

Stages of Development of the Legal Basis of Parliamentary Control in the Republic of Uzbekistan



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ABSTRACT: This article explores the stages of development of the legal basis of parliamentary control in the Republic of Uzbekistan. Since gaining independence in 1991, Uzbekistan has undergone significant changes in its parliamentary system, aiming to enhance the role of parliament in overseeing and controlling the executive branch. The article examines three key stages of this development.

The initial years of independence witnessed the establishment of a bicameral parliament, but parliamentary control mechanisms were relatively weak, with executive dominance prevailing. Constitutional reforms in 2005 led to the formation of a unicameral parliament, the Oliy Majlis, which sought to strengthen parliamentary oversight. Provisions related to parliamentary control were introduced in the new constitution, signaling a shift towards greater accountability.

The article then delves into the period from 2016 to the present, highlighting the efforts to strengthen parliamentary control mechanisms. A law regulating the activities of parliamentary committees was enacted, empowering them to conduct inquiries, request information, and hold public hearings. The establishment of a Commissioner for Human Rights further bolstered parliamentary oversight, as parliamentarians gained the authority to invite the Ombudsman to report on human rights issues.

Furthermore, amendments to the law "On the Oliy Majlis of the Republic of Uzbekistan" in 2019 granted the parliament expanded powers to review and approve government programs, budgets, and reports, strengthening its role in monitoring the executive branch. The article concludes by emphasizing that the development of parliamentary control in Uzbekistan is an ongoing process, as the country continues to refine its legal framework to promote transparency, accountability, and democratic governance. The stages of development discussed in this article shed light on the country's evolving parliamentary system and highlight the efforts made to enhance the role of parliament in ensuring effective oversight and control over the government's activities.

This article describes the stages of development of the legal basis of the institution of parliamentary control in the Republic of Uzbekistan in the national legislation.

KEYWORDS: legal state, the rule of law, parliament, parliamentary control, public control, reform, political system, electoral system, social stability, legal and constitutional norms.

INTRODUCTION

Since Uzbekistan gained independence, large-scale reforms have been carried out in the political system of the country in order to build a democratic legal state and civil society. Fundamental changes in the system of government and society require the formation of a national parliament, a legislative body that provides the legal foundations of society.

As a legislative body, Parliament occupies a special place in the system of public authorities. The peculiarity of the parliament in comparison with other links in the system of state authorities is that the parliament (through popular representation) represents the interests of all social groups and strata of the country's population; conditions are created for the implementation of the most popular ideas in the state (through political parties); the legal base of the country is being formed (through the legislative function of the parliament); it is the only collegiate body that has adequate mechanisms for limiting and controlling the executive power (through the oversight function of parliament) [1].

Of course, the formation of the Supreme Legislative Body has its own characteristics related to the historical past. National identity implies different forms and methods of state building. The chosen concrete form of such a construction is a mutual synthesis of universality with national-historical identity. Knowing any social phenomenon, first of all, includes determining how it appeared in the specific conditions of historical periods, what main stages it passed in its development, how it changed in the process of development, what its future movement, development trend is [2].

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The Main Findings and Results

The need for consistent implementation of systemic changes in the legislative power in Uzbekistan was related to the real historical conditions, which had an appropriate level of development of the political system and its main elements at each stage of reforms. Each stage of reforms showed that a balanced state apparatus system is being created in Uzbekistan aimed at increasing the efficiency of democratic institutions and ensuring the formation of a developed civil society. Parliament was given the task of abandoning the old system and creating the legal foundations of a new socio-political and economic system.

When we divide the reforms aimed at the development of parliamentarism, which played a key role in the reforms in the field of state construction and management in Uzbekistan, into stages, we can conditionally consider the first stage, which includes the formation, development, and creation of the legal foundations of the unicameral parliament from 1991 to 2004, when our country gained independence. The second stage covers the years **2005-2016**, when the two-chamber parliament was formed in our country, and democratic principles were consistently introduced to the management of the state and society. The third stage, starting in **2016**, envisages the implementation of the tasks of deepening democratic reforms and strengthening the role of the parliament and political parties in the modernization of the country, and implementing public control mechanisms in practice.

