

The Role and Importance of The Constitutional Oversight Body in Resolving Political Disputes

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Abstract: This article analyzes the role of constitutional oversight bodies in the Republic of Uzbekistan and the Republic of Karakalpakstan in resolving not only legal but also political conflicts. It is indicated that the body of constitutional control has a strong position in the system of state power and can act with a political approach to resolving irreconcilable conflicts arising in the activities of the parliament. The article also highlights the influence of these bodies on ensuring political stability, their tasks, and their functions as participants in political relations.

Keywords: Constitutional oversight, political conflict, legal conflict, parliamentary activity, state power, political stability.

Introduction: Current socio-political processes in the world, new tasks facing state power, effective implementation of the mechanisms of the principle of separation of powers

and the need to improve the institution of constitutional control and judicial proceedings in ensuring the independence of the judiciary from the legislative and executive branches in the "system of mutual influence and balance of interests" is dictated by the time itself.

In the Republic of Uzbekistan and the Republic of Karakalpakstan, the body of constitutional control, by its constitutional status, manifests itself not only as a body of state power resolving legal disputes, but also as a body of state power involved in resolving political disputes and participating in political relations. This is due to the fact that irreconcilable conflicts that threaten the stable functioning of the parliament are assessed on the basis of a political approach, and accordingly, appropriate political measures are taken to dissolve the parliament or one of its chambers in order to solve this problem.

Confirming the political nature of this situation, A.V. Gafurov states: "The decision of the head of state, adopted in consultation with the Constitutional Court, will dissolve the chambers of parliament. Based on the political significance of this issue, we believe that its consideration in the Constitutional Court should be

carried out only in the full composition of the court[1].

Based on this, it can be recognized that the body of constitutional control, by virtue of its constitutional status, can be a subject not only of legal, but also of political relations. Such a legal status applies more to the body of constitutional control in the form of a constitutional court.

At the same time, foreign experience shows that in most countries, there is a constitutional and legal practice of excluding the institutions of constitutional control from political processes, separating their powers from the consideration of political cases. This means that the legal status of the constitutional control body in them has a legal nature and denies a political nature.

For example, E.I. Sevostyanova, O.A. Zhidkov note that the American court in the consideration of constitutional disputes, having formed its own experience, came to the conclusion that it is necessary to form appropriate means of protection to prevent the penetration of politics and political conflicts into the activities of the court[2]. Such experience can be seen in the constitutional and legal experience of Austria, Germany, and a number of other countries.

In contrast, K. M. Khudoley argues that the theory makes every effort to protect the Constitutional Court from political conflicts and disputes, to present the court as a purely legal institution, but constitutional

practice, with its numerous examples, constantly leads to the idea that the court often acts not as a legal, but as a political institution[3].

Thus, N. S. Bondar admits: "As for the prohibition of resolving political issues, the decision made by the Constitutional Court should be based only on the requirements of the Constitution"[5].

In turn, the similarities in the constitutional status of the Constitutional Court of the Republic of Uzbekistan, which operates in the Republic of Uzbekistan, and the Committee for Constitutional Control of the Republic of Karakalpakstan, which operates in the Republic of Karakalpakstan, are that both of them have the characteristics of operating in the political sphere. They stipulate, firstly, that the constitutional oversight bodies of Uzbekistan and Karakalpakstan should include specialists in the field of politics, and secondly, that the state policy of the Republic of Karakalpakstan should be implemented in accordance with and within the framework of the state policy of the Republic of Uzbekistan.

From this it follows that the constitutional status of the Constitutional Court of the Republic of Uzbekistan and the Committee for Constitutional Supervision of the Republic of Karakalpakstan have legal characteristics, while at the same time they also reflect elements of political characteristics.

It should be especially noted that the experience accumulated at the initial stage of the formation of Constitutional Oversight laid the foundation for the emergence of a special institution of constitutional judicial oversight based on the European model in Uzbekistan and subsequently in Karakalpakstan. This can be seen in the fact that some of the rules used in the activities of the Committee for Constitutional Supervision were later "inherited" by the Constitutional Court of the Republic of Uzbekistan and the Committee for Constitutional Supervision of the Republic of Karakalpakstan. For example, at the initiative of judges

These include the inclusion of issues in court proceedings[5] and the possibility of electing political specialists to the position of Constitutional Court judge.

лан суд муҳокамасига масала киритиш[5] ҳамда сиёсат соҳасидаги мутахассислар Конституциявий суд судьяси лавозимида сайланиши мумкинлиги тўғрисидаги нормалар шулар жумласидандир.

Today, the development trends of constitutional control are inextricably linked with the policy pursued by the President of the Republic of Uzbekistan Sh. Mirziyoyev on the fundamental reform of the judicial and legal system. Consequently, in order to improve

constitutional judicial control in the country, a law was adopted twice in a short period of time. In particular, on May 31, 2017, on the basis of the Action Strategy for five priority areas of development of the Republic of Uzbekistan in 2017-2021, the Law "On Amendments to Certain Articles (Articles 80, 93, 108 and 109) of the Constitution of the Republic of Uzbekistan," the Constitutional Law "On the Constitutional Court of the Republic of Uzbekistan," as well as the Law "On the Committee of Constitutional Supervision of the Republic of Karakalpakstan" of June 12, 2021, were adopted. This, in turn, made it possible to improve constitutional control in Karakalpakstan, expand its powers, strengthen the independence of judges, and eliminate existing gaps in legislation.

As O.Z. Mukhamedjanov notes: "At the same time, the norm of the previous law, according to which specialists in the field of politics can also be elected to the position of judge, has been preserved"[10]. Expressing his critical opinion on this situation, A.B.Gafurov emphasizes: "In our opinion, it is necessary to abandon such an approach used in the formation of the Constitutional Supervisory Committee. The implementation of constitutional justice requires a judge to have extensive practical experience and deep theoretical knowledge of jurisprudence"[11].

In turn, the presence of political signs in the constitutional statuses of the Constitutional Court of the Republic of Uzbekistan and the Committee for Constitutional Control of the Republic of Karakalpakstan cannot be considered a positive situation, and it is advisable to eliminate such signs. For this purpose, it is advisable to exclude from Article 132 of the Constitution of the Republic of Uzbekistan[12], as well as from Article 10 of the Constitutional Law "On the Constitutional Court of the Republic of Uzbekistan" of April 27, 2021[13] the right to elect specialists in the field of politics when electing members of the Constitutional Court. Based on this, in order to bring the Constitution and legislation of the Republic of Karakalpakstan into line with the Constitution and legislation of the Republic of Uzbekistan, it is advisable to exclude from Article 112 of the Constitution of the Republic of Karakalpakstan[14], as well as from Article 15 of the Law "On the Committee of Constitutional Supervision of the Republic of Karakalpakstan" of June 12, 2021[15], the right to elect specialists in the field of politics when electing members of the Committee of Constitutional Supervision.

Based on the above analysis, it can be noted that the main task of the Committee for Constitutional Control of the Republic of Karakalpakstan is to issue a conclusion on the compliance of draft laws and other documents of the Republic of Karakalpakstan with the

Constitution of the Republic of Karakalpakstan, and it can be recognized that the legal status of this committee is based on the fact that it has a separate independent legal status in the system of state power.

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