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SOCIO-POLITICAL APPROACHES TO THE FORMATION OF REPRESENTATIVE BODIES

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ABSTRACT

This article discusses socio-political approaches to the formation of representative bodies. . In the structure of any state, such basic parts consist of three; it is necessary to pay attention to the useful aspect for each type of legislative state structure. The perfect condition of the state structure depends on the excellent functioning and functioning of these parts; the fact that different types of state structure differ from each other stems from the logic that these parts have different structures.

KEYWORDS

Socio-political approaches, representative bodies, structure of state, perfect condition, excellent functioning.

INTRODUCTION

During the formation of human society, people thought about better organization of their life and lifestyle, and dreamed of a fair society and rational management. After the formation of the states, people gradually thought about the power of the state power, its role in the life of the society, and realized that the

complete concentration of the state power in the hands of one person or some body is dangerous for the development of the society. who have realized that the situation often leads to abuse of power.

The advanced people of their time understood the need to develop an organizational and political

mechanism aimed at preventing such a situation, and put forward theoretical and practical considerations in this regard. In this way, the idea of separation of powers was gradually formed in the ancient period of history.

THE MAIN FINDINGS AND RESULTS

The idea of the origin of state power and its division into branches has been the object of theoretical debates and interpretations of thinkers for several thousand years. According to scientists, the ideas about the separation of powers are as old as the doctrines of state power and law. According to the French Enlightenment thinker S. Montesque, the origin of theoretical views on the separation of powers “goes back to antiquity”.

In ancient times, the theory of the division of power was expressed in the way of implementing the division of labor in the life of the state. Plato's (427-347 B.C.) interpretation of the division of labor as “the main principle of state construction” had a strong influence on the theory of the separation of powers in the new era. Although Plato did not express his views on the principle of the division of power into three, his idea of division of labor in the life of the state was taken into account by S. Montesque. According to Plato, rulers should alternately deal with law-making, administration, and judicial work. Of course, this idea does not mean the principle of separation of powers [1.184]. But it can be a proof that the tasks of the three existing authorities were formed in that period.

Theoretical developments very close to the theory of the separation of powers of the present time were carried out by the thinker Aristotle (384-322 BC). He went deeper into this issue than Plato and revealed that the “three elements” of any state system are different from each other. Aristotle in his work

“Politics” put forward the following opinion about the type of authorities: “Now that we have determined the aspects of their initial basis, we turn to a careful consideration of the general and particular parts that form the basis of each type of state structure. In the structure of any state, such basic parts consist of three; it is necessary to pay attention to the useful aspect for each type of legislative state structure. The perfect condition of the state structure depends on the excellent functioning and functioning of these parts; the fact that different types of state structure differ from each other stems from the logic that these parts have different structures. These are the three parts: the first is the legislative body that deals with state affairs, the second is the positions (in general, what positions should be, what they should manage, how to change them), the third - judicial authorities” [2.514-515].

Recognizing that Aristotle's definition of the division of power into three, the scholars of the new and modern times paid attention only to the aspects of creating forms, Because they did not study the details of this doctrine more deeply, thinkers such as J. Locke and S. Montesquieu were recognized as authors of discoveries in this field.

Most scholars attribute the genesis of the separation of powers theory to the political and legal theories of John Locke (1632-1704) of the XVII century. In the 1940s and 1960s in England, during the struggle for freedom of the newly formed social strata (“independents” and “levelers”), it was necessary to prevent the concentration of other bodies in the hands of one state body, otherwise, despotism would rise up and it would be a person's idea that “natural” rights and freedoms can be violated was the reason for the origin of the doctrine of separation of powers. J. Locke's theories on the separation of powers were formed at the time

when the constitutional projects inspired by these ideas were being advanced. J. Locke regarded the “separation of powers” as a universal doctrine. He developed the most basic rules of the separation of powers: exercising legislative power only by electing a representative body; that the representative body cannot be allowed to execute the laws; in connection with this, the creation of a permanent executive body of the government [3349-350]. According to J. Locke, the legislative power should be superior to the executive power in the administration of the republic. In a constitutional state, there can be only one supreme power, and it is the legislative power to which all other powers are subordinate [4. 349].

According to the US political scientist K. Friedrich, the key to the correct understanding of power can be found in J. Locke’s theory of contracts, as well as in S. Montesque’s comments on the idea of the separation of powers. In J. Locke, the power of the king, the lords and the commons (which means the House of Lords and the Commons) flows into the power of the parliament and is carried out through it. According to Locke, power originates from the whole society - from their mutual agreements, social contracts, and parliamentary power is their coercive and “proprietary” derivative. It can be divided by acquiring a property quality.

