

ON ESTABLISHMENT OF THE INSTITUTE OF PRESIDENCY IN THE REPUBLIC OF UZBEKISTAN

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Abstract. *Formation and development of the Institute of Presidency in the Republic of Uzbekistan has its original way and specific features which may be a sample for other young countries. Because among the post-Soviet republics the Republic of Uzbekistan was the first to establish the post of President of the Republic. The complex studying of the process of formation and development of Presidency in the Republic of Uzbekistan is an actual problem as the given process is directly interconnected with gaining independence in our country. In this article the author pays attention to questions of formation of presidency, a role of president in gaining independence and a place of president in the bodies' system of public authorities.*

Key words. *Republic of Uzbekistan, Constitution (Main Law), Institute of Presidency, President, Council of Ministers, government, formation, development, principle of power separation.*

Introduction. Currently, studying the significance of the institute of presidency is required and strongly associated with the activity on democratization of society carried out at the end of the 20th century in Central and Eastern European countries, mainly in the republics of the former Soviet Union. In these countries an old totalitarian regime was abolished, and the new one with the institute of presidency being one of the main elements of the new political system was established.

It would not be incorrect if we assert that establishment of the institute of presidency within the public administration system of Uzbekistan was directly connected with establishment of the institute of presidency in the former Union in the late of the 1990s. The issue on establishment of presidential authority in the country was discussed at the Plenum of the Central Committee of the Communist Party of the USSR on February of that year. And later, in March, the Council of People's Deputies at its special session adopted the Law "On establishing the position of president and introducing amendments into the Constitution of the USSR".

The question "What was the main reason for such drastic changes in the government system of the former Soviet Union?" would interest all of us.

First, as a result of abolishment of the collective administrative system the drastic changes took place in the political system of the society, the real authority was transferred to the Council of People's Deputies. But the Councils were not able to hold the central and local authorities. Therefore vacuum of power appeared, and consequently that resulted in demand to establish an administrative body to coordinate activities of all branches of the state authority.

Second, development and strengthening the legislative activities have brought about weakening the executive authority, and as a consequence the process of ensuring implementation of adopted laws was unsuccessful. President as the head of the executive authority had to restore this process.

Third, increase of movements because of the national reconstruction among the nations resulted in military skirmishes which impacted on the territorial integrity of the country and appearance of separatists' spirits. President should strengthen the system of central authority under the conditions when the republics were going to obtain their real sovereignty.

Fourth, a long-term period of the Union's regime ended in destruction of collective management principles, and this in its turn caused irresponsibility, errors and abuse of power. There appeared the need to specify social and political responsibility for administrative activity. [1]

Events of that period, occurred on the territory of the former Union, caused intensification of independence movements in the republics. It would not be an exaggeration to say that our country had used also effectively from that situation.

Incoherence in the activity of the Supreme Council of the Republic of Uzbekistan, being the supreme state authority in the country according to the Constitution of Uzbekistan Soviet Socialist Republic, [2] as a result of independence movements spread on the territory of the USSR, impossibility to adopt resolutions as well as the severe conditions of the Council of Ministers caused to establish the central authority to unite all branches of the state authority instead of the central one around the Union which was in the process of collapsing. At that time the Central Committee of the Communist Party of the Republic of Uzbekistan, above all its First Secretary, played a role of a connecting unit. Besides that, it was necessary that such coordinating unit should be not within a party system but within the state mechanism, because the Communist Party was losing its ruling party status. The issue of responsibility for adopted decisions, i.e. responsibility of a concrete person was one of the main for establishing a position of president of the country. The words by President I.Karimov "...establishing the position of president of Uzbekistan Soviet Socialist Republic has significant meaning in the current situation" [3] confirm the abovementioned opinions.

During that uneasy period an important political step of historical significance was made toward the national self-recognition and formation of the national statehood in the republic. On March 24, the Institute of Presidency was established in the country in 1990 at the First Session of the Twelfth Convocation of the Supreme Council of Uzbekistan Soviet Socialist Republic, and Uzbekistan was the first among other republics of the Union. The Supreme Council adopted the Law "On establishing the position of Uzbekistan President and introducing amendments into the Constitution (Main Law) of Uzbekistan Soviet Socialist Republic", and the same day deputies of the Supreme Council elected the First Secretary of the Central Committee of the Communist Party of Uzbekistan I.A.Karimov as the first President of the Uzbekistan Soviet Socialist Republic. It would not be a mistake if we assert that the term of president previously has been used in the historical experience of state authority construction of the country, that was quite a new institution with its unique form and content, obligations and authority. Article 10 of the Constitution of Khoresm

People's Soviet Republic acting on the territory of Uzbekistan in the 1920s provided that "The permanent body of Khorezm Central Executive Committee is its Presidium which consists of 7 persons and is guided by its Chairman considered as the President of the Republic". [4] Here the term of president was applied to the head of collective governing body.

