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# THE PROCESSES OF GRADUAL MODERNIZATION OF THE STATE ADMINISTRATION SYSTEM IN UZBEKISTAN OVER THE YEARS OF INDEPENDENCE

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**Abstract:** The article states about the reorganization of the new system of public administration in independent Uzbekistan, the gradual improvement of the activities of the legislative, executive and judicial authorities, the strengthening of the norms that ensure their independence and equality and mutual restraint. Analyzed the reforms carried out on the way to the formation of a democratic civil society, their goals and practical results.

**Keywords:** public administration, local government, election, E-government, public service.

**Introduction.** During the years of independence, Uzbekistan has been systematically implementing reforms aimed at democratizing the system of state power and administration, ensuring the rule of law and forming a free civil society. It is important that public administration be organized on the basis of democratic principles in order to stabilize the economic development in the country, reduce poverty, effectively use human resources and scientific and technological achievements, as well as effectively solve the problems facing the state and society, as well as worthy protection of human rights, interests of the state and people. Therefore, the study of the public administration system and the principles of its functioning, the study of the results of the reforms carried out is one of the topical issues of today.

**Methods.** This topic is widely studied by political scientists, lawyers, philosophers, sociologists and historians. They are reflected in the stages of formation and development of public administration in Uzbekistan, the activities of political institutions, modern management and leadership training. In particular, M. Mullajonova in her dissertation researched the role and importance of socio-political institutions in the formation and development of a democratic society in Uzbekistan, the lower structures of state power, the structure and

tasks of citizens' self-government bodies in building a democratic society, and the impact of increasing the political activity of citizens on democratic processes [7]. O. Jumaev researched the features of the development of national statehood in Uzbekistan and analyzed the essence, main trends and tools of the development of national statehood. The concept of national statehood, its political content, emphasizing its place in the development of society, has developed a methodology for determining indicators of the characteristics of national statehood by studying the patterns of historical development of statehood [3]. M. Boydadaev also studied the formation of a system of state building and management in Uzbekistan, the organization of management institutions, new forms, methods, legal foundations, the state of organizational structures and the processes of reforming the functional status of public authorities and management in the processes of liberalization of management [2].

**Results.** After Uzbekistan gained independence, the task of building a democratic and legal state corresponding to world leaders was included on the agenda, and the creation of a civil society as the first and most important issue. The country carried out multi-sectorial reforms in the socio-economic and political spheres, the main task was to strengthen

the rule of law, ensure the rights and freedoms of citizens. The reason was that public administration, socio-economic and international relations inherent in the socialist system did not correspond to the interests of the new state. The administrative-command, planning-distribution system was abandoned; the "Uzbek model", consisting of five principles was developed. That is, state building and the constitutional system were renewed, the economy was driven by ideology, ensuring its supremacy over politics, turning the state into a reform initiator, ensuring the rule of law, maintaining a strong social policy, and gradually implementing reforms were in the focus. The powers of the newly formed state and local authorities, the legal basis for determining their activities, began to be created.

Particular attention was paid to historical experience, national traditions and values when establishing a new public administration in the country, the experience of developed foreign countries was studied and measures were taken to put into practice in the "Oriental" style, without copying. The powers of the governing bodies during the existence of the Soviet Union were considered and redistributed, the powers of which were mixed with each other, which did not fully fulfill their functions, and a system was formed that provided for mutual control over each other.

Since the last years of the government of the Soviet Union in Uzbekistan, work began on the formation of this system. On March 24, 1990, the post of president was introduced in the Uzbek SSR, the first among the republics within the USSR [29]. The system of state administration was transferred from a collegiate body - the Presidium of the Supreme Soviet of the Uzbek SSR to the Presidential Institute, which manages the system of state power in the person of the sole leader. Initially, according to Article 89

of the Constitution of the Republic of Uzbekistan, "the President of the Republic of Uzbekistan is the head of state and executive power in the Republic. It was determined that, at the same time, he is the chairman of the Cabinet of Ministers" [10, p.39]. As a result of the reforms, the gradual elimination of existing problems in public administration, the regulation of the activities of state bodies, the increase in the legal culture and political consciousness of the population gave rise to the possibility of transferring part of the presidential powers to other authorities. Therefore, in 2003, the rule on the appointment of the President of the Republic of Uzbekistan as the Chairman of the Cabinet of Ministers was excluded [30]. This was another step towards ensuring that power in the country was divided on the basis of equal representation.

