

# ELECTIONS AS A POLITICAL INSTITUTION OF INTERACTION BETWEEN THE STATE AND CIVIL SOCIETY

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## Introduction

Citizens of the Republic of Uzbekistan have the **right to participate in public affairs**, including in the activities of civil society, and through their right to freedom of association to **form and join civil society organizations**. Such organizations play a crucial role in democratic development due to their ability **to represent public interests**.

It is civil society that is the **main beneficiary of a democratic order**, an effectively functioning socio-political and socio-economic system as a whole.

I. Kant considered the formation of civil society as a compromise between the freedom of an individual citizen and the freedom of others. Thus, human rights and freedoms do not depend on the state, but on society and the institutions that refer to it. Thus, in the theory of I. Kant, the actors of civil society are social groups and social and public institutions (family, school, neighborhood communities, associations, communities, etc.), which provide an opportunity to realize inalienable human rights<sup>1</sup>.

The essence of effective management of civil society institutions is to achieve the necessary **balance between the interests** of each individual, civil society and the state as a whole. Members of civil society, united in various organizations, can establish **various relationships** among themselves and realize their opposing interests, thereby to ensure the harmonious, purposeful development of civil society institutions.

The processes of world development at the beginning of the XXI century are characterized by globalization, which includes almost all spheres of public activity:

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<sup>1</sup> Kant I. The idea of universal history in the world-civil plan // Essays: In 8-tt. Vol.8. M., 1994

politics, ideology, culture, lifestyle, as well as the very conditions of human existence. It is natural that civil society institutions timely respond the national and geopolitical challenges of our time. This requires further improvement of the regulatory, political, doctrinal and organizational support for the functioning of civil society institutions as subjects of public relations.

In the last few years, the **dialogue between public forces and state authorities has been gaining momentum** in Uzbekistan. Significant measures have been undertaken to **increase the role and importance** of public activity of non-governmental non-profit organizations and other civil society institutions for the implementation of democratic transformations in all spheres of society and the state. **Consistent work has been carried out to support** non-governmental non-profit organizations and other civil society institutions in order to **strengthen social partnership** between them and government agencies and to implement effective public control, as well as to improve the legal framework governing this area. As a result of the measures undertaken, the regulatory framework has been improved, providing legal guarantees for non-governmental non-profit organizations so that they could meet modern democratic requirements and satisfy the international standards. Due to this, about 20 laws, acts of the President of the Republic of Uzbekistan and Government decisions have been adopted.

Currently more than **10 thousand** (in 2016 there were 8,700 registered NGOs, by 2020 their number amounted to 10469) non-governmental non-profit organizations operate they **play an important role** in protecting the rights and legitimate interests of individuals and legal entities, democratic values, while achieving social, cultural and educational goals<sup>2</sup>.

By the Decree of the President of the Republic of Uzbekistan "**On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country**" dated 4 May, 2018, the Advisory Council for the Development of Civil Society under the President of the Republic of Uzbekistan was established, whose main tasks are to establish a systematic and effective dialogue between the state and civil society institutions at the highest level as a modern, democratic and transparent platform for consolidating their efforts aimed at further advancing and comprehensive development of the country.

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<sup>2</sup> Decree of the President of the Republic of Uzbekistan "On measures to radically enhance the role of civil society institutions in the process of democratic renewal of the country" May 4, 2018, No. UP-5430.

Also, this year, **the Concept of "Development of civil society in 2021-2025"** was approved by the Decree of the President of the Republic of Uzbekistan. The objectives of the Concept are the further development of a liberal civil society in the country, the protection of human rights and legitimate interests, democratic values, increasing political culture and legal awareness of the population, strengthening social partnership and cooperation in solving topical issues between government agencies and non-governmental non-profit organizations, increasing the initiative and activity of non-governmental non-profit organizations in the reforms carried out in the republic in all spheres.

In modern conditions, we should emphasize more on speaking **not about the opposition of the state and civil society**, but about their unity. Today, civil society is a balancing force and component of the state.

### **Elections are an essential component of civil society**

The electoral process is one of the vital mechanisms of communication between civil society and the state where parties play an important role. It is worth mentioning that elections are component of civil society, which is influenced by parties, public opinion, the media, etc.<sup>3</sup>

It is civil society that is able to fulfill the role of a system of checks and balances; a strong civil society is able to breathe life into democratic processes, advance social principles, thereby creating conditions for further democratization.

Today, civil society institutions, unlike in previous years, **do not want to stay aside from** the analysis of the ongoing processes. In general, the electoral behavior of citizens, in our opinion, indicates the **formation of a new type of civil society**, which focuses on the need for effective electoral control. It is positive that, regardless of ideological and political preferences, citizens in their electoral policy are guided by such basic values as stability and social priorities in public policy.

