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## HUMAN DEVELOPMENT AS PER CHRONOLOGY OF DYNAMICS OF ADMINISTRATIVE REFORMS IN UZBEKISTAN

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### ABSTRACT

In the following article the administrative laws and the reforms aimed at the intensification of statehood in the Republic of Uzbekistan are analyzed based on the codification of laws. Human development as per chronology of dynamics of administrative reforms in Uzbekistan. Following this path of the reforms maintain the directions of the high levels of legal culture in the Republic of Uzbekistan. The fact that since 2016 the velocity of the reforms is being enhanced based on the comparative analysis of the data from different points of view. The purpose of the study is to reveal the modern trends in administrative reforms facilitating the human development. The scope of the study includes the latest updates from the country.

*Keywords: constitution, laws, codes, public sector, private, Ombudsman, Cabinet of Ministers, Oliy Majlis.*

### ÖZBEKİSTAN'DA İDARİ REFORM DİNAMİKLERİNİN KRONOLOJİSİNE GÖRE İNSANİ GELİŞME

#### ÖZ

Makalede, Özbekistan Cumhuriyeti'nde idari kanunlar ve devletliğin gelişimine yönelik reformlar, kanunların kodifikasyonu esas alınarak analiz edilmektedir. Özbekistan'da idari reformların dinamiklerinin kronolojisine göre insani gelişme üzerinde durulacaktır. Bu reform yolunun ardından Özbekistan Cumhuriyeti'ndeki yüksek düzeydeki hukuk kültürünün yönergeleri korunmaktadır. 2016'dan bu yana reformların hızı, verilerin farklı bakış açılarından karşılaştırmalı analizine dayalı olarak artırılıyor. Çalışmanın amacı, insani gelişmeyi kolaylaştıran idari reformlardaki modern eğilimleri ortaya çıkarmaktır. Çalışmanın kapsamı, ülkeden en son güncellemeleri içermektedir.

*Anahtar Kelimeler: anayasa, kanunlar, yasalar, kamu sektörü, Ombudsman, Bakanlar Kurulu, Âli Meclis.*

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## INTRODUCTION

The hierarchy of laws of Uzbekistan is established according to their importance. This hierarchy of Uzbekistan law includes: the Constitution of the Republic of Uzbekistan, constitutional laws, codes, ordinary laws, decrees of the President, decrees of the Cabinet of Ministers, normative acts.

Constitution of the Republic of Uzbekistan. The current Constitution of the Republic of Uzbekistan was accepted on December 8, 1992 on the eleventh session The Supreme Council of Republic of Uzbekistan of the twentieth convocation. Constitution of the Republic of Uzbekistan is the most important element of legislation of independent Republic of Uzbekistan.

Main Constitutional Laws of the Republic Uzbekistan. Constitutional laws are in fundamental branch of public legislation and deals with the rules concerning the constitution and the structure of the state and status of the citizen in state. They lie within the Constitutional Court of the Republic Uzbekistan jurisdiction:

*“On the results of the referendum and the basic principles of organization of state power”* (2002); *“On the Senate of the Oliy Majlis of the Republic of Uzbekistan”* (2002); *“On the Legislative chamber of the Oliy Majlis of the Republic of Uzbekistan”* (2002); *“On the Olij Majlis of the Republic Uzbekistan”* (1994); *“On the Cabinet of Ministers of the Republic Uzbekistan”* (1993); *“On the courts”* (1993, 2000); *“On the Constitutional Court”* (1995); *“On the Supreme Economic Court”* (1993); *“On the Foundations of State Independence of the Republic Uzbekistan”* (1991).

Codes: City-planning Code (2021); Housing Code (1998); Family Code (1998); Land Code (1998); Custom Code (2016); Code of Economic Procedure (2018); Code of Civil Procedure (2018); Criminal- Executory Code (1997); Tax Code (2019); Civil Code - Part One (1995); Civil Code- Part Two, (1996). The new version of the Civil code is under consideration as of 1 March 2021. Code of Elections (2019), Labor Code (1995); Code of Administrative legal cases (2018); Code of Criminal Procedure (1994); Criminal Code (1994); Air Code (1993), Budget code (2013).

Ordinary laws. The charter of market law - a new Civil Code were adopted in 1995-96, and a Tax Code in 2019. Amongst the market law are on: investment activity (1998); state control over activity of economic subjects (1998); ownership (1990); land (1991); destatisation and privatization (1991); enterprises (1991); dekhkans (or farmer) economy (1992); economic societies and partnerships (2001); entrepreneurship (1991); stimulation of small and private entrepreneurship (1995); banks and banking activity (1996); bankruptcy (1994, 1998); monetary system (1994); currency regulation (1993); insurance activity (2002); stock exchanges and stock exchange activity (1992); securities and the stock exchange (1993); legal protection of programs for PCs and databases; auditor activity (1991); taxes from enterprises, associations, and organizations (1991); limitation of monopolistic activity (1994); joint-stock societies and the defense of the rights of stockholders (1996); mechanism for the functioning of the securities market (1996). There are decrees on measures to radically increase the share and significance of the private sector in the Uzbek economy (2020-2021) and others.