The first stage is the initial tasks of reforms (1991-1995):

- formation of the state management system;
- to establish the foundations of national statehood based on the division of power into sectors;
- creation of a legal basis for reforms in state construction and management;
- formation of a democratic election system;
- formation of multipartism;
- formed the parliament based on the democratic electoral system.

During this period, the first opportunities for the formation of the Supreme Council as a permanent working body began to appear. In particular, it became possible for deputies to be freed from their main duties not only for short periods, but also for full terms of office, that is, to work in the Supreme Council on a permanent basis. Previously, the preparation of the sessions of the Supreme Council was carried out only by the staff of the Supreme Council, but now the deputies also began to participate. Between the sessions of the Supreme Council, the powers of the Presidium of the Supreme Council to adopt normative documents were reduced, and its main task was to organize the work of the Supreme Council. The activity of the committees of the Supreme Council in the preparation of draft laws and other regulatory documents, in the control of the execution of legal documents of the state bodies accountable to the Supreme Council, in the preliminary consideration of issues under the Supreme Council's management, and in the implementation of the decisions of the Supreme Council has increased.

Prior to the adoption of the Constitution, the laws forming the basis of the changes in the legal system of Uzbekistan were created. During the 12th convocation, the Supreme Council adopted 182 laws, 4 codes, and 509 decisions. The legal foundations of Uzbekistan's independence were created, the Constitution of the Republic of Uzbekistan, laws defining the powers of the legislative, executive and judiciary branches were adopted. In particular, laws of the Republic of Uzbekistan on public associations in the Republic of Uzbekistan, on elections to the Oliy Majlis of the Republic of Uzbekistan, on elections of People's Deputies to regional, district and city councils, on guarantees of citizens' electoral rights, on appeals by citizens, on the Oliy Majlis of the Republic of Uzbekistan, on the status of deputies in the Republic of Uzbekistan the first stage served as the legal basis for the implementation of the tasks set for the initial period of reforms (1991-1995).

The Constitution of our country's independence (8.12.1992) legally strengthened the democratic principles of the development of the state and society and implemented the norms of the principle of separation of powers (Article 11) [3].

In the social aspect, parliamentarism is a democratic and liberal system of state power, which requires broad participation of the people in state management. The formation of the parliament acquires real democratic significance only when it is based on the activities of several parties, that is, on the multiparty system. Assuming that the multi-party system requires the competition of political ideas, the basis of the parliament's activity is built on the competition of political ideas.

In the constitution, the Oliy Majlis of the Republic of Uzbekistan is the supreme state representative body that exercises legislative power, and its powers are clearly defined.

Democratic changes in the country, the role of the parliament in reforming all spheres of state and social life, is inextricably linked with the effective implementation of its control function. Complementing the legislative activity of the Parliament with the activity of control over the execution of laws determines the position of the legislative power in the life of the society.

Parliamentary control is the activity of an independent and legal, systematic representative body, ensuring that its chambers, committees and commissions, the executive power of chamber members and other state bodies and economic management bodies ensure the rights and freedoms of people and citizens, as well as compliance with the Constitution of the Republic of Uzbekistan. and the activity of monitoring the execution of constitutional and current laws. Parliamentary control is expressed in reports on the government's budget execution, current affairs information, parliamentary debates, parliamentary inquiries, and the like.

The essence of the control function of the Oliy Majlis of the Republic of Uzbekistan is confirmed in Article 78 of the 1992 Constitution. The constitutional basis of parliamentary control powers is embodied in the approval of the State budget, control over

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its execution, listening to the information of appointed and elected officials, and the right to issue requests to executive authorities and their officials. The powers of the Oliy Majlis to approve the decrees of the President of the Republic of Uzbekistan, to appoint, elect, and to give consent for appointments on the issues provided for in the constitution can also be considered as one of the forms of parliamentary control.