The president has the right to initiate legislation, and a system has been established whereby he will sign laws passed by parliament or return them to parliament (veto) when objections arise. In the event of unresolvable disputes within or between the chambers, or in the case of repeated adoption by the chambers of decisions that contradict the Constitution of the Republic of Uzbekistan, the powers to dissolve the chambers of the Oliy Majlis are given in agreement with the Constitutional Court of the Republic of Uzbekistan. The president also gained the authority to nominate candidates for the positions of the Constitutional Court, chairmen and judges of the Supreme Court, appoint or dismiss chairmen of the regional court, approve or dismiss the composition of the government and the prime minister.

The consolidation of these powers in the Constitution of the Republic of Uzbekistan, ensuring its effective functioning as the head of state, mutually agreed authorities and strengthening their cooperation have become a legal basis.

In the course of the reforms, along with the presidential institution, over the

years, the activities of the executive branch have been improved. These actions were initially carried out from the beginning of 1990 and were called the Cabinet of Ministers of the Government of the USSR of Uzbekistan[29]. On November 1, 1990, the executive and administrative power of the Council of Ministers of the USSR of Uzbekistan was merged with the presidential power of the Uzbek SSR and transformed into the Cabinet of Ministers under the President of the Uzbek SSR. The president and the government were united, and the president at the same time remained as a chairman of the Cabinet of Ministers.

To manage the Cabinet of Ministers and organize its activities, the post of Vice President was established. However, by the law of 4 January 1992, this position was abolished and replaced by the Prime Minister [25]. And also, in the regions, districts and cities of the Republic, the position of hakim was established, headed by representative and executive-administrative authorities, as well as the official representative of the President of the Republic of Uzbekistan in the areas [31]. Article 103 of the Constitution provides that hakims may carry out their activities on the basis of sole leadership and are personally responsible for their activities and decrees. The development of territories, the elimination of existing problems and the creation of suitable conditions for the life of the population were assigned to the hakims. In order to organize the activities of hakims, establish their powers and coordinate their interaction with local councils of people's deputies, the law "On Local State Power" was adopted. It determines the interaction of local representative and executive authorities, as well as relations with other organizations and departments, documents adopted by them, the procedure for the formation of structural units, forms of ownership, the local budget,

the formation and spending of extra budgetary funds[20].

In 1993, the Cabinet of Ministers received the status of an independent body [23], and since then the number of ministries and departments has been gradually reduced. Some ministries were reorganized, some merged, others liquidated, in their place there were economic associations, associations and corporations that quickly adapted to market relations. As a result, the direct intervention of the state in economic activity was reduced, and the degree of freedom of enterprises and organizations was expanded.

The reform of the Republic of Uzbekistan on the role of the government in solving socio-economic issues in the country, as well as the abolition of the powers of the President of the Republic of Uzbekistan to simultaneously head the Cabinet of Ministers [30] necessitated the development of a law of the Republic of Uzbekistan "On the Cabinet of Ministers"

As a result of the adoption of the laws "On the Cabinet of Ministers of the Republic of Uzbekistan"[24] and "On the renewal and further democratization of public administration and the role of political parties in the modernization of the country" in a new edition, the post of Chairman of the Cabinet of Ministers was completed. The leadership of the Cabinet of Ministers, the effective organization of its activities, the high-quality and timely execution of orders of the Cabinet of Ministers were assigned to the Prime Minister as the main task. The number of administrative and managerial personnel in the executive authorities was reduced to more than 40 thousand staff units or 22 percent [9, p.57].

Article 89 of the Constitution of the Republic of Uzbekistan was changed to "The President of the Republic of Uzbekistan is the head of State and ensures the coordinated activity and cooperation of state authorities"[11,

Ch.24], and the proposal was deleted from paragraph 8 of Article 93 that the President "establishes the executive power apparatus and heads it" [12, Ch.43, 46].

In 2011, a new practice of forming the structure of executive power was introduced in Uzbekistan [9, p.57]. A system has been introduced to present the candidacy of the prime minister to the Legislative Chamber of the Oliy Majlis by one political party with the largest number of deputies or by several political parties with an equal number of deputies. This system further strengthened the principle of a democratic state in the country, symbolizing the attachment of the executive branch to a political party.