Foreign Relations. There are laws of the Republic Uzbekistan on: foreign investments (1998); guarantees and measures of defense of the rights of foreign investors (1998); special economic zones (2020); international treaties of the Republic Uzbekistan (1995); foreign economic activity of the Republic Uzbekistan (1991, 2000)

Decrees on: professional activity of citizens of the Republic Uzbekistan abroad and foreign citizens in the Republic Uzbekistan (1995); additional measures relating to improvement of the passport system of the Republic Uzbekistan (1999).

Citizenship: Laws of the Republic Uzbekistan on citizenship of the Republic Uzbekistan (1992, 2020); Decree on Additional Measures Relating to Improvement of the Passport System of the Republic Uzbekistan (1999).

While 1991 to 2007 only where 482 people were given the citizenship of the Republic, from 2007 to December 2016 no people were admitted to the citizenship of Uzbekistan. But starting from 2016 to 21 February 2020 more than 60 presidential decrees were accepted by the President of Uzbekistan. Based on the new law almost 50 thousand people are due to receive the citizenship of Uzbekistan .

Human rights: In accordance with the Constitution of the Republic Uzbekistan, *“all citizens of the Republic Uzbekistan shall have identical rights and freedoms and be equal before the law without distinction of sex, race, nationality, language, religion, social origin, convictions, and personal and social status”*. There is the Authorized person for human rights / Ombudsman at the Oliy Majlis of the Republic Uzbekistan. In 2020 approximately 20000 addresses were received by the Ombudsman of Uzbekistan.

The State shall ensure the rights and freedoms of citizens consolidated by the Constitution and other laws on: the Authorized person of the Oliy Majlis of the Republic Uzbekistan for human rights/ Ombudsman (1997, 2004); principles and guarantees freedom of information (2002); address of the citizens (2002); defense of the professional activity of a journalist (1997); guarantees and freedom of access to information (1997); mass media (1997); political parties (1996); the National Center of the Republic Uzbekistan on Human Rights (1996); defense of the consumer rights (1996); state language (1995); appeal in court of operations and solutions infringing right and freedom of the citizens (1995); warranties of the citizens’ suffrages (1994); agencies of self-government of Citizens (1993); freedom of conscience and religious organizations (1991). Already Business ombudsman has been established in 2017.

NGO development. During the last years NGOs of the Uzbekistan made a valuable contribution to social and economic development of country. Already more than 10000 NGOs are established. Main instruments of a NGO development in Uzbekistan are:

Civil Code of the Republic Uzbekistan (1995/1996);

Law on Non-governmental Non-profit Organizations (1999);

Law on Social Associations in the Republic Uzbekistan (1991).

There is Committee on Democratic Institutions, Nongovernmental Organizations and Bodies of Self-governance at Oliy Majlis of the Republic Uzbekistan.

Regulation of the legal profession

Any defendant has the right to defense. The right to legal assistance is guaranteed at any stage of the investigation and judicial proceedings. The organization and the procedure of it is specified by laws on: guarantees of advocate activity and social defense of advocates (1998); advocatura (1996); the Procuracy (1992, 2001); decree on the National Program for Raising Legal Culture in Society (1997).

The System of Social Legislation. A system of social legislation is being formed. Legal assistance to citizens, enterprises, institutions and organizations is offered by: The Labor Code (1995); Civil Code (1995/1996); Laws on: additional guarantees for women (1999); employment (1992); protection of labor (1993); social defense of disabled persons (1991); insurance activity (2002); state pension security for citizens (1993); fundamental principles of state youth policy (1991). These laws have been adopted defend the interests of the neediest strata of the populace under the complex conditions of a transition to a market economy.

The principle of separation of powers. The contemporary law of the Republic Uzbekistan can be situated in the Romano-Germanic legal family. It is codified and the Constitution of the Republic Uzbekistan is the most important element of the system of the sources of law. The system of State power of the Republic Uzbekistan is based on the principle of separation of powers into legislative, executive, and judicial:

Legislative: Oliy Majlis (Parliament) of the Republic of Uzbekistan, Jokargy Kenes of the Republic of Karakalpakstan and local representative bodies.

Executive: The President of the Republic of Uzbekistan, The Cabinet of Ministers of the Republic of Uzbekistan, The Minister Kenesi of the Republic of Karakalpakstan, khokimiyats of regions and cities.

Judicial: The Constitutional Court of the Republic Uzbekistan, the Supreme Court of the Republic of Uzbekistan, the Supreme Economic Court of the Republic of Uzbekistan, the Economic Court of the Republic of Karakalpakstan, regional, Tashkent City, district, city, and economic courts, Supreme Military Court of the Republic Uzbekistan, etc.

