



IMPROVING THE STATUS OF GOVERNMENT MEMBERS IN THE STATE APPARATUS SYSTEM (ON THE EXAMPLE OF THE REPUBLIC OF KARAKALPAKSTAN)

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<https://doi.org/10.5281/zenodo.14513640>

Abstract: The article proposes that the status of the sovereign Republic of Karakalpakstan should be based on the principle of separation of state powers in the Republic of Karakalpakstan. Additionally, it suggests that the constitutional and legal status of the Chairman and members of the Government of the Republic of Karakalpakstan should be defined in the Constitution and relevant legislative acts.

Keywords: "Sovereign Republic of Karakalpakstan," "State Power Bodies of the Republic of Karakalpakstan," "Chairman of the Government of the Republic of Karakalpakstan," "Members of the Government of the Republic of Karakalpakstan."

Introduction: It is known that today, special attention is being paid to research on determining the government's place in the state power system, clarifying its constitutional and legal powers, and increasing its accountability to the parliament. This research also focuses on evaluating the status and activities of government members by improving the legal mechanism for forming the government structure and enhancing the government's interaction with other state power bodies.

In our view, the structure of government in foreign countries is formed based on the form of state governance. In particular, there are forms of government such as presidential (United States of America, Russia, Kazakhstan, Turkmenistan, Turkey, Belarus, Armenia, Georgia, Moldova, the Philippines, El Salvador, Argentina, Brazil, Venezuela, Colombia, Peru, Ecuador, Egypt, Ireland, Iceland, Portugal), parliamentary (Germany, Canada, Korea, New Zealand, Bangladesh, Israel, Mongolia, Bulgaria, Poland, San Marino, Slovenia, Croatia, Czech Republic, Estonia), and mixed governance, i.e., parliamentary systems with presidential governance (Austria, Hungary, Greece) [1.p.33..786]. The government structure is formed based on these forms of governance.

In presidential systems, the composition of the government depends on the political will of the President and is formed under their primary leadership (based on the parliament's consent in the appointment and dismissal of the Prime Minister). The President acts mainly independently (in some cases, on the proposal of the Prime Minister) in the selection and appointment of candidates for the government.

In parliamentary governance, the composition of the government is formed with the direct participation and guidance of the parliament, as well as the composition of the parliament. In this form of government, the main condition is that the government gains the full confidence of the parliament. Also, the President (or the Head of the Republic), who is the head of state, appoints or dismisses officials within the government based on a decision made by the parliament.

The composition of the government is formed on the basis of the direct participation of the President and the parliament in the mixed administration. In other words, the president forms the government based on the attitude of the majority in parliament. The reason is that in most countries, the government must win the full confidence of the parliament before carrying out its activities.

We will try to highlight the experience of some CIS member states, as well as some republics within the Russian Federation. In particular, in Kazakhstan, Kyrgyzstan, Belarus, Tatarstan, and Bashkortostan, the government consists of the Prime Minister, his deputies, and the heads of governing bodies. In these countries, the activities of the government are headed by the Prime Minister, who is accountable to the President and accountable to Parliament for certain issues of his activities. In Turkmenistan and Bashkortostan, the activities of the government are headed by the President (or Head of the Republic), who is the head of state.

In these countries, the structure of government is formed in different ways, primarily based on the form of government. For example, in Kazakhstan, Turkmenistan, Kyrgyzstan, Belarus, Tatarstan, and Bashkortostan, the majority of government officials are formed under the primary leadership of the country's President.

In the mechanism of forming the government structure of these states, the relationship between the head of state and the parliament is also defined in different ways. In particular, the government structure in Kazakhstan is formed under the main leadership of the President (on the basis of discussion and approval of the parliamentary meeting in the appointment and dismissal of the Prime Minister). On the proposal of the Prime Minister, the President determines the structure of the government, abolishes or reorganizes the central bodies. The president appoints members of the government and ministers (Ministers of Foreign Affairs, Defense, Interior and Justice).[2]

In Turkmenistan, the government hands over its powers to the newly elected President. The President chairs the government and has the right to include heads of other central bodies in its composition, in addition to the Deputy Prime Ministers and ministers. After taking office, the President forms the government within a month (in agreement with the parliament for the appointment and dismissal of the Ministers of Internal Affairs and Justice). If the President violates the Constitution and laws, the parliament can express no confidence in him. The question of no confidence in the President is considered at the request of at least two-thirds of the parliamentary deputies. A no-confidence decision against the President is passed by three-quarters of the votes of the designated parliamentary deputies.[3]

