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COUNCILS OF PEOPLE'S DEPUTIES OF KARAKALPAKSTAN LEGAL STATUS

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Mambetnazarov Genjemurat Djumabaevich

Karakalpak State University Named After Berdakh Independent Researcher Uzbekistan

ABSTRACT

In this scientific article, the legal status of the representative bodies of the local state authorities of Karakalpakstan is thoroughly analyzed on the basis of regulatory legal documents related to the field and scientific views of scientists and opinions of their specialists.

KEYWORDS

Council, district, city, decision, authority, structure, secretariat, commission.

INTRODUCTION

In the current legislation, the concept of councils of people's deputies is given a legal description in the relevant norms, considering that in districts and cities (except cities subordinate to the district) are representative bodies of power.

However, in constitutional legal and other theoretical sources, the concept of “representative bodies of local state authorities” can be said that the unified definition of “representative bodies of local state authorities of Karakalpakstan” has not been formed so far.

Before the scientific analysis of the Institute of representation and its functional functions in the system of state power, let us dwell on the concepts of

“representative” and “representative” themselves, that is, their meaning and essence.

According to explanatory dictionaries, a “representative” (Arabic – reliable, competent person) is a person who is authorized to act on behalf of a person, institution, organization, pursues and protects his interests. Representation is a legal action that makes a person on behalf of a second person based on a trust paper or administrative document[1].

From the definitions given to these concepts, it can be understood that the essence of the activities of representative bodies of local state government is organized by the participation in the management of

society and state affairs on their behalf, while representing the rights and interests of citizens.

That is, the representative character of the councils of people's deputies is shown by their election by the population, the presence in their composition of representatives of different classes, reflecting the will of the population in a particular area[2].

It is known that the formation of state governing bodies is characterized in different ways, depending on the scope and width of the possibilities of the powers of the governor. The powers of the municipality are divided by Scope into higher and local level bodies. The higher-level authorities of the state fully express power and carry it out on the territory of the country. Local bodies, on the other hand, carry out their functions in the relevant territorial units, and the scope of their competence will also apply only to these territories[3].

Only, based on the norms of legislation regulating local state government, in the essence of the representative bodies of local state government, the Regional, District and Municipal Councils of people's deputies are understood.

Some researchers and scholars interpret the category of local representative bodies differently in their research work.

The definitions given by the foreign scientists M.Maslovskaya, A.Djagaryan and A.Barixins focus on the formation of representative bodies of local state government primarily through elections and the status of a self-governing body.

In Particular, according to M.Maslovskaya, " the local representative body is a mass authority consisting of deputies elected in local elections, with special powers to resolve issues at the local level, based on the

interests of the population, taking into account historical and other local customs"[4].

As a continuation of these ideas, A.Djagaryan considers the local representative body to be a collegial body that performs the function of representation of the people at the local level, formed through elections, and the main institution that implements the creativity of the norm at the local level[5].

It is defined by another researcher A. Barihin is as an electoral body of local self-government, which has the right to express the interests of the population and make decisions involving a certain territory on behalf of the population in question[6].

M.Isabaev who did research on the same topic believes that the representative body of local government is the elective body of local governing bodies, which is a kind of state government characterized by the protection of the interests of the population and the implementation of its activities on the basis of taking into account the implementation of laws in the territories, making decisions that apply on its behalf in the local area[7].

According to G.Ismalova, "it is also a requirement of necessity that the councils of people's deputies be, first of all, a real people's representative body, that deputies are elected by those who know the secrets of society and public administration, understand the grief of the people and can support it"[8].

In our opinion, the representative bodies of local state authorities are the councils of regional people's deputies, which provide for the implementation of socio – economic development tasks common to these regions, the implementation of legislative acts on the premises, communication between state authorities and governing bodies and citizens' self-governing

bodies, the involvement of the population in the management of cities and towns.

The term local council of people's deputies, more specifically the Council of deputies, representing the interests of the population of a district, city or province, means Assembly[9].

Karakalpak jurist scholar J.Ermashov believes that the most important features of the elements of the status of local councils: their functional purpose, basic principles of organization and activity, competence, guarantees of independence, a system of organizational and legal forms of work and a mechanism of responsibility are envisaged to be regulated[10].

In the lawyer Z.Reymova's opinion, " let's briefly stop at the legal status of the Local Council of the Republic of Karakalpakstan. District and city councils of people's deputies in the territory of the Republic of Karakalpakstan increase their activities in accordance with the Constitution of the Republic of Uzbekistan, the Constitution and laws of the Republic of Karakalpakstan, as well as their regulations. In the Republic of Karakalpakstan, the councils of people's deputies are legal representative authorities in districts and cities (except for cities in the District)"[11].

The legal status of state authorities is determined by their powers, directions of activity and organizational and legal basis. Including, from the legislation, it can be noted that the fact that the councils of people's Deputies of the district and City are given specific powers within the framework of the implementation of socio-economic development tasks, which are common as a representative body of state power, is a key sign of their legal status. Karakalpakstan legal scholars, in Nietullaev's view, "the position of the deputies of the district and City Council of people's

deputies determines the fundamental content of the rights, obligations and work of Deputies of the council"[12].