The control powers of the Oliy Majlis were strengthened in the Law on the Oliy Majlis of the Republic of Uzbekistan, the Law on the Status of Deputies in the Republic of Uzbekistan, and the Regulations on the Committees and Commissions of the Oliy Majlis. The procedures related to the implementation of supervision by the Parliament and committees and commissions are regulated in the regulations of the Oliy Majlis.

Article 11 of the Law “On the Oliy Majlis of the Republic of Uzbekistan” (Law No. 2011-XII, date of entry into force 16.10.1994, date of invalidity of the document 14.01.2005) provides “the execution of laws of the Oliy Majlis of the Republic of Uzbekistan and other documents of the Oliy Majlis of the Republic of Uzbekistan controls”. The law stipulates that committees and commissions should prepare draft laws, review and prepare issues to be discussed by the Oliy Majlis in a preliminary manner, and supervise the implementation of laws and other documents of the Oliy Majlis (Articles 18, 23). The practice of listening to the information of the heads of ministries, state committees and agencies, the Council of Ministers of the Republic of Karakalpakstan, regional and Tashkent city administrations, heads of enterprises, institutions, organizations regarding the implementation of laws, other documents of the Oliy Majlis, recommendations of committees, commissions was introduced. The practice of reporting within one month was established, with the condition that the committees should make a decision in the direction of recommendation on the considered issues, and that these decisions should be reviewed by the state bodies or public associations addressed to them.

According to the Law on the status of deputies in the Republic of Uzbekistan (Law No. 66-I, date of entry into force 01.06.1995, date of expiration of the document 05.09.2019), deputies participate in the work of regional, district, and city councils and contribute to economic, social and cultural development of the region solve important issues of development, supervise the local implementation of laws and decisions of higher state authorities. In the session of the deputy, to make a proposal to hear the report or information of any body or official who is accountable to the representative authority or under his control; The right to propose issues for review on the implementation of the laws of the Republic of Uzbekistan and the implementation of the decisions of the representative body of the relevant authority has been strengthened. The traditional form of parliamentary control, the concept of a request by a deputy, is a request to state bodies or officials to give an official explanation on socially important issues or to state their point of view. The deputy of the Oliy Majlis, Dzhokorgyi Kenges submits requests to the state authorities and local bodies of management, as well as the heads of enterprises, institutions and organizations in accordance with the laws, the deputy of the regional, district, city councils to the mayor, deputy mayors, heads of hokimical departments and departments, as well as enterprises located in the territory of the Council, the right to address requests to heads of institutions and organizations has been strengthened by law.

The regulations of the Oliy Majlis of the Republic of Uzbekistan (No. 49-I, date of entry into force 15.07.1995, date of expiry of the document 27.01.2005) Chapter XII revealed the procedures for the implementation of the powers of the Oliy Majlis in the field of control. In particular, the Oliy Majlis exercises control over the implementation of the Constitution of the Republic of Uzbekistan, laws and decisions of the Oliy Majlis by state bodies, citizens’ self-government bodies, public associations, enterprises, institutions and organizations, the general work of officials elected, appointed and approved by the Oliy Majlis. to listen to reports or information on certain issues of the Oliy Majlis, to officials of one or a group of deputies, committees, commissions, fractions or blocs of the Oliy Majlis, as well as to the leaders of economic entities, issues that are important for the state, economic and socio-cultural development of the republic the right to submit a request to give official explanations or to state one's attitude was established. However, all the procedures related to the preparation, issuance and processing of requests were not regulated sufficiently in the legal documents.

