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LEGAL FRAMEWORK FOR THE ACTIVITIES OF POLITICAL PARTIES

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ABSTRACT

The article examines the process of formation and development of the organizational and legal framework of political parties in developed countries, i.e. institutionalization and constitutionalization processes. It is argued that political parties in developed countries rely on a solid legal basis in their activities. It was also noted that over the years of independence in the Republic of Uzbekistan, a solid legal basis has been created for the activities of political parties, which contributed to the formation and development of civil society institutions, including the institutions of people's representation in our country.

KEYWORDS: *Political Party, Organizational And Legal Basis, Constitution, Law, Legal Basis, «Institutionalization», Legal Norm, «Constitutionalization», Normative Act, Popular Representation.*

INTRODUCTION

Throughout the modern history of mankind, political parties have always played a prominent role in the representation of the people. It was they who largely contributed to the consolidation of electoral procedures in the mass consciousness. However, without sufficient and legally established institutional opportunities to influence the bodies of popular representation, the parties for a long time could not rely on the effective constitutional and legal instruments of legal regulation of their organization and activities, which are characteristic of most countries of Western democracy. World experience shows that the level of development of constitutionalism,

the degree of formation of civil society depends on how institutionalized political pluralism has become. There is no denying the fact that in recent years, political parties have become an important component of public relations: they have factions in the parliaments of different countries, legislative (representative) bodies of the subjects of these countries, and influence the process of making and implementing important public decisions. However, the constitutional regulation of ensuring the participation of political parties in the system of popular representation largely does not meet the requirements of modern society and needs further improvement.

Political parties in the modern sense of the term first appeared in Europe in direct connection with the revolutions, during which the people's representation was created – a system of power of the people, carried out through elected representatives [1, p.159-160].

Initially, the party united, on the one hand, the supporters of the monarch and the feudal lords, and on the other – the defenders of equality and political freedom. Subsequently, parties began to appear that defend the interests of individual social and regional groups of society. With the strengthening of class differentiation, the deepening of social contradictions, and the involvement of more and more broad strata of society in politics, the role of parties increased, and they became the main subject of politics and a necessary element of democratic statehood.

Parties differ from other public associations operating in the political arena (pressure groups, professional and business unions, etc.) in that they openly compete for seats in parliament and the government, which make it possible to govern the state and, through it, the entire society.

Political parties play a crucial role in public, political and state life, being one of the central components of the political system. The struggle between them is connected with the solution of the question of political power – its ownership, use, methods and forms of implementation. Parties actively participate in political life at all stages of the political process: in elections, the formation of state bodies, the adoption of political and state decisions, and their implementation.

The supporters of the party who vote for the candidates nominated by it in the elections to state bodies form its electorate (from the English "elector", French "electeur" – "voter"). The social strata or regional communities to which the majority of the electorate belongs constitute the social base of the party. In countries with stable social relations (for example, in Switzerland, the Netherlands), the electorate of individual parties is based not so much on the specificity of their programs and ways of activity, but on local and family traditions: the current generation votes for a particular party, following the example of their fathers and grandfathers.

A political party is an active and organized part of society, united by common interests, goals, or ideals, and striving to seize State power or to influence its exercise in a decisive way. A political party is a specific type of public association whose purpose is to participate in the political life of the state. The party as an independent political force, has an organizational structure, develops its own program of national development, and is characterized by a long period of existence [2, p.3-4].

Political parties represent a legal and political institution that acts as an intermediary between the State and the structure of civil society.

The place of political parties is determined by their position in the system of power and civil society. Having originated in it, they gradually won their place first in the system of legislative

power, then in the executive. Finally, the totality of the parties of society formed a party system, which became a separate political institution. The party system, or the totality of the parties of society, is located between civil society and the state, at the junction of public and state structures.

At present, the political and legal system of modern states has various legal forms of state regulation of party activities.

Among the forms of regulation of party activities by the state, the following can be noted::

- Development of special regulations (laws, decrees, resolutions) on political parties;
- Adoption of normative acts concerning state-legal institutions and mentioning political parties (electoral laws, regulations of parliaments, codes of municipal administration, etc.);
- The use of judicial precedents related to the activities of political parties [3, p. 39].

At the present stage, the processes of constitutionalization have been implemented in the political and legal sphere of political parties. The constitutionalization of political parties is understood as the consolidation of their role and place in the constitutions, or at least their mention, recognition by the basic law of the country as a public-state institution [4, p. 187-212]. The general direction of the process of constitutionalization of political parties is already clear: having begun in developed countries, it has now taken on a global character: most new constitutions contain references to parties, and special laws are being adopted about them in an increasing number of countries around the world. In addition, parties, as political institutions, appear in other laws. This process is due, on the one hand, to the increasing role of political parties in modern societies, on the other – to the financial and legal difficulties that they constantly face, and the need to control the manifestations of corruption and dirty electoral technologies.

The constitutionalization of parties allows State bodies to exercise control over certain aspects of their activities. On the one hand, to help them with financial resources, on the other - to reduce corruption to control their income and expenses.