The existence of a civil society is an important condition for freedom of expression, freedom of speech and the right to participate in the socio-political life of the country. An active civil society complements the system of checks and balances, serves as a platform for identifying public opinion, promotes accountability of state

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<sup>3</sup> Krutov A. Elections as a political institution of interaction between the state and civil society// Citizen. Elections. Power. No. 4, 2016– - p. 180.

structures, reduces the risk of conflicts in society and violations by officials, can serve as an alternative mechanism for dispute resolution and make a significant contribution to improving electoral culture.

Civil society creates favorable conditions for the realization of the following essential human rights:

- freedom of expression;
- freedom of association;
- the right to participate in the conduct of public affairs;
- non-discrimination.

All of the above-mentioned rights are **directly related to the electoral process**. The organization of the electoral process, open to public observation, is fundamentally important, since citizens not only have the right to genuine elections, but also the right to know whether the electoral process ensures the free expression of the will of voters and whether it accurately records and fulfills their will. Non-partisan public election observers can be considered as human rights defenders specializing in the protection of civil and political rights, without which genuine elections are impossible. Genuine elections require respect for and observance of human rights and fundamental freedoms, including the freedoms of association, peaceful assembly, speech, press, movement, personal security, the right of potential voters and candidates to equal protection by the law, as well as to take effective measures if electoral rights are violated.

### **The form of participation of civil society institutions in the electoral process of Uzbekistan**

The electoral legislation has created **sufficient grounds and opportunities** for the active participation of NGOs and other civil society institutions in the elections. The active participation of civil society institutions will contribute not only to the democratic conduct of elections, but also to the development of civil society as a whole.

First of all, it should be noted that political parties are the "drivers" of elections. Only they, in accordance with the Electoral Code, are granted the right to nominate candidates for the post of president. **A new environment of political competition**

**is being created these days.** Parties participate in the political process of the country through their democratically elected representatives.

Political parties are provided with equal conditions in the electoral process, and they are active at all stages of the electoral process for the democratic conduct of elections. In addition to the main role of the participation of parties as the main actor of the electoral system, the participation of **authorized representatives** of political parties in meetings of the election commission, submission of documents, verification of the correctness of signature lists, counting of votes at the polling station is of utmost importance.

Representatives of public associations and organizations are also invited to the meetings of the Central Election Commission. The participation of public associations in the meetings of the Central Election Commission in order to express the will of its members freely may be recognized as openness and transparency of the electoral process.

At the same time, the nomination of candidates to **precinct election commissions** by citizens' self-government bodies, public associations, enterprises, institutions and organizations can be cited as an example of mutually beneficial cooperation between state bodies and non-governmental organizations in organizing and conducting elections.

## **Conclusion**

Article 21 of the 1948 Universal Declaration of Human Rights and article 25 of the 1966 International Covenant on Civil and Political Rights enshrine the rights of citizens to participate in the observation of electoral processes.

**The active development of the institute of observers**, where main function is to monitor compliance with the legality of the electoral procedure, is becoming one of the main methods of strengthening national state structures. National and international observation a priori makes elections more honest, transparent and open and at the same time it increases the level of public confidence in the chosen candidate of the power structure.

Recently, the OSCE/ODIHR has raised the issue of granting NGOs in Uzbekistan the right to observe elections. In particular, **the Bureau's Interim Report**<sup>4</sup> on the

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<sup>4</sup> <https://www.osce.org/files/f/documents/0/3/500509.pdf>

results of monitoring Uzbekistan, Presidential Election, 24 September, 2021, mentions of non-eligibility for general citizen observation.

The study of Election Code demonstrates active involvement of **civil election observation** in order to identify important electoral problems, inform voters about legal procedures, and ensure election transparency. Observers from political parties, citizens' self-government bodies (Makhallas) – the main institution of civil society, as well as representatives of the media have the right to observe all measures for the preparation and conduct of elections, to be present in the voting premises on election day, including during the counting of votes.

We are truly proud with the achieved progress in the **openness and transparency of our society and electoral procedures**. The active involvement of the observers presents an essential component of fair elections. **Following the statistics**, today the number of media representatives accredited to cover the elections of the President of the Republic of Uzbekistan has reached 1,672, of which 233 are foreign. The international observers reached 968. This is almost 1.6 times more than in the 2019 parliamentary elections.

Openness and transparency are our main goals. We can confidently say that it has initiated further reforms aimed at strengthening our democracy.