The structure and composition of the government in Kyrgyzstan are formed under the primary leadership of the President and the parliament.[4]

In Belarus, the government structure is formed under the primary leadership of the President (based on the discussion and approval of the House of Representatives of the National Assembly for the appointment of the Prime Minister). If the President's candidate for the post of Prime Minister is rejected twice by the House of Representatives, the President has the right to appoint an acting Prime Minister, dissolve the House of Representatives, and call for new elections. Deputy Prime Ministers, ministers, and chairpersons of state committees are appointed by the President.[5]



In Tatarstan, the government structure (heads of all executive bodies) is formed under the primary leadership of the President of Tatarstan (based on parliamentary discussion and approval). The government is accountable to the President and reports to Parliament on certain aspects of its activities. The newly formed government presents to the parliament a program of activities to be carried out during its term of office. The parliament may express no confidence in the Prime Minister and his deputies by a majority vote of the elected deputies, leading to their resignation.[6]

In Bashkortostan, the government structure is formed under the main leadership of the Head of the Republic (with parliamentary discussion and approval for the appointment and dismissal of the Prime Minister, and on the Prime Minister's proposal for his deputies, ministers, heads of state committees, and other department heads). The government is headed by the Head of the Republic. The government has the right to include heads of other state organizations based on the Prime Minister's proposal. The Government functions within the term of office of the Head of the Republic and hands over its powers to the newly appointed Head of the Republic. The newly formed government submits a program of its future activities for its term of office for consideration by the Head of the Republic and the parliament [7].

In the aforementioned foreign experiences, the structure of government and the mechanism of its formation are distinguished by common and specific features. This uniqueness is primarily determined by the constitutional and legal status of each country, as well as the legal status of the government and its members based on the principle of separation of powers. In addition, the role of the head of state, the President (or the Head of the Republic), is of great importance in the formation of the government structure, and the participation of the parliament is also legally defined. At the same time, it would not be an exaggeration to say that democratic principles have also been introduced between the President (or the Head of the Republic) and the parliament in the mechanism of forming the government. Furthermore, it can be noted that while the government and its members are directly accountable to the head of state - the President (or the Head of the Republic) - for their assigned duties, they are also accountable to the parliament (or its lower chamber) on the main issues of their activities.

In the sovereign Republic of Karakalpakstan, which has a parliamentary form of government within the independent Republic of Uzbekistan, the government consists of the Chairman of the Council of Ministers, his deputies, ministers, and heads of other departments. According to legislative documents, the Chairman of the Council of Ministers of the Republic of Karakalpakstan is included in the composition of the Cabinet of Ministers of the Republic of Uzbekistan by virtue of his position.

According to the legislation, the Chairman of the Government is appointed and dismissed by the Parliament of the Republic of Karakalpakstan based on the proposal submitted by the Chairman of the Parliament - the Head of the Republic of Karakalpakstan - in the prescribed manner. Upon the proposal of the Chairman of the Government, his deputies and members of the government (ministers and heads of other departments) are appointed and dismissed by the parliament, or by the Presidium of the parliament during sessions, subject to subsequent confirmation by the Parliament of the Republic of Karakalpakstan.

In this context, when comparing the structure and formation mechanisms of the governments of Tatarstan and Bashkortostan with those of the sovereign Republic of

Karakalpakstan from a comparative legal perspective, we observe that the officials in the governments of Tatarstan and Bashkortostan and their legal status are constitutionally and legally defined based on the status of the republic. Moreover, the formation of the governmental composition in these states is distinguished by the implementation of universally recognized democratic principles of international law.

However, although the constitutional and legal status of the sovereign Republic of Karakalpakstan is defined in the Constitution of the Republic of Uzbekistan and the Constitution of the Republic of Karakalpakstan, it would not be an exaggeration to say that no administrative reforms have been implemented to date to modernize the structure of the government of the Republic of Karakalpakstan and the mechanism for its formation.

Conclusion. Indeed, in today's rapid changes in life and times, the intensification of globalization and competition on a global scale, as well as the growth of political and legal culture and the level of public consciousness of peoples, and the growing need and demands of citizens for a prosperous life in the future, the role of state power, including the activities of the government, which is directly responsible for the interests of the people, is important. After all,... the activities of the executive branch, along with the effective enforcement of laws, include a large number of civil servants and state bodies, and, most importantly, it is necessary to strengthen state control over its activities, as it concentrates significant administrative and financial resources in its hands. Therefore, the time itself requires further improvement of the structure of the government and the mechanism of its formation based on the history and specific features of each state, as well as relying on universally recognized principles and norms of international law, taking into account the best practices of foreign countries in this regard. Therefore, we believe that administrative reforms aimed at further modernizing the structure of the government of the Republic of Karakalpakstan and the legal mechanism for its formation, primarily based on the constitutional and legal status of the sovereign Republic of Karakalpakstan [16], as well as based on the legal separation of state power in the republic and taking into account the experience of developed foreign countries, should be carried out as follows:

