

# Issues of improving the legal framework for organising the election of chairpersons of citizens' assemblies

Reimova Z. A.

Doctor of jurisprudence (DSc), Ismailov K.K. Doctoral student of Karakalpak State University, Uzbekistan

**Received:** 24 December 2024; **Accepted:** 26 January 2025; **Published:** 28 February 2025

**Abstract:** It is necessary to make changes and additions to the law concerning the election of the Chairman of the Citizens' Assembly. It is necessary to supplement the principles of the organisation and conduct of elections with new principles, to improve the powers of the mediation commissions and working groups, to clarify the representation of citizens and their number, as well as election campaign issues.

**Keywords:** Election, working groups, chairman of the citizens' assembly, constitution.

**Introduction:** Today, the mahalla is a unique structure, unparalleled in the world, that teaches people to live in harmony with society, promotes tolerance and solidarity, and serves as a reliable bridge between the people and the state. The mahalla plays an important role in the life of the state and society, not only as a participant or implementer in improving the lives of the people, but also as a decision-making centre.

The New Development Strategy for Uzbekistan emphasises: 'It is necessary to increase the role and effectiveness of the mahalla activity in public administration, transforming it into an independent, strong and effective civil institution providing practical assistance to the population' [1, 97].

Uzbekistan's New Development Strategy for 2022-2026 sets out the tasks of developing the mahalla system through the introduction of an 'active' mahalla model and modern mechanisms for interaction between the representative organs of state power, the executive authorities and voluntary organisations as part of the work of the mahallabai.

Citizens' self-government bodies are an integral part of the strategy for building the new Uzbekistan and are closely linked to the development of a free civil society. The main purpose of the definition that the sole source of state power is the people (Article 7), as set out in the Constitution of the Republic of Karakalpakstan, is to establish a system of citizens' self-government bodies. For the first time in the history of our national

statehood, Article 99 of the Constitution of the Republic of Karakalpakstan established the citizens' assemblies in villages, auls, their constituent mahallas and city mahallas as territorial units of self-government. More than a hundred normative and legal acts reflect the participation of local authorities in certain spheres of public life.

Considering that the comprehensive improvement of the activities of the citizens' self-governing bodies is the main way of implementing direct democracy, the role and effectiveness of the mahalla's activities in collective governance will be gradually improved and it will be transformed into a free, strong and effective civil institution that provides practical assistance to the population.

In the last seven years alone, the laws of the Republic of Karakalpakstan on citizens' self-governing bodies (in a new version) and on the election of the chairman (aksakal) of citizens' assemblies, as well as some 100 normative and legal acts relating to the activities of mahallas and their social structures, have been adopted and introduced into public life.

The basic requirement for self-government is the right of local people to form governing bodies and to manage local affairs directly or through their elected representatives.

In the Republic of Karakalpakstan, the system of electing the Chairman of the House of Peoples has a legal basis at the constitutional level. Article 99 of the

Constitution of the Republic of Karakalpakstan states: Citizens' assemblies in settlements, kishlaks and auls, and in the mahallas of towns, villages and auls, which elect a chairman, are self-governing bodies. The procedure for election, the organisation of activities and the scope of powers of citizens' self-government bodies shall be determined by law' [2, 48].

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

According to this law, elections are held on the basis of the principles of publicity, alternatives and equal suffrage. The process of preparing and holding elections is widely covered in the mass media. The activities of all bodies responsible for the preparation and conduct of elections, as well as the elections themselves, are open. Secret voting may be organised only at the discretion of citizens.

Article 21 of the Law of the Republic of Karakalpakstan "On Bodies of Citizens' Self-Government" [4] states: "If it is impossible to convene a citizens' meeting, the kengash of the citizens' meeting decides to hold a meeting of citizens' representatives. Citizens' representatives from yards, houses and streets shall be delegated to the Citizens' Assembly. The norms of representation are determined by the relevant commission, which assists in the organisation and conduct of the election of the chairman of the Citizens' Assembly. The number of citizens' representatives should not be less than twelve per cent of the total number of citizens entitled to vote.

