



COMPARATIVE, LEGAL CHARACTERISTIC OF NATIONAL AND FOREIGN EXPERIENCE IN THE PARTICIPATION OF POLITICAL PARTIES IN THE LEGISLATIVE PROCESS

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Abstract: This study focuses on the participation of political party factions in the legislative process, based on a comparative legal analysis of national and foreign experiences. The research compares the role, powers, and level of influence of political party factions in Uzbekistan's legislative process with the experiences of foreign countries (such as Germany, France, the USA, and others). It examines the role of parliamentary factions in developing, discussing, and adopting draft laws, as well as the effectiveness of their political and legal activities. The study pays special attention to the transparency of lawmaking, adherence to democratic principles, and ensuring political pluralism. Proposals are developed to improve the legislative process in Uzbekistan.

Keywords: Lawmaking, political parties, parliamentary factions, comparative law, democracy, political pluralism, draft law, Uzbekistan, foreign experience, parliament.

When considering the participation of civil society institutions in the legislative process, it is worth noting the activities of one of the largest and most important institutions of civil society - political parties and their factions in the Legislative Chamber. For this, first of all, we must have a sufficiently clear understanding of the concept of a political party, its specific features, and its place and significance in the life of the state and society.

According to the legal dictionary, a political party is an "independent social association with a stable structure and the character of permanent activity, expressing the political will of its members and supporters, taking on the task of participating in determining the political course of this state, in the formation of state authorities, as well as in the exercise of power through its representatives elected to representative bodies of [power](#)." [1]

According to the conclusion of political scientist M. Kirgizbayev, "the most important goal of political parties is to express the powers of social strata in the political system, the interests of which they themselves must satisfy. Parties perform connecting and mediating functions between the state and society by expressing the interests and powers of various social groups and strata in the political system of society.

The question naturally arises: what is the literal meaning of the term "political party," and its origins and subsequent history can be traced back to later periods. Indeed, the term "partia" comes from the Latin word "pars," meaning "part, piece." A political party is understood as a part of citizens united around certain political goals and organized into certain political organizations. According to legal scholar A. Babadjanov, "Political parties ensure the continuity of the interaction of civil society with the political system. It is known that state power depends on society, and its control by society is carried out in certain cases through political parties."

According to national legislation, "A political party is a voluntary association of citizens of the Republic of Uzbekistan, formed on the basis of common views, interests, and goals, striving to implement the political will of a certain part of society in the formation of state authorities and participating in the management of state and public affairs through its representatives" [5]. Based on the aforementioned opinions of our scholars and the essence of the norms established in our legislation, we can conclude that "a political party is a non-governmental non-profit organization of citizens united on a voluntary basis, promoting

progressive political ideas and initiatives for the development of society and serving to ensure a balance of interests in the life of society." In our view, a political party is a political organization that represents the fundamental interests of its members and supporters, or, in political terms, its electorate, and protects their specific goals, aspirations, and hopes.

Indeed, the factions of political parties are the only structure that expresses the interests of members and supporters of political parties in the legislative process. According to Article 9 of the Law "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan," "A faction is an association of deputies nominated by a political party to represent its interests in the Legislative Chamber, formed and registered in the prescribed manner"[6].

According to the definition given in the legal dictionary, by participating in democratic elections and actively participating in the legislative process through its representatives elected to representative bodies, it protects and ensures its interests. In the practice of many countries, political parties participate in the legislative process mainly through their factions, which operate in their parliaments and are formed in accordance with the legislation. If we also dwell on international experience in this area, then, unlike national practice, the formation of factions in the State Duma of the Russian Federation has its own peculiarities. According to Russian legislation: "A faction is an association of State Duma deputies elected within the framework of the federal list of candidates accepted for the distribution of deputy mandates in the State Duma and State Duma deputies elected in single-mandate Saulov districts. The faction includes all State Duma deputies nominated by the political party as candidates for the list of federal candidates and all State Duma deputies nominated by this political party as candidates in the one-mandate Saulov districts.

One of the chambers of the Parliament of the Republic of Kazakhstan is called the Majlis, in which factions of political parties operate. According to the Regulations of the Parliament of the Republic of Kazakhstan: "A faction of a political party is a group of united deputies, formed at parliamentary sessions to represent the interests of the respective political party, registered in the manner prescribed by law. The minimum number of factions of a political party must be at least seven deputies of the Parliament"[8].

