

The Socio-Political Necessity Of Reforming The Local Council Institution In Uzbekistan And Associated Challenges

Shodmonov Bakhtiyor Abdullaevich

Doctoral Student of the Academy of Public Policy and Administration under the President of the Republic, Uzbekistan

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Abstract: This article provides a scholarly analysis of the socio-political necessity of reforming the local council institution in Uzbekistan and the existing challenges in this regard. The author examines in detail the process of decentralization within local government bodies, the balance of powers among different branches of authority, and the role of local representative bodies in the social and state life of the country. Particular attention is paid to several problems observed in the functioning of local councils, including the need to update the legal framework governing the sector, ensuring independence from the executive branch, the low representation of youth among deputies, and the insufficient level of public participation. Furthermore, the article proposes recommendations and measures to enhance the authority and effectiveness of local councils, such as updating legislation, revising the system for nominating young candidates by political parties, providing institutional support to the deputy corps, and strengthening public oversight and transparency.

Keywords: Local council, state authority, decentralization, executive power, representative bodies, public oversight, political parties, deputies, youth, democratic reforms.

Introduction: Today, in the majority of countries around the world, the principle of decentralization involves transferring certain powers and functions of central government bodies to local government authorities. This process aims to enhance the quality and efficiency of governance, as well as to promptly and effectively address small- and medium-scale problems at the regional level, utilizing the capabilities of local government bodies.

In this context, it is natural that the powers and functions of local executive bodies expand, and their political and economic authority strengthens. Under such conditions, based on the principle of separation of powers, it becomes increasingly important to strengthen the functioning, powers, and authority of local representative bodies that oversee the executive branch at the local level, as well as to improve their activities in exercising oversight over state bodies as representatives of the people.

The purpose of this article is to analyze the socio-political necessity of reforming the local council

institution in Uzbekistan and to examine the current challenges in this area. This raises several important questions: What should the structure and functioning of local councils be? What is their role in the social and state life of the country? What challenges exist in the activities of local councils in Uzbekistan? And what objectives are intended to be achieved through the reform of local councils?

METHODS

In this article, the Constitution and laws of the Republic of Uzbekistan, as well as the decrees, resolutions, and speeches of the President of the Republic of Uzbekistan, were used as methodological sources. To develop proposals and recommendations aimed at improving the functioning of the local council institution, the study primarily employed content analysis, as well as other scientific methods, including analysis, synthesis, historical approach, logical reasoning, and survey research.

LITERATURE REVIEW

The issue of reforming the local council institution has

been analyzed by various researchers. Notably, former British MP Richard Kemp, in his article “What Should a Good Council Look Like?”, emphasizes the importance of social diversity within the council composition for the effective functioning of local government bodies. According to him, the inclusion of representatives of different ages, genders, and social strata in councils ensures the practicality of decisions made and their efficient implementation. He also notes that deputies’ activities should be supported materially.

Among Uzbek scholars, A.Khusanov, B.Juraev, and A.Makhmudov have focused on the problem of local councils operating under the influence of the executive branch. A.Khusanov criticizes the legislative provision stating that “the activities of local councils are supported by the executive apparatus,” highlighting that this negatively affects the independence of representative bodies.

Furthermore, S.Murataev as early as 2012 pointed out that the legislative framework regulating the local representative system had become outdated and required modernization. G.Ismailova, Sh.Asadov, A.Babadjanov, and M.Isabayev, in their studies, also emphasized the need to adapt legislation to new constitutional conditions.

In addition, many studies have highlighted the low level of public participation and transparency in the activities of local representative bodies. Research findings indicate that a significant portion of the population lacks sufficient information about the functioning of local councils.

Overall, the analysis of existing literature demonstrates the multifaceted necessity of reforming the local council institution. The main focus is on updating the legislative framework, ensuring independence from the executive branch, increasing the representation of youth and women in councils, and strengthening public oversight.

