THE PROBLEM OF FURTHER IMPROVING THE CONSTITUTIONAL FRAMEWORK FOR THE ACTIVITIES OF POLITICAL PARTIES: THE EXAMPLE OF UZBEKISTAN AND TAJIKISTAN

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Annotation:
This article is devoted to The problem of further improving the constitutional framework for the activities of political parties: the example of Uzbekistan and Tajikistan. In the article, **The constitutional content of the activities of political parties** has been studied based on comparison between countries' experience and its specific features have been revealed.

Keywords: political party, political party faction, party groups, multiparty system, legal status, parliamentary law, public associations.

As in many countries, the activities of political parties in Uzbekistan and Tajikistan are based on a certain legal framework that regulates various aspects of the activities of political parties. In the vast majority of countries in the world, this legal framework consists of the country's constitution and special laws regulating both the basic, conceptual foundations and all important aspects of the activities of political parties.

The Constitution of the Republic of Uzbekistan contains several provisions that can be classified as the constitutional basis for the activities of political parties.

The first two provisions are contained in the content of the Preamble of the Constitution of the Republic of Uzbekistan.

The first provision is confirmation of the loyalty of the people of Uzbekistan to the ideals of democracy and social justice.

The second constitutional provision of the Preamble, which can fill the activities of political parties with content, is the task set in the Constitution of Uzbekistan to create a humane democratic legal state.

All these three concepts: humanity, democracy and the rule of law are inextricably linked with the activities of political parties.

What, in our opinion, are the points of contact between humanity and political parties?

Firstly , political parties, through their activists and with the help of political technologies, disseminate mainly humanistic values and ideas among the population, thereby ensuring that humanism fulfills its general political function.

Secondly , a necessary condition for the victory of political parties in election campaigns, the fight for votes, and, in general, for replenishing their social base, first of all, they pay special

attention to the inclusion of fundamental human values in their ideological platform and the saturation of their policies.

Thirdly , humanism is one of the effective (if not the only) stabilizing factor in inter-party struggle and inter-factional competition.

And finally, fourthly , at present, in the legal literature, an interesting, in our opinion, point of view is being expressed, according to which humanity should be recognized as the main criterion for the quality of political life and political institutions of society, which, of course, includes political parties.1

As for the mutual influence of political parties and the rule of law, here, first of all, one important circumstance should be noted. The concept of the rule of law is based on a number of basic principles, one of which is the independence of the functioning of a political party from both the state and society. According to this concept, parties, through their representatives, can form state power and participate in it, but the party should not become the state power itself (as was the case with the CPSU, as is the case with the Communist Party of the People's Republic of China, and other "parties in power"). On the other hand, a political party represents a civil society, but this society should not completely fill it with its political content.

Another concept of the rule of law is the idea of the appropriateness of a multi-party system, which is the most acceptable environment for the growth and establishment of the rule of law, which ensures the triumph of the fundamental values promoted by political parties: dignity, freedom and human rights.

Another constitutional provision that forms the content of the activities of political parties in Uzbekistan is, in our opinion, Article 2 of the Constitution, which states that "The State expresses the will of the people and serves their interests. State bodies and officials are responsible to society and citizens."

Indeed, in every democratic state the government must express the will of the people. How is this ensured? As Abraham Lincoln rightly put it, "Democracy is a government of the people, by the people, for the people."

In this regard, it is entirely justified to enshrine in Article 1 of the Law of the Republic of Uzbekistan "On Political Parties" the main goal of a political party – the desire to "implement the political will of a certain part of society in the formation of public authorities and take part through its representatives in the management of state and public affairs" .

Thus, we can conclude that one of the main goals of creating a political party is to express the will of the people, which in political life is expressed in the desire to participate in the affairs of the state and make important political decisions .

[1]Ibid.

II of the Constitution of the Republic of Uzbekistan, entitled "Democracy", which also constitute the constitutional content of the activities of political parties in Uzbekistan, are also close in content to this constitutional provision .

Thus, the first part of Article 7 declares that "The people are the only source of state power." In this regard, it is political parties that are the transmission link, the "bridge" that ensures the implementation in practice of this democratic principle, according to which only the will of the people, taking into account their interests can be the only source saturating the content of state power and the decisions it makes.

It is characteristic that part 2 of the same article is a logical continuation of this postulate, namely, that state power is exercised in the interests of the people.

In accordance with Article 9 of the Constitution of the Republic of Uzbekistan, The most important issues of public and state life are brought up for discussion by the people and put to a universal vote (referendum).

The constitutional content of multi-party system and political pluralism , which are important elements of the party system of Uzbekistan, is part one of Article 12 of the Constitution of the Republic of Uzbekistan, which states that "In the Republic of Uzbekistan, public life develops on the basis of the diversity of political institutions, ideologies and opinions."