According to the Constitutional Law "On the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan," a faction is an association of deputies nominated by a political party to represent its interests in the Legislative Chamber, formed and registered in the prescribed manner. At least nine deputies of the Legislative Chamber have the right to form a faction. Factions must be registered. At a meeting of the Legislative Chamber, the head or other representative of the faction shall inform the chamber, respectively, of the formation of the faction, which is recorded in the minutes of the meeting of the Legislative Chamber.

"The faction: submits proposals and comments on the agenda of the meeting of the Legislative Chamber, the procedure for considering and the essence of the issues under discussion; Exercises the right to a guaranteed floor for a representative of the faction in negotiations on each issue discussed at the meeting of the Legislative Chamber; raises the issue of the formation of a conciliation commission and other commissions; Applies to officials of state authorities and administration at a meeting of the Legislative Chamber with a request to provide a reasoned explanation or present their position on issues within their competence; Disseminates the opinion of the faction on the issue discussed at the meeting of the Legislative Chamber among the deputies of the Legislative Chamber; participates in the work of the Council, committees, and commissions of the Legislative Chamber; Submits its proposals on draft laws and other decisions being discussed at the legislative level; raises the issue of hearing members of the government on issues of their activities; requests from state bodies and their officials materials and documents necessary for the activities of the faction.

As can be seen from the legislation, factions of political parties in the Legislative Chamber have the right to participate from the starting point of the legislative process until its

adoption in the form of a law. Such broad powers and opportunities are not granted to any other non-governmental non-profit organization or other institution of civil society. Therefore, a legitimate question arises: will the factions of political parties in our country effectively use these opportunities and rights granted to them by law?

President of the Republic of Uzbekistan Sh.Mirziyoyev, in his reports and speeches, expressed his opinion on this important issue: "The role of factions in the discussion and adoption of draft laws in parliament, their party approach and firm consent are not felt at the proper level... Each adopted draft law must be thoroughly discussed from the standpoint of the interests of voters, the electorate of the party, various strata and groups, and factions must demonstrate their principled position on these issues. Because laws have perfect life force only when there is debate and [dispute](#)."^[11] "the issue of increasing the activity of factions at these stages remains relevant. In particular, according to the results of the survey conducted by us, 61.3 percent of respondents noted that the activity of the factions of political parties in the lower chambers of the Oliy Majlis does not meet today's requirements, and only 11.8 percent of participants assessed this activity positively. 20.7% of respondents stated that they do not have sufficient information on this matter, and 5.5% did not have any information at all. The cited figures prompt serious reflection on this matter. In particular, it is alarming that more than 26 percent of survey participants do not receive information about the activities of factions, which indicates serious problems in covering parliamentary activity in the media. As can be seen from the results of the sociological survey conducted in this regard, the participation of factions in the legislative process cannot be assessed as full-fledged.

Factions of political parties are obliged to preliminarily, on the basis of a thorough discussion, consider all draft laws submitted to the Legislative Chamber from subjects with the right of legislative initiative, in terms of their consistency with the goals and objectives of their political parties, the fundamental interests put forward in their programs, as well as the proportionality of the draft law under discussion to the development of society and the state. In practice, factions discuss draft laws submitted to the agenda of the plenary session of the Legislative Chamber for consideration in the first reading at their meetings. But, as a rule, such discussions are organized merely for formality, based on the need for a member of the faction to express their position at the plenary session. The Legislative Chamber has determined the member of the faction responsible for expressing the faction's position at the meeting. Speaking at the plenary session of the Legislative Chamber, a member of the faction, who was entrusted with the task of expressing support for the draft law in the first reading, expressed the general opinion that "this draft law, considered in the first reading, was thoroughly discussed at the faction meeting, and due to the importance of the draft law, the faction supports the draft law from a concertal point of view and calls on other deputies to vote in favor of its adoption in the first reading." In essence, a member of the faction should present in their response a reasoned opinion on how the draft law under discussion will affect the goals and objectives of the faction or the interests of the electorate of the faction to which they belong. In this regard, it is appropriate to cite the following opinion of the legal scholar A. Yangibauev: "Currently, the increasing complexity of parliamentary procedures and lawmaking activities requires an increase in the level of professionalism of faction members. When discussing draft laws, factions should be especially active, they should carefully study the draft laws and demand detailed and reasoned answers from their authors and industry experts. For the active participation of specialists in the relevant field and experts in the activities of factions, we propose to enshrine in regulatory documents the authority to create groups of experts working on a public basis under the factions"^[13]. In order to increase the effectiveness of the participation of party factions in the legislative process, it is necessary to develop the opinion of the scientist that the creation of expert groups under each faction on a public basis, consisting of party activists who have a good understanding of legislation in various areas, sufficient knowledge and experience, and the discussion of draft laws with their