DISCUSSION AND RESULTS

In his article “What Should a Good Council Look Like?” published on Wordpress [1], Richard Kemp, leader of the Liberal Democrats in the UK and a member of the Liverpool City Council for 40 years, reflects on the effective functioning of local government bodies and what constitutes a good council. According to him, a good council should represent all segments of society, including variations in age, gender, ethnicity, and social class. This diversity helps to address the needs of different social groups. The inclusion of deputies from various social backgrounds brings diverse perspectives and experiences into the council, which contributes to the effective organization of its activities.

Moreover, Kemp emphasizes that good council members should not only reflect social diversity but also possess diligence and a genuine commitment to public service. He highlights the time and financial challenges faced by local council deputies, noting that council members often serve on a voluntary basis without a salary. Being a local council deputy is demanding and time-consuming, requiring balancing council duties with work, family, and political party activities. Therefore, Kemp stresses the importance of providing support to deputies to ensure the effective functioning of the council.

Building on Kemp’s views, it can be added that a good council is a representative body that reflects the wishes, demands, and needs of all citizens in the region and actively works to meet them. As noted, “their main purpose and task is to maintain constant communication with all segments of the population, not only to study the lawful demands and needs of citizens but also to ensure their fulfillment.” [2]

As noted above, a well-functioning local council should reflect all layers of society as social classes. The council’s effectiveness depends on the use of diverse opinions, ideas, and initiatives. Our society is relatively young, and one of its largest social groups is youth. During the study of the activities of local council deputies, one noteworthy aspect drew our attention. “Young people make up 60 percent of Uzbekistan’s population. Every year, more than 600,000 young men and women enter the labor market. By 2030, this figure is expected to reach 1 million. Uzbekistan’s youth policy has also been recognized by the international community. The country is among the 10 states actively implementing the United Nations ‘Youth 2030’ strategy.” [3]

However, despite this, it is surprising that the number of young deputies elected to local councils remains very low. For example, the Tashkent City Council of People’s Deputies has 49 members, of whom only 2[4] (4.1 percent) are young people aged between 21 and 30. The Syrdarya Regional Council of People’s Deputies has 40 members, with only 1[5] (2.5 percent) under the age of 30. Meanwhile, in the Koshrobod District Council of Samarkand Region [6] (25 members) and the Mirzaobod District Council of Syrdarya Region [7] (20 members), there is not a single deputy between the ages of 21 and 30.

It is well known that, according to the electoral legislation, the minimum age for election to local councils is 21. However, this raises an important question: why is the number of young people in local councils so low? In our view, the main reason for the low proportion of young deputies in local councils is

that political parties nominate very few young candidates.

For instance, in the Tashkent City Council of People's Deputies, the Movement of Entrepreneurs and Businessmen – the Liberal Democratic Party of Uzbekistan nominated 50 candidates, none of whom were under the age of 30. The Ecological Party nominated 2 candidates under 30 out of 50; the People's Democratic Party – 1 out of 50; the "Milliy Tiklanish" (National Revival) Democratic Party – 1 out of 50; and the "Adolat" (Justice) Social Democratic Party – 3 out of 50. In total, among the 250 candidates nominated for the Tashkent City Council, only 7 (2.8 percent) were young people.

The proportion of young candidates nominated for the Syrdarya Regional Council of People's Deputies is even lower. Out of 40 candidates nominated by the Ecological Party of Uzbekistan, only 2 were under 30 [8]. Meanwhile, among the 40 candidates each nominated by the Liberal Democratic Party, the People's Democratic Party, the "Milliy Tiklanish" Democratic Party, and the "Adolat" Social Democratic Party, there was not a single candidate under the age of 30 [8]. In total, only 2 (1 percent) of the 200 candidates nominated for the Syrdarya Regional Council of People's Deputies were young people. A similar situation can also be observed in the nomination process for other regional and district councils.

In this case, it is necessary to establish a requirement that at least 20 percent of the candidates nominated by political parties for local councils be individuals under the age of 30. Such a practice had previously been implemented to increase the representation of women in the Legislative Chamber of the Oliy Majlis and local councils. The Electoral Code stipulates that "the number of women shall constitute at least forty percent of the total number of candidates nominated by a political party for deputy positions in the Legislative Chamber of the Oliy Majlis and local councils" [9].

