



Legislative Initiative: Content and Essence

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Abstract: *In this scientific article, the concept of legislative initiative, its essence and the legal basis for the implementation of the right to legislative initiative, as well as the importance of legislative initiative in the process of law-making are considered.*

Keywords: *law-making, state power, legislative body, law-making, legislative initiative.*

In Uzbekistan, large-scale reforms are being carried out in the field of economics, politics, state construction, judicial law and the spiritual sphere of society. The legal ground for the reforms being carried out has been created. The legal foundations of socio-political life are being consistently strengthened and improved.

The creation of laws that legally regulate the life of society is an extremely complex task, the entire responsibility of which lies with the Legislative Office. In fact, the Oliy Majlis (Parliament) of the Republic of Uzbekistan was elected to fulfill the same complex task, both chambers of which expressed the interests of the people and mobilized to raise his will to the level of law.

President of the Republic of Uzbekistan Sh.M. Mirziyoyev's appeal to the Oliy Majlis and the people of Uzbekistan on December 20, 2022, it was on the activity of our people in the creation of the basic law that the following points were noted: "First – man, then – society and state", we must deeply immerse ourselves in both our laws and everyday life. It is necessary that we strengthen the foundations of our national statehood, capable of overcoming serious trials and unpredictable risks of the present day.

With this in mind, work is underway to improve our basic law. From this reform, our people expect great changes. To date, the fact that more than 220 thousand proposals have been received in this regard is also clear evidence of this.

Discussions are in full swing. In this process, we see that our deputies, political parties are responsible and active and take every proposal seriously. I thank them for this.

On the basis of the principle "Society is the initiator of reforms", we will work with our people on all issues.

In general, we must comprehensively think and work out the Constitution, which is enriched with the spirit of glorification of human dignity, serves future generations with dignity, is suitable for New Uzbekistan.

The fact that all the proposals and wishes expressed by our citizens are necessarily taken into account when creating a draft constitution is a vivid manifestation of the power of the people.

The main law of our country, the Constitutional Law of the Republic of Uzbekistan "On the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", the Constitutional Law of the Republic of Uzbekistan "On the Senate of the Oliy Majlis of the Republic of Uzbekistan", the law of the Republic of Uzbekistan "On the regulation of the Senate of the Oliy Majlis of the law of the Republic of Uzbekistan "On the procedure for preparing draft laws and inclusion in the



Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, committees of the Oliy Majlis of the Republic of Uzbekistan, that is, direct activity within the legislative body begins with the manifestation of legislative initiative.

First of all, it should be understood what the legislative initiative is. In the scientific legal literature there are various definitions of legislative initiative. “The legislative initiative is the formal introduction of a bill into a legislative institution in the manner established”¹.

“Legislative initiative the right to include in the country's Parliament proposals for the adoption of bills or new laws”².

“The legislative initiative is the right to introduce draft laws into the legislative body, which imposes on this body the obligation to consider draft laws and make decisions on them”³.

“The legislative initiative is the official introduction of draft laws into the legislative institution, in the manner established by law”⁴.

As can be seen from these definitions, the legislative initiative is the main and primary stage of the legislative activity, that is, the legislative process.

As you know, important rules that determine the foundations of the functioning of law-making are enshrined, First of all, in constitutions, in special laws. The stages of the law-making process are more thoroughly regulated in the regulations of the country's supreme body and its chambers. Lawyer scientist H.T.Odilkoriev believes that the process of creating a law, that is, direct activity within the framework of the legislative body, begins with the provision of a legislative initiative. In order to understand the core of the legal problems of the legislative initiative, it is required to carefully observe the following aspects:

- 1) the essence of the right to legislative initiative;
- 2) problems arising as a result of the implementation of the legislative initiative;
- 3) the scope of the subjects of the law of the legislative initiative, as well as the characteristics inherent in them, etc;

As can be seen from the definitions presented above on the legislative initiative, in the scientific legal literature the concepts of “legislative initiative” and “law of legislative initiative” are used as separate concepts. In our opinion, these concepts mean one. In some definitions, the “legislative initiative” is expressed as the fact of introducing a draft law, that is, the sum of actions aimed at the implementation of this right, while in other comments to the introduction of a draft law of a particular subject. The legislative initiative to describe in the sense of the right of the subject introducing the bill into the legislative body, is not correct. Because in this case, the right (Real opportunity) of competent authorities and persons to initiate legislation is being mixed with the action, which represents a special stage in the legislative process.

