

# Issues of filling the gaps in the legislation on the election of the chairman of the people's assembly of the republic of karakalpakstan

Ismailov K. K.

Doctoral student at Karakalpak State University, Uzbekistan

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**Abstract:** This article provides for the abolition of the procedure of obtaining the consent of the mayors of the districts and cities to the holding of elections to the post of chairman of a local council, the change of the term of office of the chairman of a local council from three to five years, the establishment of the constitutional status of local councils as an institution of civil society, and the amendment and addition of the relevant chapters of the Constitution.

**Keywords:** The law on local self-government bodies, the law on the election of a chairman, the institution of civil society.

**Introduction:** The legislation of the Republic of Karakalpakstan creates the necessary opportunities for the establishment, formation and development of citizens' assemblies by the organs of state power and administration and does not allow interference in their activities. In addition, the organs of state power and administration shall assist citizens in exercising their rights to self-government.

Changes in the mahalla can be seen in our reforms. One of the seven priority directions of Uzbekistan's development strategy for 2022-2026 is to build a humane state by enhancing human dignity and further developing a free civil society. President Sh. Mirziyoyev: 'When we talk about human dignity, we mean the creation of decent living conditions and modern infrastructure for every citizen, provision of qualified medical services, quality education, social protection system and healthy ecological environment. In order to achieve this goal, we want to effectively use the potential of the Mahalla, which is a unique democratic structure in the world, to further expand its powers and ultimately make the Mahalla a crucial link in our society. If there is peace in the mahalla, there is peace in the country. He used to say that when the mahalla prospers, the whole country prospers [1].

In the Republic of Karakalpakstan, the system for electing the Chairman of the House of Peoples has a legal basis at the constitutional level. For example, Article 99 of the Constitution of the Republic of Karakalpakstan states: 'In settlements, kishlaks, as well as in the mahallas belonging to them and in the mahallas of cities, the citizens' assemblies are self-governing bodies that elect a chairman (aksakal). The procedure for the election of self-government bodies, the organisation of their activities and the scope of their powers are regulated by law' [2, 48].

The organisation and conduct of the election of the Chairman of the Citizens' Assembly is regulated by the Law of the Republic of Karakalpakstan "On Election of the Chairman of the Citizens' Assembly" [3], adopted on 27 March 2019.

According to article 10 of the Law of the Republic of Uzbekistan "On election of the Chairman of the House of Citizens" [4] "The conditions for election of the Chairman of the House of Citizens shall be determined by the Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan at least two months before the elections. The Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan shall determine the terms and procedure of preparatory activities for the election

of the Chairman of the House of Citizens. According to Article 10 of the Law on the Election of the Chairman of the Citizens' Assembly of the Republic of Karakalpakstan, the date of the election of the Chairman of the Citizens' Assembly is determined by the relevant body at least two months before the elections. It can be observed that the highest representative bodies of state power are directly involved in determining the conditions for organising and holding the election of the Chairman of the Citizens' Assembly and in creating its legal basis.

In organising and holding the election of the chairman of a citizens' assembly, state bodies shall assist citizens' assemblies and, if necessary, provide them with premises, transport and means of communication.

According to the decision of the Kengash of the Senate of the Oliy Majlis of the Republic of Uzbekistan of 16 March 2022 on the preparation and holding of elections of chairpersons (aksakals) of citizens' assemblies, elections of chairpersons of citizens' assemblies were held in May 2022. In accordance with this decision, the Decree of the Presidium of the Supreme Council of the Republic of Karakalpakstan "On Preparing and Holding Elections of Chairpersons (aksakals) of Citizens' Assemblies" was adopted [6]. On the basis of this decision, elections were held for the chairpersons of 424 local assemblies in the Republic of Karakalpakstan.

The Commission of the Republic of Karakalpakstan to facilitate the organisation and conduct of elections of chairpersons of citizens' assemblies is established by the Jokargy Kenes of the Republic of Karakalpakstan. The Commission directly includes representatives of the Karakalpak Republican Department of the Union of Mahallas of Uzbekistan. In addition, the Republican Commission includes deputies of the Jokargy Kenes and members of the Senate, representatives of state bodies, non-governmental non-profit organisations, scientific and other organisations.

The Republican Commission for Assistance to the Organisation and Conduct of Elections of the Chairmen of the Citizens' Assemblies provides practical assistance in ensuring all legal and regulatory acts relating to the electoral process, conducting explanatory work on electoral issues, ensuring citizens' participation in the elections, considering their appeals, agreeing on the results of the elections and, in general, ensuring legality during the elections.

Article 16 of the Law of the Republic of Karakalpakstan "On Election of the Chairman of the House of Citizens" [7] defines the procedure for nominating candidates for the post of Chairman of the House of Citizens. On the basis of this norm, candidates for the position of the

Chairman of the Citizens' Assembly shall be nominated. This means that the working group will carry out the following stages:

- ✓ takes into account the opinion of citizens permanently resident in the area;

- ✓ Prepares documents relating to candidates for the position of Chairman of the Citizens' Assembly.