In such a way Uzbekistan Soviet Socialist Republic for the first time among other republics of the USSR created strong foundation for its national and democratic statehood. At that time the national, political, social and spiritual development issues, accumulated in the country for a long period, began to aggravate. The life itself showed successive resolving of issues associated with the future of the republic, fate and life of the nation, life prosperity of the future generation and citizens of Uzbekistan. On establishing the position of president there appeared wide opportunities in resolving these important issues faced the Republic of Uzbekistan.

Establishing in Uzbekistan the presidential form of state authority was caused by a number of factors, mainly by the crisis of despotic statehood policy of the USSR at the beginning of the 1990s. Besides that, one could observe the crisis as well in destruction of reforms implemented in economy and social-political spheres and reforms directed toward renewal of relations between the Center and the republics of the former Union. Declaration of independence by Lithuania on March 1990, willingness of Latvia and Estonia to leave the USSR showed real destruction of the Soviet state.

So, establishment of the Institute of Presidency in Uzbekistan is an event which is closely related to its independence. That event was a big political-legal stride made without consent of the Central power of the Union and contrary to its wishes. Establishing the position of the President in Uzbekistan as an institute of a head of the state had brought about establishment of the Head of the State in its true meaning. During the Soviet period Uzbekistan was even considered as an independent state, and the meaning "head of the state" was abstract. According to the law Chairman of the Presidium of the Supreme Council was considered as the Head of the State, but in fact the head of the republic was the First Secretary of the Central Committee of the Communist Party of Uzbekistan. However, his leadership in the republic was mentioned in no law. He was totally dependent on the Union. After the election of president, he carried on activities focused on independence of the country. An appropriate person should be empowered taking authority of the people and being elected to president. The position of president played a key role in obtaining independence of the country by peaceful means as well holding and strengthening it.

People of Uzbekistan began to openly demonstrate that they were interested in publicity and democratization of the society, revival of the national and spiritual values, realization of their rights, aspiration to be independent from the Union in economy and politics.

If we again refer to the abovementioned historical document - the Law "On establishing the position of Uzbekistan president and introducing amendments into the Constitution (Main law) of Uzbekistan Soviet Socialist Republic", as was stated in the Preamble of the law, the position of the President of Uzbekistan Soviet Socialist Republic was established with the aim of "further deepening democratic procedures, strengthening

constitutional authority, rights, freedom and safety of citizens, improving mutual influence of the supreme state and administrative authorities of Uzbekistan Soviet Socialistic Republic". [5] So that, a person elected for a newly established position of the President of the Republic of Uzbekistan was vested with enormous responsibility for further deepening democratic reforms, protection of rights, freedoms and interests of citizens, providing coordination of activities of the supreme state authorities in the country.

For this reason there wasn't a single opinion whether president had been previously within the supreme state authorities. On the basis of this Law "On establishing the position of Uzbekistan President and introducing amendments into the Constitution (Main Law) of Uzbekistan Soviet Socialist Republic" adopted on March 24, 1990 amendments were introduced into the Constitution, and Chapter 12 about the Supreme Council of the republic was enlarged by a special chapter as a continuation of the above mentioned. On adoption on November 1, 1990 the Law "On improvement of the system of executive and administrative authorities in Uzbekistan Soviet Socialist Republic and introducing amendments into the Constitution (Main Law) of Uzbekistan Soviet Socialist Republic" the new chapter was added to Chapter 13 about the government and titled as "President and government of Uzbekistan Soviet Socialist Republic".

According to this law adopted with the aim to improve the administrative system, serious amendments were introduced into the legal status of the president. Following the law the Council of Ministers of the Republic of Uzbekistan was reorganized into the Cabinet of Ministers under the President of the Republic of Uzbekistan, and the President of Uzbekistan at the same time held the position of Chairman of the Cabinet of Ministers. Administration of the President and administration of the Council of Ministers of the Republic of Uzbekistan were united into single administration within the President of the Republic of Uzbekistan. [6]

Unification of authority of the president and that of the executive-administrative authority of the Council of Ministers as well the constitutional status of the President as a Head of the State and a head of the executive branch was appreciated by opposition as a renewal of authoritarianism in the country.