The list of subjects of the law of legislative initiative in the law-making of foreign countries shows its diversity. This right is possessed by the former parliament members and the government, and in a number of states, including the President of the Republic of Uzbekistan. In addition, the right to legislative initiative can also be given to other state bodies: state authorities of the subjects of the Federation, representatives of human rights (ombudsmen), etc.⁵

¹ Zakonodatel'naya iniciativa// [http:// dic. Academic. ru](http://dic.academic.ru).

² Enciklopediya yurista. Yuridicheskij slovar' // <http:// dic. Academic. ru>.

³ Bol'shoj enciklopedicheskij slovar'. Yuridicheskij slovar' // <http:// dic. Academic. ru>.

⁴ Enciklopedicheskij slovar' ekonomiki i prava // <http:// dic. Academic. ru>.

⁵ Odilkoriev H.T., Tul'teev I.T. Ikki palatali parlament. Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2005. P. 99



In a number of states, the right to legislative initiative is recognized as having both people's and public organizations. In Bulgaria, for example, it has been shown that the right to legislative initiative is used by any representative of the people and the Council of Ministers. (Article 87 of the Constitution of Bulgaria). In Slovakia, bills can be introduced by committees of the National Council, deputies, the government. (Part 1 of Article 87 of the Slovak Constitution), in Germany, bills are introduced by the Federal Government, by deputies of the Bundestag and Bundesrat. (Part 1 of Article 76 of the Basic Law), in the Czech Republic, bills are introduced by deputies, groups of Deputies, representatives of the Senate, Government or territorial units of supreme self-government⁶.

The issue of the subject of the right of legislative initiative - the president-is interpreted in different ways. Some qualifications (polish, etc.) indicate that the president has this right. In other countries, for example in the United States, the right to a legislative initiative is officially granted to members of the chambers of Congress. Germany, Austria, Switzerland are also the leading subjects of the right to legislative initiative, and it is the governments of these countries that are considered. This is because the party that wins the elections to Parliament will have the opportunity to form a government. They, in turn, are engaged in the implementation of the programmatic goals of the party and exercise the right to legislative initiative in this. The fact that the governments of this country occupy the main place in the legislative process should not give rise to the erroneous opinion that the subjects of the right to another legislative initiative do not participate in the preparation of laws of good quality and vital for life.

In Germany, for example, the Federal Chancellor is elected by the Bundestag and is the leader of the party that won the elections. The government is formed by him directly under his leadership from the members of the party that formed the parliamentary majority⁷. For this reason, the Bills are prepared and developed by the GFR government and its servants. This situation should not lead to the conclusion that the draft laws introduced by the government will only be approved by the Bundestag. In this case, the task and role of the Bundestag is that it will be able to join or reject any of the initiatives of this legislation⁸.

From the above, it can be concluded that the legislative initiative is understood as the preparation of the primary view of the draft law and opinions expressed by the subjects who have the right to the legislative initiative specified in the Constitution of the Republic of Uzbekistan on draft laws. It can be seen that legislative initiative is fundamental to the ways in which social thought is expressed.

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⁶ Ismoilov B.I. Realizaciya prava zakonodatel'noj iniciativy v pravoprimeritel'noj praktike zarubezhnyh stran i Respublike Uzbekistan. Informacionno-obrazovatel'nyj yuridicheskij portal // [http:// Allpravo. ru](http://Allpravo.ru).

⁷ Gosudarstvennoe pravo Germanii. - Moskva: ISL RAS, 1994. - C. 156.

⁸ Schick R., Zeh W. So arbeitet der deutsche Bundestag. Darmstadt.:Neue Darmstandter Verlagsanstalt. 1999. S.82.



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