies, other bodies forming, electing and terminating, changing their composition, listening to reports on their work,
- **Connection with the powers of local deputies.** In particular, based on Article 24 of this Law, in the cases and in the order established by law, to recognize and terminate the powers of people's deputies ahead of time, to give consent to hold them accountable, to consider the requests of people's deputies and to make decisions on them;
- **Dependence on the implementation of partial control activities over local executive authorities.** In particular, according to Article 24 of this Law, listening to

the reports of departments, departments, and other structural units of the executive power;

- **Depending on other issues related to control.** In particular, according to Article 24 of this Law, regional, district and city councils of people's deputies are responsible for the rights and legal interests of citizens, ensuring socio-economic development, environmental protection, organizational issues and Uzbekistan. To resolve other issues related to control in accordance with the laws of the Republic [12].

Secondly, the dynamic change of powers of local councils depends on local taxes and fees. In particular, the Law of the Republic of Uzbekistan dated December 31, 2008 «On amendments and additions to certain laws of the Republic of Uzbekistan in connection with the improvement of tax legislation» No. 5 – the third paragraph of the first part of Article 24 of the Law No. 913-XII «On Local State Power» of the Republic of Uzbekistan adopted on September 2, 1993 «local taxes and other mandatory payments in accordance with the laws determining the amounts, giving benefits on local taxes» was amended [6].

Thirdly, the dynamic change of powers of local councils depends on the area of the local budget. In particular, on December 27, 2013 of the Republic of Uzbekistan «In connection with the adoption of the Budget Code of the Republic of Uzbekistan, amendments and additions to some legal documents of the Republic of Uzbekistan, as well as some legal documents that have lost their force Article 1 and the third paragraph of Article 24 of the Law No. LRU-361 «on the presentation of the governors of regions and Tashkent city, districts and cities concerning the local budgets of the provinces and the city of Tashkent, as well as the budgets of the districts and cities review and adoption» and two additional powers, i.e. 1) regions, as far as reports on the implementation of local budgets of the regions and the city of Tashkent, as well as the budgets of districts and cities in the relevant period and consideration and approval according to the presentation of the mayors of Tashkent city, districts and cities; 2) the authority to set the rates of local taxes and other mandatory payments within the limits established by law is included [3].

Fourthly, it is related to the gradual emergence of control mechanisms over the activities of the governor, who is the head of the local executive authority. In particular, the Decree of the Republic of Uzbekistan dated April 16, 2014 «On Amendments and Additions to Certain Articles of the Constitution of the Republic of Uzbekistan (Articles 32, 78, 93, 98, 103 and 117) «In connection with the adoption of the Law of the Republic of Uzbekistan «On Amendments and Additions to Certain Legislative Documents of the Republic of Uzbekistan» by Article 2 of LRU-367, a new authority, that is, governors of regions, districts, cities the Council of People's Deputies was given the authority to listen to reports on the most important and urgent issues of socio-economic development [7].

Fifth, it is related to control activities. In particular, the Decree of the Republic of Uzbekistan dated September 14, 2017 «On making changes and additions to some legal documents of the Republic of Uzbekistan, as well as declaring some legal documents as invalid» Article 10 of Law No. LRU-446, part one of article 24, paragraph

eleven, «Departments of executive power, hears the reports of the heads of departments, other structural units, including the reports on compliance with the laws, the implementation of the decisions of the relevant Councils of People's Deputies and the recommendations of the permanent commissions» was amended and three new powers, namely, 1) hearing the reports of the relevant prosecutors; 2) hearing the reports of the heads of the regional divisions of the Ministry of Internal Affairs of the Republic of Uzbekistan; 3) the Council of People's Deputies was empowered to hear the reports of the heads of regional health care management bodies, district (city) medical associations, district central multidisciplinary polyclinics [8].

Sixth, the connection with court activities: In particular, the Decree of the Republic of Uzbekistan dated July 23, 2018 «On amendments and additions to some legal documents of the Republic of Uzbekistan in connection with the improvement of the activities of some state bodies and organizations» With Article 9 of Law No. LRU-486, a new authority, i.e., regional, district and city councils of people's deputies, at least once a year, in their meeting, the presidents of regional and Tashkent city, inter-district, district (city) courts, have the rights of citizens of the relevant court and to hear information about the activity of protecting their freedoms, as well as the rights and interests of enterprises, institutions and organizations protected by law through the court, and to send the decision of the Council of People's Deputies on this matter to the Supreme Council of Judges of the Republic of Uzbekistan authority was given [9].

Seventh, connection with local justice authorities: In particular, LRU-512 of the Republic of Uzbekistan dated January 8, 2019 «On amendments and additions to some legal documents of the Republic of Uzbekistan in connection with the improvement of the activities of some state bodies» According to Article 2 of the Law, the Council of People's Deputies was given a new authority, that is, the authority to listen to the information of the heads of the relevant regional justice departments and district (city) justice departments [10].