But President I.Karimov regarded such issues with strong conviction and resolute consideration of interests of the state and its people. In this way he also was to some degree strict and exigent. In his interview to the correspondent of *Komsomolskay pravda* newspaper he openly told: "The opposition really is trying to show me as a dictator: may be there are elements of authoritarianism in my activity. But I will explain only one thing: in particular historical periods, as a rule during construction of a new statehood, especially transformation of one system into another, there ought to be strong executive authority to prevent bloodshed and confrontation for preserving peace and security among nations and citizens of the region. For this work I am ready to sacrifice myself". [7]

Thus, in order to create an appropriate public administration system and to limit powers of the legislative, executive and judicial branches of authority as well as to prevent parallelism and overlapping in functions of the government bodies in Uzbekistan, office of the President was at the head of the executive-administrative authority. Strengthening public administration and executive branch management of economy and all other spheres of social-cultural life required taking such measures.

It is worth to mention that the Institute of Presidency is considered one of the new public law institutions. As a result of falsification of our statehood history which has more than thousands years history, during the Soviet regime the experience on state administration was forgotten. After gaining independence and setting up a new statehood based on the democratic principles, construction of legal state and civil society became an urgent issue for our nation. Uzbekistan chose as its priority values providing democratic values and rights and freedoms of a person as well as creating free market economy. For this reason, liquidation of an old administrative-commanding system and its bodies, creation of political-legal and constitutional foundation for a new statehood, and providing a new system of social relations, a new system of public administration according to the Constitution and the laws were determined as its primary tasks.

Proceeding from historical experience passing by the Republic of Uzbekistan from public administration system to the strong presidential authority and necessity to hold authority, especially executive, by one person during the period of intensification of struggle for independence is explained by the fact that laws should be effectively implemented while issues should be responded. If there was chosen a parliamentary republic form of public administration, then a multiparty system should be required. But there could not be such system because of the young and sovereign state that had just passed from one party-system, while setting up a multiparty one would require a long period of time. The legislative branch of the republic, lacking enough experience, couldn't implement necessary tasks if it were under the conditions of the parliamentary or state governance.

But some foreign politicians have recommended their form of governance of the national state construction in Uzbekistan. However, Uzbekistan chose its own way of the state construction taking into account peculiarity of the country, traditions, economy, natural resources and experience of the national statehood. As there are no two identical with each other persons, there could not be two identical states. The national development cannot be provided if demands of the country are not considered. Thus, step-by-step, in evolutionary way, realization of all reforms in the country, creation of an effective system of state construction and administration, and creation of strong foundation for the statehood were resulted in stability of social life and domination of peace and order in the country. Due to elimination of impacts of the despotic regime and by facing the country to democratic values as well praising the national self-recognition, sense of motherland, national pride, value and spirituality, our republic was recognized by the world community. Appreciating the internal and external policies pursued by Uzbekistan the world community especially pointed the successful development of "Uzbek model" which was set up during the transition period, achievements of the people of Uzbekistan in all spheres of social life and peculiarity of constructing legal state and civil society.

Thus, there were several reasons for establishment of the Institute of Presidency in our country. They are the followings:

- liberalization of public administration procedures. First of all, tendency to get state sovereignty required establishment of the Institute of Presidency, wide authority of the legislative branch would negatively affect law-making activities;

- introduction of the principle of power separation into the state construction and its development were one of the main reasons for establishment of the Institute of Presidency.

The Institute of Presidency was directed to support establishment of state authority branches and carrying out democratic principles. Besides that need for coordinating activities of legislative, executive and judicial branches required establishing the position of president;

- an objective necessity in the country for taking enormous responsibility on formation of the government and carrying out its activities by president. [8]

Conclusions. Establishing the position of president in our country during such complicated period had brought about several positive results: establishment of the Institute of Presidency being a novelty for our country; coordination of all activities directed to gaining independence by the country, strengthening its sovereignty and consolidation of people of the country in accordance with one concept - Concept of the national independence; provided for taking appropriate organizational and legal measures on preventing mass disorders, organized crime, extremist activities during transition period; created favorable conditions for formation of the national statehood, revival of its historical-spiritual roots and application of its positive features in practice which served as a foundation for elaboration of legal bases conception for a long period and its application; development of ideological bases and the main directions of reforms in economy, legal, spiritual and educational spheres and their introducing into practice; created practical formulation of establishment of democratic legal state and civil society and its development as well as introduction of the new "Uzbek model" of development. "Thus the Institute of Presidency took central place within public administration system of the country. The Institute of Presidency was created as a root for the political system of the country". [9]

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