In this regard, we agree with the following statement of the Russian scientist A.N. Volobueva: "Multi-party system most clearly manifests its positive qualities in conditions when society reaches the appropriate level of socio-political differentiation, and social strata and groups are more or less clearly aware of their public interests . A functional analysis of the constitutional status of parties shows that they not only express the interests of certain social groups, but also actively participate in the formation of these interests, help to crystallize and outline conflicting interests, hidden differences and contradictions in society, and determine the priorities that make them political like-minded people and allies. Parties develop arguments to translate differences in economic, social and cultural structure into demands and concrete actions; By connecting civil society with the state, they help overcome or mitigate the conflicts inherent in the relations between them. These functions of political parties must be expressed in normative legal acts regulating their status."2

The constitutional content of the activities of political parties in Uzbekistan is completed by the provisions of Article 34 of the Constitution, in which, firstly , the institution and status of a political party is enshrined at the highest legislative - constitutional level; secondly , the right of citizens to unite in political parties is secured, i.e. the political right of citizens of Uzbekistan is declared; thirdly , one of the important democratic principles is ensured not only for political parties, but also for all institutions of power, namely the protection of the rights, freedoms and dignity of persons constituting the opposition minority in political parties..., as well as in representative bodies of power: parliament countries where factions of political parties and

[2]See A.N.Volobueva.P.8

local Kengashes of people's deputies operate - where party groups from political parties operate.

Of course, it cannot be said that the process of constitutionally filling the content of the activities of political parties in Uzbekistan is completed and does not require further development and improvement. In the Development Strategy of New Uzbekistan declared by the President of Uzbekistan Sh.M. Mirziyoyev, further increasing the role of political parties in the consistent continuation of reforms in the country is identified as one of the priority directions for building a people-loving state by exalting the honor and dignity of a person and further developing a free civil society.

In this regard, the constitutional content of the activities of political parties in Tajikistan is of certain scientific and applied interest.

In the Constitution of the Republic of Tajikistan, in addition to the norms that can become the constitutional content of the activities of political parties, which are enshrined in the Constitution of Uzbekistan and are disclosed in detail above (these are, for example, the provisions that: " Tajikistan is a social state, the policy of which is aimed at creating conditions , ensuring a decent life and free development of a person. (Article 1); In Tajikistan, the people are the bearer of sovereignty and the only source of state power, which they exercise directly, as well as through their representatives. The highest direct expression of the power of the people is a nationwide referendum and elections (Article 6)) , there are provisions directly related to the activities of political parties.

For example, Article 6 of the Basic Law of Tajikistan states that no public organization, political party, group of people or individual has the right to usurp state power.

The constitutional content of the activities of political parties in Tajikistan, of course, consists of the provisions enshrined in Article 8 of the Constitution, according to which:

firstly , in Tajikistan, public life develops on the basis of political and ideological pluralism.

In this regard, we fully support the position of the Tajik political scientist R. Kurbanov , who believes that political and ideological pluralism is "an undoubted attribute of a democratic system…. , which is expressed in the presence of various ideological movements in the state and the absence of a single monopoly or prerogative ideology. This kind of diversity takes shape in the form of the institution of a political party. " Continuing this thesis, he believes that: "The existing political pluralism in Tajik society makes it possible for various political parties to act in the political life of the country. »3

Secondly , the ideology of no party, public association, religious organization, movement or group can be recognized as state ideology.

Thirdly , public associations and political parties are created and operate within the framework of the Constitution and laws.

[3] R.G. Kurbanov . Ibid. P.4

Fourthly , the creation and activities of public associations and political parties that promote racial, national, social and religious hatred or call for the violent overthrow of the constitutional order and the organization of armed groups are prohibited.

A fairly detailed comparative legal analysis of constitutional and legal norms related to the activities of political parties was carried out by the Tajik scientist Kh. Imomov. Based on the results, he made several conclusions, some of which, in our opinion, are not sufficiently substantiated, and some are very controversial. Thus, in his opinion, "... compliance with constitutional and legal principles by various parties contributes to the formation and development of the necessary mechanisms for their interaction. As a result, political parties receive incentives in the process of their activities." This conclusion, in our opinion, is relatively superficial, since, in our opinion, compliance with constitutional and legal principles by various parties contributes, first of all, not to the formation and development of the necessary mechanisms for their interaction, but to ensuring legality and legitimacy in their activities.

Continuing his thought, the scientist concludes that constitutional legal norms not only determine the main ways of the versatile activities of political parties, but also the boundaries of their activities, which, in turn, protects society and the state from their unlawful actions. The last part of this conclusion, in our opinion, is not sufficiently substantiated and seems controversial.

And finally, the conclusion is more than controversial that "the constitutional rights of political parties in the Republic of Tajikistan established in the Constitution of the country (meaning Tajikistan) are broader and more comprehensive than the rights of political parties in other states," if we mean political parties in developed democratic countries with a developed party system system (such as the USA, European countries, etc.).4

The results of the comparative legal analysis of the constitutional norms regulating the activities of political parties in Uzbekistan and Tajikistan, as well as taking into account the constitutional provisions of a number of foreign countries (for example, Germany, Russia) allow us to conclude that it is necessary to further develop the constitutional provisions that constitute the content of the activities of political parties in Uzbekistan and Tajikistan .

[4] See: Kh. Imomov. Ibid. P. 14