Also, in accordance with paragraph 15 of Article 93 of the Constitution, the Prime Minister is granted the right to present to the President of the Republic of Uzbekistan the hakims of the regions and the hakim of the city of Tashkent their candidacies for appointment or dismissal [26]. On the one hand, this expanded the powers of the prime minister, and on the other hand, increased the responsibility of the prime minister for the socio-economic development of the regions.

These actions, aimed at reforming the executive branch, served to improve the work of the Cabinet of Ministers, forming it as an independent institution from the institution of the president, and turning it into a body fully responsible for the effective implementation of reforms. This increased the responsibility for the socio-economic development of the regions, ensuring a comfortable life for the population, the development of all sectors and sectors in the spirit of the times, and the Cabinet of Ministers was given independence in the implementation of these works.

In this regard, it should be noted that the improvement of the activities of the government with the presidential institution in the country, in turn, required reforming

the activities of the legislative and judicial authorities.

The development of the activities of the Oliy Majlis, acting as the legislative power in Uzbekistan, has become a priority direction of state policy. The reason is that the parliament is an institution that legally regulates the activities of a person, society and the state in the country. The Oliy Majlis of the Republic of Uzbekistan went through certain stages of development before the advent of the bicameral system. These development processes can be divided into 3 stages.

At the 1st stage (1990-1994), the Parliament of Uzbekistan was called the Supreme Council and was formed according to the results of the elections held in February-March 1990, the last years of the existence of the USSR society. In the formation of Uzbekistan as a sovereign state, in the first application of democratic principles, in the formation of the Uzbek national statehood, the activities of the Supreme Council of the Republic of Uzbekistan of the XII convocation are of historical importance. Unlike previous elections, the Central Electoral Commission was established as a permanent working body for a period of five years. The circle of subjects having the right to nominate candidates for deputies has been expanded, even in the case of one party. Basically, various trade unions and public organizations began to nominate candidates, several candidates were allowed in constituencies for one mandate. For the first time, the term of office of higher and local government bodies was equalized [5, 63-64].

At the 2nd stage (1995-2004), the parliament was called the Oliy Majlis, and during this period the Oliy Majlis was convened twice (1995-1999; 2000-2004). The difference between the newly formed Oliy Majlis and the Oliy Kengash was that the Oliy Kengash was formed on the basis of a social class approach. That is, quotas were established for workers, collective

farmers, intellectuals, youth, women, etc., and they were elected according to these quotas. Only communists and non-party people took part in the elections, while taking into account the territorial principle. In the case of candidates for deputies of the Oliy Majlis, the main criterion is the presence of diligence, moral qualities, social and political activity. Elections were held on the principles of a multi-party system, and for the first time factions and blocs were formed within the parliament [5,.63-64].

It should be noted that in Uzbekistan, which has chosen an evolutionary path of development, the processes of reforming the parliament were carried out in stages. At a time when the legal foundations of a democratic civil society were just being created, a unicameral form of parliament was approved. Because a unicameral parliament was an acceptable choice for a new country where the rule of law is felt in all areas of the state and society. In this form of parliament, the legislative process is faster, has a mobile and compact form. However, the unicameral Oliy Majlis was not a permanent body and functioned only during sessions. All deputies did not work continuously professionally. The reason is that certain conditions were required for the work of all deputies on a permanent basis. This did not allow them to fully exercise their powers and responsibilities.

During the transitional period, in the conditions of reforming public life, at a time when democratic institutions were not developed, and professional politicians were not yet sufficiently formed, deputies of the Oliy Majlis continued their labor activity in the relevant sectors of the national economy. Perhaps this was a convenient solution for a young country that needed to solve economic problems. This has its positive aspects, firstly, the potential and practical experience of the personnel are effectively used. Secondly, the activities of the deputies, directly related to practice, served to adopt the necessary laws in all

areas. The deputies are part of them and provide a connection between the people and the state, practice and theory in management.

