



THE THEORETICAL AND LEGAL ANALYSIS OF PARTICIPATION OF PUBLIC REPRESENTATIVES IN LEGISLATIVE ACTIVITY

Saida Abdimalikova

Independent Applicant of Tashkent State University of Law

E-mail: axmadovasaida22@gmail.com

Abstract

This article presents a theoretical and legal analysis of the participation of public representatives in legislative activity in Uzbekistan. In the context of ongoing legal and democratic reforms, public involvement in lawmaking has emerged as a significant tool to enhance transparency, legitimacy, and responsiveness of governance. The paper examines both international theoretical frameworks and national legislative developments, including the 2023 constitutional amendment granting citizens the right of legislative initiative. The paper concludes by proposing the adoption of a legal definition and classification system to institutionalize and standardize public involvement in legislative processes, thus strengthening democratic governance and civic engagement.

Keywords: Public participation, legislative activity, lawmaking, civic engagement, democratic reform, Uzbekistan, constitutional amendment, legislative initiative, civil society, normative legal acts, digital democracy, public consultations, legal classification, public control.

Introduction

In our country, measures are being taken to create conditions for the development of an economy based on the rule of law, a democratic state, the construction of a strong civil society, free market relations and private property, the peaceful and prosperous life of the people, the worthy position of Uzbekistan in the international arena. Such reforms are based on the principle of the priority of citizens' interests.

Increasing the role of public by expanding their participation in the legislation is one of the important aspects of these goals.

As a result of these reforms, Uzbekistan's position in global ranking indices is also improving. According to the Economist Intelligence Unit's Democracy Index 2023, Uzbekistan ranks 148th out of 167 countries, sharing this position with China. The country maintains a democracy score of 2.12 out of 10, categorizing it as an authoritarian regime. This score has remained consistent since 2020, with low ratings





in areas such as electoral process and pluralism (0.08), civil liberties (0.88), and functioning of governmentⁱ

Participation of public representatives in legislative activity refers to the formal or informal involvement of individuals or groups, who are not part of the elected or appointed branches of government, in the various stages of the lawmaking process. This participation may include proposing legislative initiatives, submitting public comments, engaging in public consultations, or influencing policy development through advocacy or referenda mechanisms. In modern democratic systems, such participation is regarded as a means of enhancing the legitimacy, transparency, and responsiveness of the legislative process.

Legislative activity is a creative process, in which the will of the people is determined, formulated and, in the prescribed manner, elevated to the level of law. Activities related to law and lawmaking have played an important role in all stages of the development of society.

According to Professor H.T. Odilgoriev's opinion, "the lawmaking process is the set of activities carried out by the supreme representative body of the state, in accordance with the procedure established by the Constitution, aimed at creating new laws, making amendments and additions to existing laws, as well as repealing outdated ones..."ⁱⁱ.

It is accurate, but not complete. It only considers the role of the state body (Oliy Majlis). However, when citizens can initiate legislation, the lawmaking process may begin outside the state apparatus, so the definition should also include civic initiatives. One of the key changes introduced in the 2023 Constitution of Uzbekistan is the granting of the right of legislative initiative to citizens.

Lawmaking is a legal process, established by the Constitution, aimed at creating, amending, and repealing laws. It is carried out by the supreme representative body of the state and may also be initiated by other entities granted the right of legislative initiative, including citizens. This process includes identifying the social relations that need to be regulated by law, drafting the bill, its discussion, and eventual adoption.

While Uzbekistan's legislation does not provide an explicit single definition of "participation of public representatives in legislative activity," several laws and policy documents regulate and describe forms of such participation.

According to Thomas Chilton, public participation is "a process through which individuals, civil society organizations, and interest groups influence public policy and decision-making, particularly at the legislative level." He emphasizes that effective participation helps bridge the gap between government institutions and society, resulting in more responsive and accountable legislationⁱⁱⁱ.



Jeremy Waldron, a prominent theorist of democratic lawmaking, argues that public participation in legislation is not merely a procedural formality but a substantive democratic right. He suggests that legislative legitimacy derives not only from elected representatives but also from the active deliberation and input of the people themselves^{iv}.