The first stage is the consistent implementation of reforms, **the improvement of the legislation of 1996-1999** related to the increase of the role of the parliament in the life of society:

- To achieve the full implementation of multi-party system in the work of the Oliy Majlis;
- legalization of activities of party factions;
- establishment of effective control over all branches of the executive power;
- Establishment of an ombudsman institute dealing with human rights under the Supreme Assembly;
- put the next tasks on the agenda, such as improving the legal foundations that ensure the participation of citizens in political processes and state management.

The institution of the representative of the Oliy Majlis on human rights, which is an important link of parliamentary control, was introduced. Traditionally, the ombudsman relies on a representative body to exercise control over executive bodies whose officials violate the rights and legitimate interests of citizens through their actions or inaction. The adoption of the law “On Human Rights Representative (Ombudsman) of the Supreme Assembly” adopted on April 27, 1997 is related to the importance for the society of establishing a departmental structure that provides monitoring and control over the observance of human rights. According to the law, the activity of the representative covers important areas of social relations related to the state and citizen,

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society and individual based on his legal status. Ombudsman “in the field of human rights: a) state bodies; b) self-government bodies of citizens; c) enterprises, institutions, organizations; g) public associations; d) implements parliamentary control over compliance with legal documents by officials [4].”

The final period of the first stage reforms (2000-2004):

- a more democratic redistribution of powers between the legislative, executive and judiciary branches;
- formation of the bicameral parliament;
- to significantly increase the role and importance of legislative power;
- strengthening the role and authority of the Oliy Majlis in forming the government and controlling its activities, including the approval of the Prime Minister’s candidate;
- clearly defining the absolute and joint powers of the chambers of the Oliy Majlis;
- Transfer part of the President’s powers (powers to appoint and approve heads of the state, judicial system, special services, diplomatic representatives in foreign countries and international organizations) to the Senate of the Oliy Majlis;
- tasks of strengthening the control of representative bodies over the executive power have been implemented.

The second stage covers the years 2005-2016, when the two-chamber parliament was formed in our country, and democratic principles were consistently introduced to the management of the state and society. In 2005, the Oliy Majlis was established on the basis of a bicameral system. The goal of establishing a professional parliament:

- first - to create a system of mutual balance and restrictions necessary for the parliament to effectively exercise its powers, to make well-reasoned and comprehensive decisions;
- second - to improve the quality of the work of the parliament in terms of law-making, provided that the Legislative Chamber conducts its activities in a professional manner;
- third - taking into account the fact that the Senate mainly consists of representatives of local councils and regions and performs a representative function, achieving the balance of national and regional interests;
- the fourth is to further expand the scope of the population’s participation in the social and political life of the country [5].

A permanent parliament is the main condition for the rule of law. Amendments to the Constitution introduced in a popular referendum in 2003 expanded the powers of the bicameral parliament to form and control the government. The rule strengthening the responsibility of the Cabinet of Ministers to the Oliy Majlis in the Constitution was an important factor in ensuring parliamentary control. Chambers of the Oliy Majlis together have the authority to consider and approve the candidate of the Prime Minister based on the presentation of the President. Some of the powers of the President, such as appointing and approving and dismissing heads of state bodies, heads of the judicial system and special services, diplomatic representatives in foreign countries and international organizations, were transferred to the Senate. The exclusive powers of the Senate include hearing the Prosecutor General, the Chairman of the Nature Protection Committee and the Chairman of the Central Bank, as well as accepting acts of amnesty [6].

As an important form of parliamentary control, the practice of reviewing the report of the Chamber of Accounts was introduced. The fact that the Legislative Chamber of the Oliy Majlis conducts its work on a professional basis has increased the quality of legislative activity. The joint activity of the Legislative Chamber and the Senate made it possible to coordinate national and regional interests. The improvement of the system of ensuring the balance of the parliamentary activity and state power bodies led to the activation of the political life of the society.

It is impossible to strengthen the influence of the legislative power without increasing the quality and effectiveness of parliamentary control. For this reason, in order to improve the control of the parliament, the powers of the Speaker of the Legislative Chamber and the Chairman of the Senate to control the implementation of the laws of the Republic of Uzbekistan were strengthened by Articles 86 and 87 of the Constitution. Based on Article 87, the committees of the Oliy Majlis were established not only for the purpose of consideration and preparation of issues to be discussed, but also for monitoring the implementation of laws and decisions.