When thinking about the subject of representative power, most people first imagine the Parliament, and most people associate its roots with the times of the ancient Greek society and the Roman Empire, as we noted above. However, in the course of our research, we are convinced that there is no scientific basis for directly connecting the history of representative power with the political system in Greece or with the Roman Senate.

In Roman and Greek thought, the idea of representation was not direct, but only in some cases manifested in partial forms. It is true that Polybius spoke about the “responsibility of the consuls before the Senate and the people” and “the responsibility of the Senate before the people”. In some articles of the Roman law, it is explained that the Senate was a representative body by nature, that is, it made decisions for other persons who were not members of this body. But Polybius did not consider Roman government officials to be agents or representatives of the people. The actual composition of the Roman Senate was not representative in any historical or modern sense. This, of course, does not mean that the theory and practice of representation was unknown to the ancients.

The city was not free from representative institutions, but it was not familiar with the political mechanisms of these institutions either. The representatives elected to the assembly of the Council of Athens did not have “representation”, “the power to think and make decisions”. The synod of the “Boeotian League” consisted of 660 members, elected in equal numbers from the League’s eleven constituencies, but it was more of a diplomatic assembly than a legislative body in the modern sense. Therefore, it is not unreasonable to say that representation was completely alien to Greek and Roman politics, but there are also few practical examples of this [5.230]. The conclusion is that the modern representative bodies have no historical connections with the Greek and Roman period. Therefore, the starting point of representative power is medieval Europe.

At this point, the views of the famous American political scientist F. Fukuyama on the patrimonial state are important. Patrimonialism refers to a state ruled by a single ruler, an autocrat, or a group of oligarchs. In

ancient times, the states built on the dynastic principle were patrimonial states. F. Fukuyama cites the example of patrimonial states against modern states, which mean state bodies under the control of representative power. Citing a number of important examples from ancient China, ancient India, and the Ottoman Empire, he notes that representative power is essential to the effectiveness and development of public administration. For example, he writes: “Only the Ottomans, clearly realizing the need to expel patrimonialism from their state machine, did this for three hundred years. They kept even the military under strict civilian control. By the end of the seventeenth century, however, dynasticism and patrimonialism had begun to reassert their influence, and they too began to decline” [6.587].

F. Fukuyama also cites the superiority of the modern democratic system based on the institutions of civil society over the patrimonial state as a clear example of the patrimonial state, emphasizing the superiority of the state bureaucracy in Ancient China and the superiority of the Brahmins in the system of state bodies in Ancient India. In the West, Pope Gregory argues that the main source of patrimonialism, the main source of patrimonialism, has attacked the right of priests to have children in order to overcome corruption in the Church and control the administration of the system.

By the Middle Ages, the king’s power was deprived of the right to impose cruel taxes on his subjects. The authorities were trying to find alternative ways of taxation. Lands and real estates in the kingdom, interests and relations that could not be ignored should not endanger the prestige and politics of the monarch. As a result, proper organization of public order, cooperation with people to a certain extent

served as the most effective way to achieve immediate goals.

If we look at the formation and development of representative government in Europe, at first the meetings of parliaments were called by monarchs, first of all, to pay taxes to the royal treasury. The original parliament was devoid of people and equal leaders, it was the property of the kingdom and included representatives of the nobility, clergy, landowners and city authorities. The first parliamentary meetings discussed ways and means of raising revenue (hence the term “parliament”).

In the Middle Ages in Europe, uprisings were organized as a result of increased pressure on landowners and peasants by the authorities. The revolution in France is of particular importance in this regard. At that time, Jean-Jacques Rousseau’s statement that “all men are equal and everyone has an equal share in government” became popular. As a result, the right to vote was gradually legitimized in society.

The first use of the concept of “representation” as a political term in the sense of “acting as someone’s official representative” was recorded in a treatise by Isaac Pennington in 1651, and then in a speech by Oliver Cromwell in the English Parliament on January 22, 1655: “I was concerned about your safety and the safety of those representing you” [7].

In the course of research, there are also cases where medieval Western scholars recognized the king and his heirs as representatives of society. According to the philosopher John Salisbury (Chartres - Plaque Jean de Salisbury), “A prince must first control himself and the state of all members of the society he represents”. And again: “Therefore, every decree and other kind of announcement of the princes should be considered

not only as an action of an official, but as a decision of the corporate community...” [5.226].

CONCLUSION

Representation determines its responsibility to the people (voters) for their level, powers and actions of the state power in general. As a result of the research, we witnessed that there are many opinions about the representative body, and we will continue our research in this regard.

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