It is known that the Republic of Uzbekistan was one of the first to gain state independence from the former Soviet Socialist Republic. In the early days of independence, the Republic of Uzbekistan set itself the main goal of "building a legal democratic state and a just civil society" and "complete rejection of the old administrative-command system of the former Soviet period, which had expired in the past, and never returning to such a system."

In our view, the reforms being implemented in these areas apply equally to the independent Republic of Uzbekistan and the sovereign Republic of Karakalpakstan within its structure. Therefore, the current times demand a complete abandonment of the "inherited" management mechanism from the old Soviet era in the activities of state power, including the government, of the sovereign Republic of Karakalpakstan. In particular, the status of the Chairman of the Government of the Republic of Karakalpakstan has not yet been fully regulated from a constitutional and legal perspective in the Constitutions of the Republic of Uzbekistan and the Republic of Karakalpakstan, as well as in the relevant legislative acts. That is, although the Chairman of the Government exercises general leadership over the activities of the Government of the Republic of Karakalpakstan and its governing bodies, it can be noted that in the Constitution and laws, the status of the Chairman of the Government is included in the composition of the Government of the Republic of Uzbekistan by virtue of his position,

while simultaneously lacking a specific legal status within the Government of the Republic of Uzbekistan.

At this point, we deemed it appropriate to address the democratic rules established in some legislative acts of the Republic of Uzbekistan. Specifically, Article 15 of the Constitutional Law of December 12, 2002, "On the Senate of the Oliy Majlis of the Republic of Uzbekistan," stipulates that "one of the deputies of the Chairman of the Senate of the Oliy Majlis is a representative of the Republic of Karakalpakstan," while Article 5 of the Law of May 31, 2017, "On the Constitutional Court of the Republic of Uzbekistan," establishes that "among the judges elected to the Constitutional Court of the Republic of Uzbekistan, there should be a representative of the Republic of Karakalpakstan."

It can be acknowledged that these provisions directly serve to effectively ensure relations between the parliaments of the Republic of Uzbekistan and the Republic of Karakalpakstan, as well as between the Constitutional Court of the Republic of Uzbekistan and the Committee for Constitutional Oversight of the Republic of Karakalpakstan. Therefore, considering the status of the Republic of Karakalpakstan within the Republic of Uzbekistan [17], as well as the principle of separation of powers in the Republic of Karakalpakstan, and relying on the establishment of a permanent representative office of the Council of Ministers under the Cabinet of Ministers in ensuring relations between the governments of the Republic of Uzbekistan and the Republic of Karakalpakstan [18], the need to determine the constitutional and legal status of the Chairman of the Council of Ministers by reviewing the provision in the relevant normative legal acts of the Republic of Uzbekistan and the Republic of Karakalpakstan stating that "the head of the government of the Republic of Karakalpakstan is included in the composition of the Cabinet of Ministers of the Republic of Uzbekistan by virtue of his position" [19] has become extremely urgent.

If the status of the Chairman of the Government of the Republic of Karakalpakstan is further clarified from a constitutional and legal perspective, this would, in turn, create a legal foundation for further regulating the principle of separation of powers in the governance of the Republic of Karakalpakstan.

2) When analyzing the regulatory legal acts of the Republic of Karakalpakstan that define the structure of the government, we observe that only Article 5 of the Republic's Law "On the Council of Ministers" legally regulates the composition of the government. However, the Constitution of the Republic of Karakalpakstan, which governs the main activities of the government, does not regulate the composition of the government through constitutional provisions.

It is known that in the system of normative legal acts of the republic, the Constitution of the Republic of Karakalpakstan is the Basic Law with supreme legal force. The legislation of the Republic of Karakalpakstan is developed and adopted based on this Constitution.

Taking into account the aforementioned legal analysis, we believe that the Constitution of the Republic of Karakalpakstan should establish constitutional provisions defining the composition of the government.

We believe that these proposals developed within the framework of scientific research will be thoroughly examined by scholars in this field and law enforcement entities. We conclude our thoughts with the following conceptual ideas of the President of the Republic of Uzbekistan: "Our highest and noblest goal is to create a New Karakalpakstan within the framework of New Uzbekistan through our joint selfless work" [20].



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