Adopted in 2010, the “Concept of deepening democratic reforms and development of civil society in our country”[7] was a logical continuation of the reforms on the development of parliamentary control.

In accordance with the concept, a number of amendments were made to the Constitution of the Republic of Uzbekistan and other legal documents. These amendments, covering the field of state building, served to further develop the constitutional-legal basis of parliamentary control, as well as the system of checks and balances between legislative, executive and judicial powers. Based on these amendments, a candidate for the Prime Minister of the Republic of Uzbekistan is proposed to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan by the political party that won the largest number of deputies or several political parties that won the largest number of deputies. The parliament was given additional powers of control, such as hearing and discussing the Prime Minister’s reports on the current issues of the socio-economic development of the country, and reviewing the annual report of the Cabinet of Ministers on the socio-economic life of the country.[8] Also, in order to strengthen the control functions of representative authorities, it was decided to submit reports to the Council of People's Deputies of local authorities on the most important and urgent issues of socio-economic development, and to make appropriate decisions on them [9].

The third stage, starting from 2016, envisages the implementation of the tasks of deepening democratic reforms and strengthening the role of the parliament and political parties in the modernization of the country, and the implementation of public control

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mechanisms. The legal bases of parliamentary control of the Oliy Majlis of the Republic of Uzbekistan “On the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, “On the Senate of the Oliy Majlis of the Republic of Uzbekistan”, “On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, “On the Regulations of the Senate of the Oliy Majlis of the Republic of Uzbekistan”, “On the status of a deputy of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and a member of the Senate”, “On Parliamentary Control” and other legal documents.

The Law “On Parliamentary Control”[10] adopted in 2016 regulates relations in the field of organization and implementation of parliamentary control, and the subjects, object, and forms of parliamentary control are clearly defined.

Subjects of parliamentary control according to the law are as follows:

Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan;

Senate of the Oliy Majlis of the Republic of Uzbekistan;

Committees, commissions of the Legislative Chamber, the Senate;

Political party factions in the Legislature;

Deputies of the Legislative Chamber;

Members of the Senate;

Human rights representative (ombudsman) of the Oliy Majlis of the Republic of Uzbekistan.

According to Article 4 of the Law, the activities of the state power and management bodies and their officials in the implementation of the Constitution and laws of the Republic of Uzbekistan, the decisions of the chambers of the Oliy Majlis of the Republic of Uzbekistan and their bodies, state programs, as well as the tasks and functions assigned to them are subject to parliamentary control.

Forms of parliamentary control include:

Review of state budget execution progress;

Review of the annual report of the Cabinet of Ministers of the Republic of Uzbekistan (hereinafter referred to as the Cabinet of Ministers) on the most important issues of the country’s socio-economic life;

Consideration of the report of the Cabinet of Ministers on the progress of the implementation of the state program for the relevant year arising from the Address of the President of the Republic of Uzbekistan to the Oliy Majlis of the Republic of Uzbekistan;

Review of the national report of the Anti-Corruption Agency of the Republic of Uzbekistan on the fight against corruption in the Republic of Uzbekistan;

Hearing the report of the Prime Minister of the Republic of Uzbekistan (hereinafter referred to as the Prime Minister) on some current issues of the country’s socio-economic development;

To hear the information of the members of the government, heads of state bodies, economic management bodies at the sessions of the Legislative Chamber, the Senate on issues related to their activities;

Hearing the answers of the members of the government to the questions of the deputies of the Legislative Chamber at the sessions of the Legislative Chamber;

Hearing the reports of governors of regions, districts, and cities on issues related to the development of the relevant area at the Senate meetings;

Hearing the reports of the heads of the diplomatic missions of the Republic of Uzbekistan in foreign countries on the issues of their activities;