What should be the role of the council in the life of society and the state? Examining numerous models of local governance around the world, we can observe that local councils are increasingly transforming from state institutions into forms of public associations — bodies of self-governance within society. This is also evident from the fact that in many countries, the term "local governance" is expressed as "local self-government." In Uzbekistan, the institution of self-governance within society has taken shape in the form of the Mahalla. In our view, the role of local councils in the life of the state and society should be that of a

representative body of state authority serving as a bridge connecting the state and the public. In this regard, local councils, as representative bodies of state power, must further improve their interaction with citizens' self-governing bodies. As President Shavkat Mirziyoyev stated in his Address to the Oliy Majlis on December 29, 2020: "We must expand the powers of the Mahalla chairperson and their deputies, providing them with the ability to directly resolve the problems of the population. In this process, the Mahalla chairperson should be granted the right to submit issues that must be considered at local council meetings. This will create an opportunity to resolve problems more swiftly" [10]. If this idea is implemented, the role of local councils as representative bodies of state power — serving as a link between the state and society (Mahalla) — would be further strengthened.

When local state authorities were first established in Uzbekistan, it was stipulated that khokims (governors) would simultaneously head both the executive and representative bodies. This arrangement contradicted the principle of the separation of powers and the foundations of democracy, as it created a serious obstacle to the representative bodies' ability to exercise oversight over the khokim and his executive apparatus.

After the country gained independence, almost all scholars who studied the activities of the newly established local state authorities identified one primary issue — the fact that khokims chaired local councils — as the major problem in the functioning of these councils. Nearly all researchers who addressed this issue disapproved of khokims presiding over local councils and, in their studies, put forward conclusions and proposals to abolish the khokims' status as heads of local councils.

It can now be said that this problem has been resolved in our legislation. The reason is that the new version of our Constitution, adopted by nationwide referendum in 2023, stipulates that "the Council of People's Deputies shall be chaired by a person elected from among its deputies in accordance with the law. A person holding the position of regional, district, or city khokim may not simultaneously serve as the chairperson of the Council of People's Deputies" [11]. However, taking into account the practical challenges of implementing this provision immediately, it has been planned to introduce it gradually — starting with the Tashkent City and regional councils following the 2024 local elections, and extending it to district and city councils beginning in 2026.

The fact that the organizational, technical, and other

support services for the activities of local councils were provided by the corresponding khokimiyat (executive office) had long served as an obstacle to the councils' ability to fully exercise their oversight functions over executive bodies. Therefore, the issue of establishing permanent structural units within the councils themselves — responsible for providing organizational, technical, and other forms of support — became a highly relevant matter.

The issue concerning the secretariat of the People's Deputies Councils, which had been introduced earlier, was also raised by several researchers. In particular, this matter was addressed in the studies of A. Khusanov, B. Juraev, and A. Makhmudov.

A. Khusanov, commenting on Article 20 of the former version of the Law on Local State Authority — which stated that “organizational, technical, and other support for the activities of the regional, district, and city councils of people's deputies shall be provided by the relevant khokimiyat apparatus” — posed the question: “Does this rule not lead to the dependence of representative bodies on khokims?” He further argued that “if representative bodies are supported not through their own permanent staff units but through divisions of the executive authority, complete independence cannot be achieved. In such a situation, the executive authority may attempt to exert influence over the representative body. Therefore, it is advisable to establish independent divisions responsible for organizing the work of representative bodies and providing them with technical support, free from the executive authority. Only in this case can the independence of representative and executive bodies be guaranteed” [12].

This issue was resolved following the successful implementation of the experimental project concerning the activities of the secretariats of the People's Deputies Councils of Tashkent city and its districts, conducted pursuant to Presidential Decree No. 5515 of August 17, 2018. Taking into account the positive results of this experiment, the Law of the Republic of Uzbekistan “On Amendments to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of the Activities of the People's Deputies Councils,” adopted on September 14, 2020, established that “organizational, technical, and other support for the activities of the regional, district, and city councils of people's deputies shall be provided by the respective secretariat of the People's Deputies Council” [13].