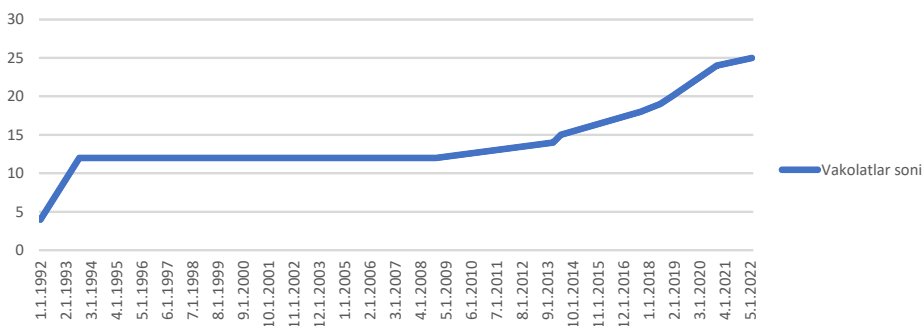
Eighthly, it depends on the local budget sector: In particular, the Law of the Republic of Uzbekistan dated December 30, 2020 No. LRU-660 No. 1 «On Amendments and Additions to Certain Legislative Documents of the Republic of Uzbekistan in Connection with the Improvement of the Budget Process» four powers to councils of people's deputies, i.e., 1) to receive for information the forecasts of regional budgets of regions, the city budget of Tashkent city and the budgets of districts and cities; 2) approval of decisions on making changes to the regional budgets of the regions and the city budget of the city of Tashkent, the budgets of districts and cities; 3) hearing the reports of the distributors of the regional budget funds financed from the relevant budgets on the effective use of the budget funds and the results achieved; 4) people's deputies of regions and Tashkent City Councils were empowered to review and approve limited amounts of regulatory interbudgetary transfers allocated from the regional budgets of the respective regions and from the city budget of Tashkent to the budgets of districts and cities [11].

Ninthly, it is related to land relations. In particular, the Law of the Republic of Uzbekistan dated June 29, 2022 «On amendments and additions to certain legal acts of

the Republic of Uzbekistan in connection with the improvement of the procedures for seizing land plots for public needs in exchange for compensation According to Article 2 of Law No.LRU-782, new authority to local councils. Expropriation of land plots for public needs in exchange for compensation for life ownership, permanent ownership, permanent use, term (temporary) use or lease rights, which will be bequeathed to individuals and legal entities by people's deputies of regions and Tashkent City Councils and it was determined to make decisions on the demolition of real estate objects located on confiscated land plots [2].

Table 1

CHANGES IN THE DYNAMICS OF COMPETENCE OF LOCAL COUNCILS IN THE LEGAL NORMS OF UZBEKISTAN



As can be seen from the above analysis, the change in the dynamics of competence of local councils in the laws of Uzbekistan is reflected in the fact that the powers of local councils have increased from 4 to 25 (Table 1).

Conclusion. As the conceptual basis of the activity of the local council, the Law of the Republic of Uzbekistan dated January 4, 1992 «On the reorganization of local authorities of the Republic of Uzbekistan» No. 496-XII, «Local state power» dated September 2, 1993 about». No. 913-XII, dated December 31, 2008 «On amendments and additions to certain laws of the Republic of Uzbekistan in connection with the improvement of tax legislation» No. LRU-197, 2013 «Amendments and additions to some legal documents of the Republic of Uzbekistan in connection with the adoption of the Budget Code of the Republic of Uzbekistan dated December 27, as well as «On Declaring Certain Legal Documents to Be Invalid» No. LRU-361, April 16, 2014 «Amendments and Additions to Certain Articles of the Constitution of the Republic of Uzbekistan», In connection with the adoption of the Law of the Republic of Uzbekistan «On Amendments and Additions to Certain Legislative Documents of the Republic of Uzbekistan» LRU-367, dated September 14, 2017 «On making changes and additions to some legal documents of the Republic of Uzbekistan, as well as declaring some legal documents as invalid» LRU-446 dated July 23, 2018 «On amendments and additions to some legal documents of the Republic of Uzbekistan in connection with the improvement of the activities

of some state bodies and organizations» LRU-486, dated January 8, 2019 «On amendments and additions to some legal acts of the Republic of Uzbekistan in connection with the improvement of the activities of some state bodies» LRU-512 – number, dated December 30, 2020 «On amendments and additions to certain legal documents of the Republic of Uzbekistan in connection with the improvement of the budget process» dated December 29, 2022 Analysis of the Law No. LRU-782 of June «On amendments and additions to some legal documents of the Republic of Uzbekistan in connection with the improvement of the procedures for seizing land plots for public needs in exchange for compensation» by doing, their specific aspects and the dynamics of development are shown in the following:

- Depending on the local budget area;
- Dependence on local taxes and fees;
- Depending on participation in the appointment, dismissal of officials of local executive authorities and approval of the structure of local executive authorities;
- Related to approval and cancellation of documents accepted by local state authorities;
- Related to the independent determination of regulations regulating its internal activities and structural units;
- Connection with the powers of local deputies;
- Depending on the implementation of partial control over local executive authorities;
- Dependence on other issues related to control;
- Connection with the gradual emergence of control mechanisms over the activities of the governor, who is the head of local executive power;
- Connection with court activities;
- Connection with local justice bodies;
- Connection with land relations.

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