

DEMOCRATIZATION OF STATE POWER AND GOVERNANCE IS AN IMPORTANT CONDITION FOR THE PRINCIPLE OF SEPARATION OF POWERS

Kozimbek Goziev

Lecturer

Department of Administrative and financial law Uzbekistan

ABSTRACT: This article presents a scientific study of the principle of separation of state power and democratization of state power. Based on the scientific views of scientists, the emergence of the principle of separation of state power, the powers of state power, its relationship with the people is systematically analyzed. At the same time, the scientific views of thinkers who are mature scientists in their field have been studied from the point of view of time.

KEYWORDS: State, democratization, parliamentarism, separation of state power, presidency.

INTRODUCTION

It is well known that, over the years of independence, Uzbekistan has undergone major changes in the system of state power, the institution of the presidency, parliamentarism has appeared, independent judicial and executive authorities have begun to form.

The political and legal reforms were conducted in our country are aimed at democratization and adaptation of socio-economic relations to the requirements of modernity and the formation of a new type of public administration that meets modern requirements and priorities.

After all, “we must clearly understand that the process of democratization and radical reforms in all spheres of our life is a long and continuous process. We must step by step reach new heights, set new tasks and mobilize all the forces and capabilities to solve them[1]”. Of course, when democratizing public administration, it is necessary, first of all, to formulate the principle of determining and restraining the mutual balance between authorities.

The principle of separation of powers was completely alien to him in the history of Uzbek statehood. Before Uzbekistan gained independence in the former Soviet Union, this principle was completely rejected as a bourgeois theory in terms of class. In the state administration of the former Soviet Union, the theory of separation of powers was completely refuted, all power was subordinated to communist ideology, and the whole principle of power became Soviet.

THE MAIN FINDINGS AND RESULTS

The democratic transformations that took place in young Uzbekistan after the collapse of the former Soviet Union showed the need to abandon the old despotic system and develop a new model of the organization of state power. The most important of these ideas are “a deeper introduction of democratic patterns and principles into public administration and the construction of society, ensuring balance and proportionality of power, that is, the legislative, executive and judicial branches of government, and at the same time their independence from each other, the organization of practical mechanisms for each branch to fulfill its tasks and responsibilities in life” [2].

The principle of dividing the powers of authorities into three parts, generally recognized in the countries of the world (since power is indivisible, therefore, its powers are distributed among the governing bodies), the norm providing for the introduction of three branches of state power in our country, the basic law of our independent country in article 11 of the Constitution establishes the division of the system of state power into legislative, executive and judicial.

Recognition of the existence of three branches of government means recognition of the need for specialization of power in application to the leading branches of state construction, at the same time, the theory of the division of the system of state power into branches presupposes full independence of the branches of government, and not their autonomy.

“The constitutional principle of separation of powers into branches is based on the goal of creating a system of checks and balances in the state mechanism, ensuring that each of the branches of government, having relative independence, has the opportunity to control and influence the activities of other branches of government ” [3].

It should be noted that "the importance of the theory of division of the system of state power into sectoral authorities in the current state development has been sufficiently, broadly analyzed and still analyzed in the literature" .

Since the principle of distribution of powers of government is applied to the socio-political life of our country, it is important to determine the origin of this doctrine, its primary source.

As the basis of the idea of separation of powers in the classical way, ancient Greece and ancient Rome are noted. The division of state power the printsip has a long history of its formation as an important method of legal and moderate organization of power and ensuring its functioning.

In particular, the first ideas aimed at the implementation of the functions of state power as a whole, the introduction of a rational division of labor between state bodies, the restriction of power from the point of view of human freedom were given by thinkers such as Plato, Aristotle, Epicurus, Polybius, Tsitseron and Paduansky [4].

In his work "laws", the ancient Greek thinker Plato spoke about the construction of a state, each of which in a certain sense divides three categories of state institutions with autonomous powers – the supreme body that executes laws, the council that helps this body, as well as courts that deal with issues related to civil, criminal and death sentences. Aristotle points out that in the work "politics" any state system includes three elements – the first, the legislator who improved state affairs, the second, magistrates, the third, judicial authorities [5].