As noted above, in recent years, a number of reforms have been implemented in our country aimed at enhancing the status and authority of local

representative bodies. However, to ensure the full effectiveness of these reforms, it is essential to recognize that the legislative framework governing the activities of local representative bodies remains outdated, and updating it has become one of the most pressing issues of the present day.

This issue has been highlighted in the research of scholars such as G. Ismailova, Sh. Asadov, S. Murataev, A. Makhmudov, A. Babadjanov, and M. Isabayev. In particular, as early as 2012, S. Murataev noted that “a number of legislative acts that should ensure the proper legal regulation of the local representative system have become outdated; first and foremost, these obsolete laws must be adopted in a new version, that is, a solid legal foundation must be established” [14]. This issue, however, still remains unresolved today. It has become even more urgent in the context of the renewed Constitution and the emerging constitutional and legal environment, where the need for modern and coherent legislation regulating the activities of local representative bodies is of particular importance.

The weak participation and oversight of the public in the activities of local councils is also among the major challenges of today. In practice, a large portion of the population remains unaware of the activities of local councils or is insufficiently informed about their work. As mentioned above, a survey conducted among the listeners of the Academy of Public Administration under the President of the Republic of Uzbekistan — which also included deputies of local councils — asked the question: “To what extent are you familiar with the activities of the local council in your area of residence?” The results showed that 104 participants (52 percent) responded “not familiar,” 43 participants (21.5 percent) answered “partially familiar,” only 49 participants (24.5 percent) stated “well familiar,” and 4 participants (2 percent) found it difficult to answer.

As representative bodies of state authority, local councils must not only protect the interests of citizens but also effectively oversee the activities of executive bodies. However, in practice, public participation and oversight in council activities remain insufficient. Expanding public oversight of local councils can be achieved through the following measures:

1. Increasing transparency of council sessions and decisions. It is necessary to further open and publicize council sessions and decisions. This includes broadening media and social network coverage of council sessions, providing mahalla chairpersons and community activists the opportunity to attend sessions and express their opinions, and expanding the system of informing the wider public about decisions being

made and their deliberations.

2. Establishing a public monitoring system for the implementation of council decisions. Non-governmental organizations (NGOs) and active citizens should be extensively involved in this process to ensure accountability and transparency in decision implementation.

3. Strengthening communication between local council deputies and the public. Deputies should regularly meet with their constituents, listen to their concerns, and establish systems for direct appeals through electronic tools and online platforms. Additionally, each deputy should implement a system of open reporting to the public on their activities, ensuring accountability and fostering trust between the council and the community.

4. Establishing Public Councils under Local Councils. It is essential to establish Public Councils under local councils. According to Presidential Decree No. 3837 of the Republic of Uzbekistan dated July 4, 2018, an independent body was created within state authorities to carry out public oversight. Forming such Public Councils under local councils would have a significant positive effect not only on the councils themselves but also on the functioning of the Public Councils. This is because a "Public Council operates on a community basis as a permanent consultative and advisory body, and its decisions are of a recommendatory nature" [15]. Therefore, the establishment of Public Councils under local councils would enhance their participation in the work of the councils and their standing commissions, as well as positively influence the councils' decision-making processes.

CONCLUSION

In conclusion, the current problems in the activities of local councils in Uzbekistan can be highlighted as follows:

First, the legislative package regulating the activities of local councils is outdated and needs to be aligned with the new constitutional and legal framework;

Second, measures to influence officials of local executive bodies in exercising oversight by local councils are insufficient;

Third, the composition of local council deputies does not fully cover all social strata of society, and the share of young candidates nominated by political parties for local council deputy positions is extremely low;

Fourth, there is no permanent working body of deputies in the councils, and there are no mechanisms to support deputies' career growth and promotion, resulting in low commitment and interest in their activities;

Fifth, it is necessary to further improve the procedure for forming party groups in local councils;

Sixth, there is a lack of specialists related to the activities of standing commissions within local councils, including issues related to increasing the number of commission members;

Seventh, public participation and oversight in the activities of local councils are weak, and problems exist in strengthening councils' communication with the public.

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