Stage 3 (period after 2005). From this period, the Oliy Majlis began to function as part of two chambers - the Legislative Chamber and the Senate[8]. Professional activity in the parliament was carried out by 150 deputies of the Legislative Chamber, elected on the basis of a multi-party system in the regional districts. A mechanism was introduced in which draft laws are considered in the Legislative Chamber from their initial state to completion, and bills adopted by the majority of deputies are sent to the Senate for approval [27].

The Senate, considered the regional representative chamber, consists of one hundred members of the Senate (senators), 84 of which are formed by electing six people from among the deputies of the regional representative bodies. The remaining 16 people are appointed directly by the President of the Republic of Uzbekistan from among distinguished citizens who have earned high merits in the field of science, art, literature and production, as well as in other areas of state and public life and having extensive life and professional experience [28].

The Senate considers and approves laws passed by the Legislative Assembly or returns them to the Legislative Assembly for reconsideration. If the law is approved by the Senate, it is sent to the President of the Republic of Uzbekistan for approval within ten days.

"Why did the transition to a bicameral parliament take place?" - the right question arises. In a two-chamber system (bicameralism) [1, Ch. 207], the parliament usually consists of two chambers, which are formed in different ways and have different powers, and the parliament is not only a legislative, but also a representative body. The second chamber, formed quite differently, causes the other chamber to be

contained. That is, the "control" chamber helps to correct the mistakes and hasty decisions of the first chamber, make effective decisions taking into account the interests of the regions, and stabilize the balance between parliament and government in the field of public administration.

In recent years, gradual reforms have been implemented in the country aimed at ensuring that the judiciary functions on the basis of independent principles, in order to transform it from a punishing body into a body that protects the rights and interests of citizens. Measures were taken to ensure the true independence of the court and judges from all other branches, subordination only to the law when making judicial decisions. The adoption of the Law of the Republic of Uzbekistan "On Courts" on September 2, 1993 was one of the first steps towards the independence of the judiciary in the country [21]. This law is the basis for judicial reform in the country and establishes universally recognized principles such as the presumption of innocence, the right to a defense, polemic and transparency of the judicial process. The Constitutional Court was created for the first time. The economic courts were created to provide legislation in economic relations in the context of the transition to a market economy.

In 1994, the Criminal Code [32], the adoption of a program for the further development of judicial reform by the decision of the Council of the Oliy Majlis in 1996[13] and the establishment of the Judicial Association of Uzbekistan in 1997[33, Ch 64] served as an important factor in the restoration of the judicial system. They reflected the issues of strengthening the protection of the rights and interests of citizens by the courts, democratization of the judicial system and raising its status.

In 2000, the adoption of a new edition of the Law "On Courts"[22] brought the development of the judiciary to a new

stage. This law created specialized courts in the country, i.e. independent civil and criminal courts. A mechanism has also been created for the formation of an independent judiciary and ensuring the rights of citizens to judicial protection. Citizens have the opportunity to protect their rights by filing an appeal or cassation against a court decision. For example, in 2000, almost half of court errors were taken into account in the control procedure, and appropriate corrections were made to court decisions. In 2009, more than 85 percent of judicial errors were reviewed on appeal and cassation, and the violated rights of entrepreneurs and citizens were restored [4].

From January 1, 2008, the right to authorize detention in Uzbekistan passed to the courts [14]. This order strengthened the role of the judiciary in legal proceedings. Because earlier the investigating authorities applied to the prosecutor with a request to authorize the detention of a person suspected or accused of committing a crime. The prosecutor gave a legal assessment of the actions of the detainee and made a decision on authorizing the detention. In some cases, mistakes were made. Currently, the issue of authorizing detention is being considered in an open court session with the participation of the investigator, prosecutor, the accused (suspect) and his defense counsel.

Also in 2008, the Research Center for Democratization and Liberalization of Judicial Legislation and Ensuring the Independence of the Judiciary was established under the Supreme Court of the Republic of Uzbekistan. This Center was entrusted with a number of tasks, such as developing measures to improve the efficiency of the judicial system, preparing proposals for further improving the judicial system, and deepening cooperation with international and foreign organizations in this area [15].

In 2008, as a logical continuation of the process of liberalization of the judicial system, measures were developed to further reform the legal profession in Uzbekistan, i.e., the requirements for the qualifications of candidates for the position of a lawyer were strengthened, regular improvement of their professional qualifications became mandatory, the Chamber of Lawyers of the Republic of Uzbekistan and its territorial structures [17].