participation will yield practical results. Article 71 of the Law "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" reflects the issue of creating expert groups under the committees of the Legislative Chamber. Article 9 of this law establishes a number of norms related to the activities of factions, however, it does not establish a norm on the creation of a group of experts under factions.

In order to expand the scope of participation of party factions in the legislative process in the Legislative Chamber, it is advisable to supplement the Law "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" with Article 92 in the following wording:

"In order to assist in the development and discussion of draft laws, expert groups are created under the factions of the Legislative Chamber.

Expert groups are formed from among the activists of the party from among qualified specialists of state bodies, scientific and educational institutions, non-governmental non-profit organizations, and other civil society institutions who have experience in scientific work in the relevant areas and have the skills to prepare draft laws.

The procedure for the formation and activities of expert groups under the factions of the Legislative Chamber is determined by the Regulations approved by the relevant bodies of political parties. In this regard, it is appropriate to cite the following opinion of the legal scholar, Doctor of Law Sh.Kh.Zulfikarov: "In our opinion, it is advisable to develop a separate Regulation "On Factions of Political Parties," which will reveal the procedure and mechanism for exercising these powers. This Regulation covers such issues as the full and abbreviated name of the faction; its structure; the procedure for selecting the chairman and deputies; the procedure for selecting the governing bodies of the faction; the procedure for selecting (appointing) persons acting on behalf of the faction at meetings of the faction; the procedure for protecting the interests of the faction in other state bodies, public associations, representing it; the procedure for making decisions; measures of influence on inactive members of the faction.

Based on the foregoing, it is proposed to introduce the following norm into Article 10 of the Law "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan," that is, "The Agenda of the Legislative Chamber Meeting": "Draft laws discussed at the plenary session of the Legislative Chamber are not included in the agenda without preliminary consideration at meetings of factions of political parties."

These norms, proposed for inclusion in the legislation, will serve as a legal basis for the effective use by factions of the mechanisms of "public discussion," "public expertise," "public monitoring" of draft laws with their supporters and members, as well as the improvement of the institution of "consultation with the electorate" in legislative activity, increasing the responsibility of factions. It also serves to ensure the fulfillment of the tasks defined in the Decree of the President of the Republic of Uzbekistan dated August 8, 2018 No. UP-5505 "On Approving the Concept for Improving Lawmaking Activities" "Organization of meetings, seminars, round tables and press conferences within the framework of the implementation of the Concept with the wide involvement of representatives of civil society institutions, mass media, scientific circles and foreign [experts](#)"[16].

In recent years, the activity of factions of political parties in the Legislative Chamber in the legislative direction has become relatively more active. This activity is also reflected in the following statistical data: "Over the past period, factions, especially in lawmaking, have formed their firm position, and taking into account the opinions and critical comments expressed by the population, have increased attention to a serious and detailed discussion of each draft law. In particular, based on the firm consent and principled positions of the factions, 5 draft laws were returned to the subjects of the right of legislative initiative, taking into account the interests of the electorates of the factions and the people, and 2 draft laws

were withdrawn by the subjects of the right of legislative initiative. As a result of the growing demands of factions in the legislative sphere, during the past period, thanks to the firm consent of the factions, 9 draft laws were removed from the agenda of the meeting and transferred to the committees responsible for their further development and improvement. During the reporting period, members of the faction, on the basis of the right of legislative initiative, developed 4 draft laws, which were submitted for consideration by the Legislative Chamber and adopted.

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