The Oliy Majlis of the Republic of Uzbekistan

The highest representative body of the state is the bicameral Oliy Majlis, the Supreme Assembly of the Republic of Uzbekistan. This body exercises legislative powers. In accordance with the results of the Referendum of January 27 2002 the structure of the Oliy Majlis was changed. The Oliy Majlis of the Republic of Uzbekistan was enacted on January 1, 2005 as a bicameral parliament and consists of a Legislative chamber and a Senate. (This amendment to the Constitution of the Republic of Uzbekistan was officially published on May 22, 2003)

The Legislative (lower) chamber of the Republic of Uzbekistan is composed of 150 deputies, elected by territorial constituencies on a multi-Party basis for a term of five years.

The Senate (upper chamber) of the Republic of Uzbekistan consists of territorial representatives (senators) by 6 from: the Republic of Karakalpakstan, each region of Uzbekistan (now there are 12) and Tashkent city, chosen by the Legislature thereof. The President of the Republic of Uzbekistan also appoints 16 members of Senate from most authoritative citizens. All senators elected for a term of five years.

The Senate and the Legislative chamber of Oliy Majlis adopt and amend the Constitution and laws of Republic of Uzbekistan, legislatively regulate customs, currency and credit systems, problems of the administrative - territorial structure, and alteration of frontiers of the Republic of Uzbekistan and approve of the state's budget. They ratify of the decrees of the President on the establishment and abolition of the state institutions of country.

The Legislative chamber of Oliy Majlis chooses its Speaker and other Officers and may determine of its Proceedings. The Senate of Oliy Majlis shall elect its Chairmen and other officers and may determine of its Proceedings. The Senate ratifies of the decrees of the President on the appointment and removal of the higher officials of country and elections of the Constitutional Court, Supreme Court, Higher Economic Court of the Republic of Uzbekistan, and other representative bodies, ratifies the international treaties and agreements and realizes other activity.

The right to initiate legislation in the Oliy Majlis of the Republic of Uzbekistan is vested in the President of the Republic of Uzbekistan, the Republic of Karakalpakstan through the highest body of state authority, the deputies of the Oliy Majlis of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan, the Constitutional Court, the Supreme Court, the Higher Economic Court and the Procuracy General of the Republic of Uzbekistan.



The Oliy Majlis of the Republic of Uzbekistan shall pass laws, decisions and other acts. Any law shall be adopted when it is passed by a majority of the total voting power of the deputies of the Oliy Majlis. Promulgation of the laws and other normative acts shall be a compulsory condition for their enforcement.

The President of the Republic of Uzbekistan. The President of the Republic of Uzbekistan is the head of state and the executive authority in the Republic of Uzbekistan. The President of the Republic of Uzbekistan simultaneously serves as Chairman of the Cabinet of Ministers. The President of the Republic of Uzbekistan shall be elected for a term of five years.

Results. As a consequence of administrative reforms the President of the Republic of Uzbekistan forms the administration and lead it, ensure interaction between the highest bodies of state authority and administration, set up and dissolve ministries, state committees and other bodies of administration of the Republic of Uzbekistan; Appoint and dismiss the Prime Minister, his First Deputy, the Deputy Prime Ministers, the members of the Cabinet of Ministers of the Republic of Uzbekistan, the Procurator General of the Republic of Uzbekistan and his Deputies; Present to the Oliy Majlis of the Republic of Uzbekistan his nominees for the posts of Chairman and members of the Constitutional Court, the Supreme Court, and the Higher Economic Court, as well as the Chairman of the Board of the Central Bank of the Republic of Uzbekistan, and the Chairman of the State Committee for the Protection of Nature of the Republic of Uzbekistan;

Appoint and dismiss judges of regional, district, city and arbitration courts;

Sign the laws of the Republic of Uzbekistan;

Serve as the Supreme Commander of the Armed Forces of the Republic and is empowered to appoint and dismiss the high command of the Armed Forces and also to confer top military ranks;

Establish the national security and state control services, appoint and dismiss their heads, and exercise other powers vested in him.

The President of the Republic of Uzbekistan issues decrees, enactments and ordinances binding on the entire territory of the Republic on the basis of and for enforcement of the Constitution and the laws of the Republic of Uzbekistan. Press Service of the President of the Republic of Uzbekistan.

## **CONCLUSION**

The Cabinet of Ministers is appointed by the President of the Republic of Uzbekistan and approved by the Oliy Majlis. The head of the government of the Republic of Karakalpakstan is an ex officio member of the Cabinet of Ministers. The Cabinet of Ministers issues enactments and ordinances in accordance with the current legislation. This is binding on all bodies of administration, enterprises, institutions, organizations, officials and citizens throughout the Republic of Uzbekistan. These reforms facilitate to achieve the latest achievements in the human development.

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