Hearing the report of the Accounts Chamber of the Republic of Uzbekistan (hereinafter referred to as the Accounts Chamber);

Hearing the report of the Prosecutor General of the Republic of Uzbekistan;

Hearing the report of the Chairman of the Board of the Central Bank of the Republic of Uzbekistan;

Request of a member of the Legislative Chamber, a member of the Senate;

Hearing information from heads of state bodies, economic management bodies by the Legislative Chamber, Senate committees;

To study the status of the implementation of legal documents, the practice of applying the law by the committees of the Legislative Chamber, the Senate, and to carry out monitoring by them in connection with the adoption of legal documents;

Parliamentary scrutiny. Parliamentary control can be exercised in other forms according to the law.

During the development of the Strategy of Actions on the five priority directions of the development of the Republic of Uzbekistan in 2017-2021, the main attention was focused on the fundamental reform of the state and society. In the period of these democratic reforms, the initiatives of the President of the Republic of Uzbekistan Sh.M. Mirziyoyev are of particular importance in strengthening the role and influence of parliamentary control in the life of society. At a video selector meeting with deputies of the Oliy Majlis, political parties and representatives of the Ecological Movement of Uzbekistan on July 12, 2017, the President of the Republic of Uzbekistan Sh.M. Mirziyoyev put forward ideas about the need to expand the objects of parliamentary control and introduce the “Government Clock” institution[11]. Based on the goals of the action strategy, the Law “On Parliamentary Control” was supplemented with norms that strengthen the practical importance of parliamentary control during the years 2017-2021.[10]

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Law “On amendments and additions to certain official documents of the Republic of Uzbekistan in connection with the democratization of the government formation procedure and strengthening of its responsibility” to Articles 79, 93, 98 of the Constitution of the Republic of Uzbekistan, “On the Cabinet of Ministers of the Republic of Uzbekistan”, “Legislation of the Oliy Majlis of the Republic of Uzbekistan” Amendments and additions were made to the Laws “On the Senate of the Oliy Majlis of the Republic of Uzbekistan”, “On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”. [1]

In improving the country’s public administration, the main focus was on increasing the government’s accountability to the parliament, expanding the powers of the legislative body based on the principles of separation of powers and mutual restraint, and increasing its role in the country’s political life.

The procedure for approval by the Legislative Chamber and approval by the President of the nomination of deputy prime ministers, ministers and chairmen of state committees based on the submission of the Prime Minister was established.

The procedure for presenting the short-term and medium-term action program for the development of the sector to the deputies of the candidate for the government membership was introduced.

“Government Hour” was organized in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan to hear the reports of officials of the state administration bodies.

The powers of the Oliy Majlis to ensure parliamentary control over the implementation of important tasks related to the country’s internal and foreign policy have been further expanded. The practice of hearing reports of ambassadors of Uzbekistan in foreign countries has been established in the Senate.

In order to study the real situation in the places and take the necessary measures to solve the existing problems, as well as to consider the appeals in practice, the practice of monthly visits of the parliamentarians to the elected region was established.

The practice of permanent working senators being attached to local councils in the regions, going to the places every month and participating in the sessions of local councils was introduced.

Deputies’ control over the activities of local executive bodies was strengthened, a permanent secretariat of local Councils of People’s Deputies was established. Candidates for the leadership of regional, district and city-level state administration bodies were approved by the respective Councils of People’s Deputies.

CONCLUSION

The State Budget Department was established in the Legislative Chamber of the Oliy Majlis to provide professional, independent and impartial information-analytical and expert services to deputies and senators in order to ensure effective parliamentary control over the state budget.

It should be noted that, despite the vast experience of parliamentarism accumulated over many years of practice, it is necessary to continuously improve the parliament’s activities. In modern societies, the role of parliament as a center representing social interests is also growing. Parliament’s position as a democratic value is determined by its ability to quickly adapt to new conditions.

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