The views of Polibiy on the division of state power are also of particular attention. According to polibiy, state power is divided between the consul, the Senate and the people's Assembly, and the land and welfare of the citizens is ensured when these bodies are formed in proportion to each other "twirling", supporting and controlling each other. He considers such a form of management to be the most perfect and calls it a mixed form. Because it is the best unsurlari embodiment of any form of government, that is, single authority – in the consul, nobility – in the Senate, and democracy – in the people's Assembly [6]. The ancient Roman thinker Cicero also advocates the development of Polybius' idea of a mixed form of government, divided between the people, the senate and the magistrates, as an excellent form of government [6].

Centuries later, the ideas of the ancient thinkers about the division of state power are increasingly becoming bleak. Views on this in the Middle Ages N.Enriched also by Makiavelli.

In particular, he tried to show that in his works "the ruler", "the reasoning about the first decade of Tit Libya", "the history of Florence", a parliament was established in France in order to limit power, officials and ensure freedom, while in Florence there was a certain division of labor between government agencies and the advantage of such management [7].

At the same time, the idea of separation of powers in the scientific literature was put forward about the existence in the Bible, the Torah, also in the doctrine of the Confucius. Peter Barenboym's "3000 let doctrine razdelenia vlastey. Milk Cyotera" (M. In his work titled: 1966), he explained that the print of the independence of the court is expressed in the Bible; it is also based on the idea of the separation of powers in the famous work of the Confucius "Lun Yuya" (reasoning and dialogues) and the existence of a mechanism for the system of "intertwining" [8].

The founders of the bourgeoisie, formed several centuries ago, in their teachings, determined the need for a new approach to the nature of state power from a new point of view and a clear limitation of the main directions of state activity. The new political doctrine was also formed during this period of the theory of division of powers.

According to Professor S.S.Alekseev: "not only regulated power, but also an authority with strict boundaries, forms and forms were necessary, power was required to be moderate, not to oppress a person by his own nature, to ensure his subordination to the right in a society in which he ruled himself, in which the personal interests of each person, private property, high moral criteria prevailed" [9].

And the creation of a holistic doctrine in this regard coincides with the period of struggle of businessmen for their political rights [10], which is becoming increasingly important in the economic life of medieval European countries, as well as the development of the parliament as a state institution. English philosopher J.Locke (1632-1704) and French enlightener Sh.Monteskelar (1689-1755) are the founders of this doctrine, who created specific conceptions of both the division of state power and its independent implementation.

According to the philosophical and political views of the Locke, the peculiarity of his views on the division of powers is characterized by the fact that he gives priority to legislative power. Because in its interpretation, the relevant types of mass - governor activity are located in the order of paganal subordination, the first place in them is assigned to the legislative power. Legislative power is a high authority in the country, but it is not an absolute power, of course.

Monteske believes that the main purpose of the separation of powers is to prevent the abuse of power. If the body, the Legislature and the executive power are concentrated in the hands of any person or any office, then in this case there is no place for freedom in society, because there is a risk that the same monarch or Senate can adopt laws of a tyrannical nature and begin to apply them in a tyrannical style. If the judicial power is not separated from the legislative and executive power, then in this case, too, freedom will not find a decision. In the case, if the judicial power is combined with the legislative power, then in this case the life and freedoms of citizens will remain under arbitrary power, since the judge will be the legislator. If the judicial power is combined with the executive power, then in this case the judge will be able to be oppressive. If in one person or in one office there are three authorities: the authority to create laws, the authority to execute decisions of a general nature, and the authority to settle disputes between crimes and private persons, then in this case all will be complete [11].

Here it is precisely these branches of power that are not determined by the specific purpose for which the management of society is facilitated. This is an indicator of the legal nature of the whole statehood, the natural differences between the three directions of activity of people's power and the legal forms.

In the system of fixing one another and keeping one another in balance, the balance between the legislative, executive and judicial authorities is determined by a system of special legal measures, thereby ensuring not only the mutual movement of the branches of power, but also the restriction of each other in the framework established by law.

The Legislative network of State Power officially establishes the norms of law and general rules that determine the measure of human land in society and the state.

The executive power carries out the majoring power of the state. This is a system of organs capable of carrying out an organized complexion, up to the use of force. But in order to ensure that these powers are legal, they must be established by law.