According to the Law of the Republic of Karakalpakstan "On the Election of the Chairman of the House of Citizens", the Chairman of the House of Citizens is elected by the House of Citizens or, if it is impossible to convene the House of Citizens, by the House of Citizens' Deputies.

Until now, the election of the Chairman of the Citizens' Assembly has been carried out only by the Assembly of Citizens' Representatives. However, the law also defines the powers of the Assembly to hold elections. Therefore, in addition to the basic principles of the organisation and conduct of the election of the Chairman of the Citizens' Assembly, it is necessary to supplement the Law "On the Election of the Chairman of the Citizens' Assembly" with the principle of "community". This is because the law stipulates that citizens who are permanent residents of a mahalla and who have reached the age of 18 on the day of the election have the right to elect the chairman of the town meeting. Consequently, the election of the

Chairman of the Mahalla is done by a meeting of the citizens:

First, it ensures the realisation of the constitutional right of all citizens of a given territory who are eligible to vote;

Secondly, it increases the activity of the inhabitants of the territory in the management of state and public affairs;

Thirdly, it provides an opportunity to elect an experienced person who fully meets the legal requirements for the head of the mahalla and the requirements for candidates for the head of the local council. This in turn leads to the full realisation of democratic principles.

Of course, the question may arise: wouldn't it be better to have elections by an assembly of citizens' representatives? However, we should be aware of some of its negative aspects. Mahalla chairmen are elected by representatives of the people. So let us answer the question of who these representatives are and how they can influence the elections.

Cabinet of Ministers Decision No. 561 of 31 July 2017 "On the organisation of the activities of citizens' representatives" [5] regulates the activities of citizens' representatives. This resolution defines the norms of representation and the powers of citizens' representatives.

Citizens' representatives are citizens of the Republic of Uzbekistan who are elected by general meetings of residents of courtyards, blocks of flats, streets in the territory of mahalla on the basis of the norm of authority established by the commissions facilitating the organisation and holding of elections of chairmen of citizens' assemblies, and who represent them in the citizens' assembly. But how far does this correspond to reality? Because we all know that in most cases the elections of citizens' representatives take place only on paper and are only formally elected by the residents. In practice, however, they are formed by the staff of the town hall. This means that the chairman of the mahalla includes people close to him (those who agree to vote for him). This situation cannot guarantee democratic conditions for the election of the chairman of the mahalla.

Therefore, in our opinion, the chairmen of the mahallas should be elected by the Citizens' Assembly. The elected representatives of the citizens should participate in the meeting of the citizens' representatives (except for the election of the chairman of the citizens' assembly). It is also necessary to revise the number of citizens' representatives, taking into account the real situation. According to the current

legislation, the number of citizens' representatives should be at least twelve percent of the total number of citizens eligible to vote. However, these representatives will participate in the meetings of the citizens' representatives until the next elections. Currently, the number of citizens' representatives is around 250-350. For this reason, the quarterly meetings of the citizens' representatives are held only on paper. The reason for this is that it is impossible to hold a meeting with such a large number of people. In practice, full participation of the representatives only takes place during the election of the mahalla chairman.

In general, it is necessary to make changes and additions to the law concerning the election of the Chairman of the Citizens' Assembly. It is necessary to supplement the principles of the organisation and conduct of elections with new principles, to improve the powers of the mediation commissions and working groups, to clarify the representation of citizens and their number, as well as election campaign issues.

#### **REFERENCE**

Mirziyoev Sh.M. Strategy for the Development of the New Uzbekistan Second Edition. Tashkent: Uzbek Publishing House, 2023. - P. 97

Constitution of the Republic of Karakalpakstan. N.: 'Karakalpakstan', 2021, p. 48.

Law of the Republic of Karakalpakstan "On Election of the Chairman of the Citizens' Assembly", 27.03.2019 No. 239/XXV.

Law of the Republic of Karakalpakstan "On Citizens' Self-Governing Bodies" 05.07.2013 No. 162/XIII.

<https://lex.uz/docs/3291765>.