In 2017, the High Qualification Commission for the Selection and Recommendation of Judges was liquidated and the High Council of Judges was created, which serves to further strengthen the independence of the judiciary, effectively organize its activities and fully ensure its constitutional powers. The Supreme and High Economic Courts were merged into the Supreme Court, and it became the single supreme body of civil, criminal, administrative and economic courts. The powers of the military courts were reduced and transferred from the armed forces to the Supreme Court system. Economic courts were transformed into economic courts, 71 inter-district and district (city) economic courts were formed, empowered to consider court cases at first instance [16]. The requirement for these reforms was that, first of all, the Commission for the Selection and Recommendation of Judges acted on a voluntary basis, its special legal status was not determined, and its powers were limited. There were many factors that led to the uniformity of judicial practice and the wanderings of citizens and entrepreneurs. Also, the inclusion of military courts in the Armed Forces of the Republic of Uzbekistan was recognized as inconsistent with the principle of judicial independence. All these reforms were aimed at ensuring the independence of the judiciary, improving the functioning of the courts in the administration of justice, and shaping citizens' views on the judiciary as a body that protects their interests.

Starting from the last quarter of 2016, efforts to create a New Uzbekistan brought to a new stage the formation of a public administration system in the country based on democratic principles. In particular, the first direction of the "strategy of action" for the development of Uzbekistan for 2017-2021 is aimed at improving the construction of the state and society in Uzbekistan, which is aimed at deepening democratic reforms and further strengthening the role of parliament and political parties in modernizing the country, reforming the public administration system, development, priorities have been identified, such as the role of civil society institutions and the media [18].

Measures have been identified to increase the role of the Oliy Majlis in the domestic and foreign policy of the country, to strengthen control over the activities of the executive branch. The office of the permanent representative of the Cabinet of Ministers has been established in the chambers of the Oliy Majlis. The composition of the Cabinet of Ministers was approved by the Oliy Majlis, and the heads of regional, district and city state bodies - by the relevant Councils of People's Deputies. The existing approach and methods of work on the organization of management by executive authorities have been revised. Innovative methods were introduced and measures were taken to increase the autonomy of leaders to achieve concrete results. The organizational structure of the government has been updated. The concept of administrative reforms was approved by the President of the Republic of Uzbekistan in order to form a new, efficient and high-quality public administration system.

Of course, in any period and in any country, the potential and level of competence of the leadership team are of great importance in the effective implementation of strategic reforms and priority tasks. There is always a high demand for a team of dedicated personnel



who understand the fundamental nature of reforms and responsibly carry out the tasks assigned to them in order to fully implement the reforms and achieve the expected positive results.

In this regard, in his address to the Oliy Majlis, the President of the Republic of Uzbekistan Sh.M. Mirziyoyev set a number of tasks for all official leaders to “Optimize and improve the activities of the Government and its ministries and departments”, increase work efficiency, strengthen personal responsibility and accountability of the management team” [6].

**Discussions.** To train, improve qualifications and create a reserve of educated, selfless leaders who are able to deeply analyze every change and reform in social and political life, who think in a new way, are mature, enterprising, meet the interests of the state and society and are not indifferent to the future of the country, what is going does not always lose its relevance. As a result of the political outlook and culture of the population, the demands placed on leaders have increased. This increased the need to create a new system for the selection, retraining and advanced training of potential leaders in accordance with the

requirements of a democratic state based on the rule of law, the transfer of knowledge based on modern technologies and methods, and the recommendation of suitable positions. Therefore, improving the knowledge and skills of leaders and managerial personnel in all areas in accordance with modern students, reforming the activities of political institutions and related public associations, the direction and methods of training personnel has become one of the important priorities of the country's policy.

In conclusion, it can be noted that after Uzbekistan gained independence, state and non-state institutions based on democratic and legal requirements were created in the system of state power and administration. A special school for training, retraining and advanced training of heads of state administration bodies was created, and much attention was paid to the development of a new system for training management personnel. Political institutions and the system of personnel training characteristic of the socialist system were abolished. Instead of a party approach in the training of leading cadres, the question of training cadres with new thinking has become the main criterion.

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