The judicial authority decides disputes, determines the right of the subjects in certain cases, and the main thing is to guarantee human rights and freedoms in the case established by law.

The division of governorates means that the bodies of Parliament, executive and judicial power are independent within their competence and can not interfere in each other's

competence. At present, these bodies are given such powers that they can not operate without a fork from each other, and the powers of state power are carried out in harmony with the three independent sectors.

US President J. Madison commented on the division of powers as follows: "career powers of officials must be timed, the deputy can not hold a responsible position in the administration office during the period of execution of his powers, the right to impose a ban (veto) without voting on the bills, the right to dissolve the Parliament must be established, the people during the conduct of the, it is necessary to ensure the independence of the judicial Corps" [12].

Although the print of the division of powers is determined in each state by its own traditions, but the basis is of course determined in the classical way by the principle of division of powers of power. In it, a natural question may arise why the principle of division of khokimats was necessary, How between them it would seem that one could croak and keep one another in balance.

Of course, the division of powers of the governorship was explained by the following words of A. Hamilton. "Give power to the multiplicity they are beginning to give power to the minority, give power to the minority they are beginning to give power to the majority, so that the power between them should be so that they are mutually ticking one another." Obviously why it is clear that the powers of the authorities should not be allowed to accumulate in the hands of an organ or an official [13].

Therefore, the absolutization of the idea of a unity of state power is naughty. This inevitably leads to the accumulation of state power in the hands of one person, the individual power of one person or group, and ultimately to authoritarianism and social crisis.

Therefore, in order to limit state power in the course of its social development, to establish rectorate in the state system, to replace state interests with narrow personal or group interests, and thus to prevent and eliminate negative ills, such as restriction and violation of human freedom, humanity has put forward the principle of separation of state power.

CONCLUSION

In connection with the fact that the organization of state power is based on the division of powers, it can be said that in the issue of the classification of state bodies, in particular on the

"placement" of state bodies in the three branches of power, in the scientific literature, it is possible to say that an artificial attempt to "place" all state bodies [14].

“The branches of government are inextricably linked with each other and need each other and form a complete unity, acting as a state power. For this reason, they talk more about achieving a balance between the sectors of power when it comes to the current state of affairs [15]”

Undoubtedly, the doctrine of the distribution of powers can be included among the masterpieces of the treasury of socio-political thought of mankind. After all, both history and the present confirm the viability of this idea and the fact that it is eaten with social dignity.

REFERENCES

1. Каримов И.А. Ҳозирги босқичда демократик ислоҳатларни чуқурлаштиришнинг муҳим вазибалари. -Б.93.
2. Каримов И.А. Янгиланиш ва ўзгаришлар жараёни ортга қайтмайди 2002 йил
3. Муҳитдинова Ф.Ф. Ўзбекистонда суд-ҳуқуқ ислоҳоти. -Т.: Фалсафа ва ҳуқуқ институти, 2011. -Б.126.
4. История политических и правовых учений. // Под ред. В.С. Нерсисянца. – М.: ИНФРА • М, 1998. -С. 50-70, 121-122
5. Чиннибоев Х., Мирзаева Г. Ҳокимият ваколатларининг тақсимланиши. Ҳаёт ва қонун. 2003. № 6. –Б.44.
6. Черкашин Е.Ю. Становление и развитие идеи разделения властей. [Электронный ресурс] Режим доступа: http://www.science.ncstu.ru/articles/law/02/08.pdf/file_download, свободный.
7. Виноградов В.П.Разделение властей: старая теория или необходимая реальность? [Электронный ресурс] Режим доступа: <http://www.kodeks.ru/noframe/free-urbib?d&nd=722900176&prevDoc=722900176&am>, свободный.
8. Государство и право. -Москва. 1997. -№3, -С.122-126.
9. Алексеев С.С. Уроки:тяжкий путь России к праву. -М.: 1997. -С.88.
10. Иванов В.В. Принцип разделения властей в Конституции США 1787 г. и Конституции Франции 1791 г.: сравнительный анализ. Государство и право. - № 12 – 2000. -С.80