- ✓ Submits candidates' documents to the relevant commission for approval by the district (city) khokim at least ten days before the election.

The khokim of the district (city) examines the documents of the candidates nominated for the post of chairman of the citizens' assembly and sends his reasoned conclusions on these candidates to the relevant commissions for subsequent submission to the working groups.

The nomination of worthy candidates for the position of Chairman of the Citizens' Assembly in the elections, as well as ensuring the openness and publicity of the elections, depends first and foremost on the effective work of the republican, city and district mediation commissions and working groups.

Candidates for the post of Chairman of a Citizens' Assembly must, as a rule, be citizens of the Republic of Uzbekistan, have a higher education, have been a permanent resident of the respective territory for at least five years prior to the direct election, have work experience in state bodies, non-governmental non-profit organisations or in the sphere of entrepreneurship and economic activity, have life experience, and have authority in the family and among the population.

Moreover, the honourable title of "Aksakal" can be acquired only by those who have a good understanding of the domestic and foreign policy of the President and the Government of the Republic of Uzbekistan, of the reforms carried out in our country, who communicate them to the people, who know the situation in the mahalla, relevant problems and modern information technologies, who strive for innovation and, above all, who have the full will and all-round ability to work in the position of the Chairman of the People's Assembly.

In the 2022 elections in the Republic of Karakalpakstan, working groups were formed in 424 mahallas, consisting of 3,920 members. The working groups included representatives of enterprises, institutions, non-governmental non-profit organisations located in

the territory, as well as deputies of district councils of people's deputies.

On 16-30 May 2022, elections were held in all regions of the Republic of Karakalpakstan for the chairpersons of the Citizens' Assemblies.

It was expected that 133,670 representatives would take part in the elections, and 110,656 of them did, which is 82.3 per cent of the total. This indicator undoubtedly testifies to the attentive participation of our people in this political process, as well as to the fact that the elections to all the Citizens' Assemblies were held in accordance with the requirements of the legislation in force, at a high organisational level and on the basis of the principles of alternative and equal suffrage.

Of the 424 mahalla chairpersons deemed eligible, 244 (57.6 per cent) were elected as first-time mahalla chairpersons and 180 (42.4 per cent) were elected as incumbent mahalla chairpersons.

In Bozatau and Nukus districts, 80 percent of the elected candidates, in Kanlykul district 91 percent and in Khojeyli district 100 percent of the elected candidates were elected as mahalla chairmen for the first time. As you can see, according to the election results, 91 percent of the elected candidates in Kanlikul district and 100 percent of the elected candidates in Khojaili district were elected as mahalla chairmen for the first time. This raises the question of whether the previous mahalla chairmen in these districts were unable to do their job properly, to win the confidence of the people or the hokim. I believe that holding elections on such a percentage basis does not reflect reality.

In this regard, the established legal norm on the preparation and coordination of the documents concerning the candidates for the post of the chairman of the Citizens' Assembly with the Khokim of the district (city) does not comply with the legislation. We should pay attention to its constitutional norms in this matter.

Chapter XXI of the Constitution, as amended on 30 April 2023, is entitled "Fundamentals of Local Government. Bodies of local self-government" [8]. According to its 127th article, the bodies of local self-government shall not be part of the system of organs of state power. Article 69 of the Constitution stipulates that local government bodies are the basis of civil society institutions. On the basis of these new legal norms, the specific legal status of local self-government bodies as institutions of civil society is defined.

Given the fact that citizens' self-governing bodies are the basis of the institution of civil society, I consider it necessary to abolish the procedure for obtaining the

consent of the district (city) khokim to the position of chairman of a citizens' assembly. In addition, the term of office of the chairman of a town meeting should be changed from three to five years. During the five-year period, the chairman of the assembly will be able to fully implement the plan outlined in his programme and, together with the 'Makhalla Seven', study all the problems in the region and find ways to solve them.

According to Article 86 of the Constitution, "the Constitution of the Republic of Karakalpakstan shall not contradict the Constitution of the Republic of Uzbekistan". Constitution of the Republic of Karakalpakstan According to Article 15, 'In the Republic of Karakalpakstan, the unconditional supremacy of the constitutions and laws of the Republic of Uzbekistan and the Republic of Karakalpakstan is recognised.

## CONCLUSION

In conclusion, on the basis of the above-mentioned norms, it is necessary to clarify the legal status of citizens' self-governing bodies in the constitutional space. In particular, it is advisable to change the title of Chapter XIII of the Constitution of the Republic of Karakalpakstan "Public associations" to "Institutions of civil society". Article 54 of the Constitution of the Republic of Karakalpakstan requires a definition of the constitutional status of citizens' self-governing bodies as institutions of civil society.

In addition, the Constitution of the Republic of Karakalpakstan Chapter XXI is entitled "Fundamentals of local government. Bodies of local self-government". This clarifies the legal nature of citizens' self-government bodies. It is necessary to bring Article 99 of the Constitution into line with Article 127 of the Constitution. This amendment will serve to harmonise the constitutions of the Republic of Karakalpakstan and the Republic of Uzbekistan.

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