In Karakalpakstan, the councils of district and municipal People's deputies perform on their territory functions that are similar in a certain sense to the legislative body of the Republic – the Zhukurg Kenges of the Republic of Karakalpakstan. In particular, the adoption of a regulatory legal document in the form of a decision, listening to the reports of the governor and the heads of Public Administration, approving issues according to the submission of the governor, etc J.M.Ermashov who did research on these subjects, argued that "the separation of executive bodies from representative bodies did not diminish their role, but rather ensured their independence and put an end to the interference of executive bodies in the affairs of representative bodies. As a result, representative bodies with clearly defined tasks arose. The local representative bodies of the Republic of Karakalpakstan today have very large powers, they have the right to solve all local issues"[13].

In our opinion, it is appropriate to understand the legal status of representative bodies of local government – their legal status, that is, the procedure for the organization of local councils, their powers and the period of their validity, guarantees of the functioning of councils and the set of associated organizational and legal relations.

Issues that are part of the legal status of the local councils of the Republic of Karakalpakstan can be analyzed on the basis of legislative norms related to the industry as follows.

1) The procedure for the organization of local councils. Since councils are representative bodies, they are organized by elections. Relations related to the

preparation and conduct of elections of Deputies of the district and Municipal Councils of people's deputies are regulated by electoral law.

2) Powers of local councils. According to the law on local state government, at the same time, the district and city councils of people's deputies exercise the relevant powers within the framework of ensuring the implementation of legislative acts that stand high in the implementation of the tasks of general socio-economic development of territories and the connection between state authorities and governing bodies and citizens' self-governing bodies.

3) Guarantees in the activities of local councils. The independence of the activities of district and Municipal Councils of people's deputies was determined at the same time. That is, in the decree of the president of the Republic of Uzbekistan dated February 2, 2024 "on measures to increase the efficiency of the activities of local public authorities", it was established that "interference in the activities of local councils by state authorities and governing bodies is not allowed"[14].

It is also necessary to take into account the fact that the current legislation guarantees the activities of the entities that make up the activities of the council, that is, deputies, even if the system of guarantees of the activities of local councils is not established by the relevant legal norms. In particular, "such issues as the protection of the rights, honor and dignity of the deputy, the right of the deputy to immunity, the right to immediate acceptance by officials, the release of the deputy from military gatherings, its information and material and technical support, and the right to free transportation are the main guarantees of the activities of the deputy"[15].

According to Karakalpak law scholars S.Nietullaev, Z.Reymova and J.Ermashyevs' comments on the legal

status of the local councils of the Republic of Karakalpakstan, we think that the concept of the legal status of the representative bodies of the local state authorities of Karakalpakstan – includes the order of establishment of local councils of the Republic of Karakalpakstan, powers, guarantees of activity and other organizational and legal relations.

It should be noted that today local state authorities need a separate regulatory legal document separating the legal status of representative bodies and executive bodies.

In this regard, the legal scholar as O.T.Khusanov correctly noted, "the activities of the current local authorities (councils and IOC) are regulated by the law "On local state government" of September 2, 1993 (which has several amendments made to it). Although they were considered separate authorities, their activities were regulated by one law, in which the governor was guided by both the Council and the executive, preventing them from acting completely independently of each other. The control of the executive power of the representative power over its activities, the accountability of the governors before the councils, remained a formality. Based on the main ideas of the above shortcomings and reforms in management, now other laws needed applying.

President of the Republic of Uzbekistan dated January 28, 2022 On the implementation of the state program on implementation of the development strategy of New Uzbekistan for 2022-2026 in the "year of glorification of human dignity and active neighborhood", approved by Decree No. 60, the Ministry of Justice of the Republic of Uzbekistan developed a draft law "on local representative bodies"[17] developed in 2022.

The draft law "On local representative bodies" consists of 7 chapters and 58 articles, reflecting the economic basis of the activities of the local representative body, its structure and the organizational basis of their activities, the powers of the councils of people's deputies, guarantees of legitimacy in the activities of the Council of people's deputies, provisions on the implementation.

The draft law "On local representative bodies" contains many new aspects and provisions, which include the revitalization of the activities of Representative authorities, activation[18].

At the same time, reforms aimed at strengthening the role of local councils in the management of state and society, establishing local state power in new constitutional-legal conditions are being implemented on the basis of the decree of the president of the Republic of Uzbekistan dated February 2, 2024 "on measures to increase the efficiency of the activities of local public authorities". With this decree, certain powers are transferred to local councils of people's deputies in order to increase the role of representative bodies of local state authorities in solving important issues of society and state life, and some powers of the Council are systematized[19].

By this decree, it was established that the duties and functions of local councils are assigned only by legislative acts, that interference in the activities of local councils by state authorities and governing bodies is not allowed, that in the development of draft normative legal acts, the practice of clearly defining tasks between representative bodies of local government and executive authorities is introduced, that local executive[20].

These norms directly strengthen the legal status of territorial councils, ensuring their independence from the executive bodies.

From the mentioned, it can be concluded that the reforms carried out today, while further strengthening the legal status of local councils and ensuring that they operate independently of the executive bodies, give rise to the institution of representation of populism.

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