11. Монтескье Ш. Избранные произведения.- М., 1955.-Б. 290.
12. Боботов С.В., Жигаев И.Ю. Введение в правовую систему США. М.: 1997. -С.37.
13. Одилқориев Х.Т., Раззоқов. Сиёсатшунослик дарслик
14. Ахмедшаева М.А. Давлат хоқимияти тизимида ижро хоқимияти: Юрид. фан. док. ...дисс. -Т.: 2010. - Б.166.
15. Мухитдинова Ф.Ф. Становление и развитие судебной власти в Республике Узбекистан: Автореф. дис. ... док. юрид. наук. -Т.: ТГЮИ, 2012.-24с.
16. Жураев, А. Н. (2021). REPRESENTATIVE INSTITUTE FOR THE PROTECTION OF THE RIGHTS AND LEGAL INTERESTS OF BUSINESS ENTITIES IN ENSURING THE RULE OF LAW. ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ, (SPECIAL 1).
17. Жураев, А. Н. (2021). REPRESENTATIVE INSTITUTE FOR THE PROTECTION OF THE RIGHTS AND LEGAL INTERESTS OF BUSINESS ENTITIES IN ENSURING THE RULE OF LAW. ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ, (SPECIAL 1).
18. Isaeva, F. . (2021). LEGAL FRAMEWORK FOR THE REGULATION OF CIVIL SERVICE IN THE REPUBLIC OF UZBEKISTAN. INTERNATIONAL SCIENTIFIC AND CURRENT RESEARCH CONFERENCES, 1(1), 192–198. Retrieved from <https://usajournalshub.com/conferences/index.php/iscrc/article/view/208>
19. Жураев Шерзод (2020). ПРАВО НА ЭКОЛОГИЧЕСКИ БЕЗОПАСНУЮ ЖИЗНЬ И ЗАРУБЕЖНАЯ ПРАКТИКА. Review of law sciences, 4 (Спецвыпуск), 88-91. doi: 10.24412/2181-919X-2020-88-91
20. Жураев, А. Н. (2021). REPRESENTATIVE INSTITUTE FOR THE PROTECTION OF THE RIGHTS AND LEGAL INTERESTS OF BUSINESS ENTITIES IN ENSURING THE RULE OF LAW. ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ, (SPECIAL 1).
21. Жураева, А. Б. (2020). PRIOR RIGHTS IN TRADEMARK IN UZBEKISTAN, CHINA AND GERMANY COMPARATIVE STUDY. ЮРИСПРУДЕНЦИЯ, 1(1).
22. Akhrorov, A. (2021). ENVIRONMENTAL CONTROL OF PUBLIC ADMINISTRATION BODIES IN THE REPUBLIC OF UZBEKISTAN.
23. Yusupov S. B. The right to the treatment and its evolution //European Journal of Humanities and Social Sciences. – 2016. – №. 1. – С. 72-73

24. Юсупов, С. Б. (2021). LAW AND ECONOMIC HARMONY: ADMINISTRATIVE PROCEDURES IN THE ACTIVITIES OF FREE ECONOMIC ZONES. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ*, (SPECIAL 1).
25. Юсупов, С. Б. (2021). COVID-19 ПАҢДЕМИЯСИ ДАВРИДА ДАВЛАТ БЮДЖЕТИ УСТИДАН ПАРЛАМЕНТ НАЗОРАТИНИ АМАЛГА ОШИРИШНИНГ ТАШКИЛИЙ-ҲУҚУҚИЙ АСОСЛАРИ. *ЮРИСПРУДЕНЦИЯ*, 2(1).
26. Yusupov, S. (2020) "Improving the legal framework for the implementation of legal policy by local authorities on the ground," *Review of law sciences: Vol. 4 : Iss. 1* , Article 27.
27. Khudoyberganova, M. . (2021). THE ROLE OF PUBLIC ADMINISTRATION IN THE DEVELOPMENT OF PHARMACEUTICAL SECTOR IN THE REPUBLIC OF UZBEKISTAN. *INTERNATIONAL SCIENTIFIC AND CURRENT RESEARCH CONFERENCES*, 1(1), 147–152. Retrieved from <https://usajournalshub.com/conferences/index.php/isrcr/article/view/200>