The process of constitutionalization of political parties began with the adoption in 1947 of the new Constitution of Italy, in article 49 of which it was noted that "all citizens have the right to freely unite in parties in order to democratically contribute to the determination of national policy" [5, Article 49]. Then a similar article was written in the constitutions of Germany (1949) [6, Article 21], France (1958) [7, Article 4] and many other states of the world. The Russian Constitution of 1993 also contains an article on parties, which recognizes their ideological and political diversity, multiparty membership; It declares the equality of all parties before the law (as a guarantee against the return of the totalitarian past) and prohibits the creation of parties whose activities are anti-systemic or extremist in nature.

In connection with the expansion of the process of constitutionalization, German political scientists put forward the concept of a party state. G. Leibholz, in particular, argues that the parties were previously free associations, but thanks to constitutionalization they rose to the rank of constitutional bodies, i.e., from a legal point of view, they became the same as, for example, the federal government and the Bundestag. At the same time, the functionality of parties in modern society stems from their place as public-state structures and the link between society and the state. Therefore, they can be equated with state institutions only from a legal, formal, but not

from a political point of view. This question was raised in practical and legal terms in Germany in 1966, when the Federal Constitutional Court decided the problem of financing political parties.

On the basis of the legal provisions of the state institutions enshrined in the constitution, the parties of the Federal Republic of Germany began to apply for funding for their activities, which, in their opinion, should be proportional to the number of mandates received by each party in the Bundestag. The Constitutional Court established a distinction between the formation of the will of the people, carried out by parties in the sphere of society free from the influence of the state, and the formation of the will of the state, which is implemented through its constitutional bodies [8, p.114]. Since it is the parties that perform such a function as the selection and nomination of candidates for state posts, the will of the state, according to the Constitutional Court of the Federal Republic of Germany, cannot be formed without the participation of parties. Thus, from a legal point of view, elections to state bodies are a means of transforming the political will of the people into the state will. It follows that it is permissible to reimburse parties from the state budget for the costs of electoral struggle.

In the Republic of Uzbekistan, a solid foundation has been established, i.e., the legal and regulatory framework for the activities of political parties. The Constitution of the Republic of Uzbekistan sets out the norms concerning political parties. A number of laws have been adopted that regulate the activities of political parties.

Based on the provisions of the Constitution, the laws "On Public Associations" (1991), "On Political Parties" (1996), "On Non-governmental non-profit organizations" (1999), "On the financing of Political parties" (2004), "The Electoral Code of the Republic of Uzbekistan" (2019) and a number of other legislative acts were adopted. Of particular note is the Constitutional Law "On Strengthening the Role of Political Parties in the Renewal and Further Democratization of Public Administration and Modernization of the country" (2007), which clearly formulated the legal status of party factions that adhere to different political orientations, including the opposition party. The law expanded the field for political parties to participate in the formation of executive bodies by directly participating in the formation of the government, in the selection of candidates for certain positions in executive bodies at various levels.

After making some changes to the law "On Political Parties", the activities of political parties in our country have acquired a completely new legal framework. This has led to significant changes in the legal status of political parties, and especially in the formation of State authorities. Political parties in the Republic of Uzbekistan have gained real opportunities to participate in the formation of state authorities, to influence the internal and foreign policy of the country, so their role in the relations between the state and society has increased immeasurably.

In general, the current laws have strengthened the role of political parties in the democratization of state and social construction and contributed to the implementation of the following tasks:

1. Increasing the initiative, role, effectiveness and responsibility of political parties in implementing the country's reform, ensuring effective public control over the implementation of domestic and foreign policy by the state authorities.
2. Creation of organizational and legal conditions for the active participation of political parties in the formation of representative and executive branches of government. Important practical and

mobilizing importance is attached to the fact that political parties that have won seats in legislative and representative bodies of power can directly participate in the formation of executive bodies in the center and in the field and implement their program goals through them.

3. Creation of effective legal mechanisms that establish and ensure the accountability of the Government and state authorities to political parties represented in the Parliament and local representative bodies.

In addition, these and other legislative innovations made it possible, in our opinion, to achieve the following:

- strengthening the political responsibility of the parties for the implementation of their program objectives and election promises, and, ultimately, for the success and effectiveness of the country's modernization;
- The emergence of a strong real inter-party competition and struggle-both in parliament and in representative bodies;
- strengthening public control over the activities of state bodies and increasing the responsibility of their officials;
- Adequate representation in the parliament and other representative bodies of the legal political forces existing in the society, the whole diversity of opinions and interests;
- stimulating social and political activity of citizens, increasing their political culture and consciousness;
- Overall positive impact on the processes of democratization and modernization of the country.

Thus, the reform of the party legislation of the Republic of Uzbekistan allowed:

- * create institutional prerequisites for the formation of strong and effective political parties, encouraging the strengthening of the parties' positions in the legislative and representative bodies;
- * overcome the underdevelopment of the party system, strengthen the legal status of political parties;
- * encourage political parties to participate in elections and the work of representative bodies of state power and the formation of executive bodies, as the most important task of their statutory activities.

As a result, the parties began to aim at gaining their political representation in the state authorities through elections and influence on the process of appointing the heads of executive bodies, and, thereby, participation in the government.

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