A number of Uzbek scholars also contribute to this discussion. A. Saidov notes that in the context of Uzbekistan's legal reforms, ensuring broad public engagement in the legislative process strengthens transparency, prevents legal nihilism, and promotes national ownership of legal reforms^v.

U. Normatov Classifies participation as both a democratic right and legal obligation of the state to provide transparent, accountable platforms where public representatives can comment on, initiate, and monitor legislative proposals^{vi}.

Scholars and practitioners have developed various frameworks to classify and understand the different forms and levels of public involvement in the legislative process. Below is an overview of prominent classifications, supported by academic sources.

Sherry Arnstein's seminal work presents a typology of eight levels of citizen participation, arranged in three categories:

Non-participation: Manipulation, Therapy

Tokenism: Informing, Consultation, Placation

Citizen Power: Partnership, Delegated Power, Citizen Control

This framework emphasizes the redistribution of power, advocating for higher levels of citizen control in decision-making processes .

The International Association for Public Participation (IAP2) developed a spectrum outlining five levels of public participation:

Inform: Providing the public with balanced and objective information.

Consult: Obtaining public feedback on analysis, alternatives, and decisions.

Involve: Working directly with the public throughout the process.

Collaborate: Partnering with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.

Empower: Placing final decision-making in the hands of the public .

It is possible to include citizens' participation through referendums and their right to legislative initiative in these classifications. Ginsburg, T., & Elkins, Z. note that public engagement in legislative drafting, particularly through initiatives and referenda, is a hallmark of participatory democracy^{vii}.

These classifications are of a general nature and pertain to the participation of the public in governmental and societal affairs. However, in academic literature, there is



a lack of a specific classification concerning the participation of public representatives in the legislative process.

To conclude, although participation is recognized in multiple laws (e.g., Law on Normative Legal Acts, Law on Public Control), Uzbekistan's legislation lacks a single, unified legal definition of this concept.

It should be adopted an amendment or a dedicated law that defines “participation of public representatives in legislative activity” as:

“The involvement of citizens, non-governmental organizations, and other civil society institutions in the preparation, discussion, monitoring, and evaluation of normative legal acts.”

While various forms of engagement exist in practice (public discussions, NGO input, digital feedback), there is no official classification.

Introduce a legal classification distinguishing:

- Direct participation: referendums, citizen legislative initiatives, public hearings.
- Indirect participation: via NGOs, public councils, expert groups.
- Digital participation: through platforms like regulation.gov.uz.

This will help standardize practices across ministries and agencies.

The relationship between the state and its citizens in the legislative process is fundamental to democracy. Public representatives, whether elected officials, interest groups, or experts, play a crucial role in ensuring that the laws passed are fair, transparent, and reflective of the people’s needs and aspirations. The involvement of the public in legislative activities enhances legitimacy, strengthens accountability, and contributes to the protection of human rights. So, strengthening not only legal, but also theoretical basis of participation of public representatives in legislative activity is important.

REFERENCES:

1. <https://www.eiu.com/n/campaigns/democracy-index-2023/>
2. X.T.Odilqoriev. Davlat va huquq nazariyasi. – T., 2018. 224-b
3. Chilton, T. Public Participation in Democratic Governance. – New York: Palgrave Macmillan, 2017. – p. 88.
4. Waldron, J. Law and Disagreement. – Oxford: Oxford University Press, 1999. – pp. 210–215.
5. Saidov A.Kh. Pravovoye gosudarstvo: teoreticheskiye i prakticheskiye osnovy – Tashkent: Adolat, 2020. – p. 137.
6. Normatov U. Fuqarolik jamiyati institutlari ishtirokidagi qonun ijodkorligi: konstitutsiyaviy va huquqiy asoslar. – Tashkent: TDIU nashriyoti, 2022.
7. Ginsburg, T., & Elkins, Z. (2008). Constitutions and the Design of Democratic Institutions. In Annual Review of Political Science, Vol. 11, pp. 201–227.

