

The Role of the Parliament in the Political Systems of the V Republic of France and the Republic of Uzbekistan

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ABSTRACT

The article is devoted to the analysis of the role of the parliament in the political systems of the Fifth Republic established in France in 1958 and the Republic of Uzbekistan. It was based on the strong presidential rule of Charles de Gaulle. This system led to a decline in the role of parliament in state administration compared to the Fourth Republic. The limited role of the parliament in the conditions of strong presidential rule formed in the first quarter century of independence in Uzbekistan and the similarities between these systems are analyzed.

In a democratic society, the parliament is a powerful and reliable weapon, and through it, the society performs large-scale tasks, creates the foundations of the guarantee necessary for a decent and prosperous life of citizens, and ensures the sustainable development of the society. If we take into account that this institution is entrusted with the task of directing the movement of the social organism according to the legal principle, we will fully appreciate its importance. It is the parliament that establishes the necessary legal order in the country and decides the legislative regime through legislation¹.

The XX century, on the one hand, with the gradual abolition of existing restrictions on the right to vote, and as a result of this, parliaments became bodies representing different social strata of society, and on the other hand, as a result of the influence of the executive power on the parliament in various ways, various aspects of society and executive bodies in state life is characterized by the strengthening of its role due to the powers of representative bodies.

However, the weakening of the role of parliaments and the rise of governments (heads of state in presidential and semi-presidential republics) in the system of state bodies is not considered a permanent situation. It was often characteristic of a period of crisis in the economic and socio-political life of one or another country².

¹ See: Керимов А.Дж. Французский парламентаризм. Автореферат диссертации на соискании доктора юридических наук. – Москва, 1999. <https://lawtheses.com/frantsuzskiy-parlamentarizm> (10.12. 2022).

² See: Конституционное право зарубежных стран: Учебник для вузов / Под общ. ред. чл.-корр. РАН, проф. М. В. Баглая, д. ю. н., проф. Ю. И. Лейбо и д. ю. н., проф. Л. М. Энтина. — М.: Норма, 2004. С. 236

For example, the economic and socio-political crisis that began in the independent states that emerged after the collapse of the USSR demanded the strengthening of the role of the executive power, as a result of which the role of the parliament gradually decreased. In many republics, for example, in Uzbekistan, the elimination of the opposition led to a sharp decrease in the reputation of the parliament among the population and its role in society.

The constitutional reforms carried out in Uzbekistan in recent years are aimed at increasing the role and responsibility of the parliament in the society. Already, in the first quarter of a century of independence, the strong presidential power led to the formalization of parliamentary activity, and the establishment of an authoritarian method of governance. Such a situation was also established in France for a certain period of time.

In France, under the conditions of the Fifth Republic, one of its main results was the "rationalization" of the parliamentary regime aimed at limiting the powers of the supreme legislative body, which should certainly not be evaluated only negatively. This was already a need that arose during the social and political development during the French Third (1870 - 1940) and Fourth Republics (1946 - 1958)³.

The status of the Parliament is defined in Article 3 of the Constitution of the French Republic: "National sovereignty belongs to the people, which exercises this authority through its representatives and by referendum.

No part of the people, no individual can undertake its implementation.

Elections may be held directly or indirectly, according to the rules established by the Constitution. It is always carried out by general, equal and secret voting.

All French citizens of both sexes who have reached the age of majority and who enjoy civil and political rights are voters under the conditions established by law"⁴.

In federated states, the competence of the representative bodies is divided between the federation and its subjects. In totalitarian and authoritarian regimes, the constitution may provide many rights to the parliaments, but in practice their powers turn out to be fake. It is known that the changes in the balance of political power in France in the 1950s led to the adoption of the 1958 constitution. This constitution significantly limited the powers of the National Assembly in the areas of legislation and control⁵.

Contrary to these assessments of Russian scientists, in the opinion of the French professor Philippe Ardan, the limitation of the legislative competence of the parliament, as well as the difference between the norms and principles of legislation will not be of practical importance, since the government relies on the majority in the parliament. The specified limitation, according to the scientist, is not a product of a constant attempt to reduce the role of the parliament, but is related to the search for ways to further increase the effectiveness of government activity. However, it must be said that this efficiency is achieved precisely at the expense of parliamentary powers, and precisely when parliamentary support for the government is not strong⁶.

The competence of the Chambers is the same, the topics of discussion and powers are also defined as the same. Only in the legislative process, as well as in the sphere of parliamentary

³ See: Керимов А.Дж. Французский парламентаризм. Автореферат диссертации на соискании доктора юридических наук. – М., 1999. <https://lawtheses.com/frantsuzskiy-parlamentarizm> (10.12. 2022).

⁴ See: Конституция Французской Республики от 4 октября 1958 г. <http://lawyers-ssu.narod.ru/subjects/constzs/-france.htm> (09.12.2022).

⁵ See: Конституционное право зарубежных стран: Учебник для вузов / Под общ. ред. чл.-корр. РАН, проф. М. В. Баглая, д. ю. н., проф. Ю. И. Лейбо и д. ю. н., проф. Л. М. Энтина. — М.: Норма, 2004. С. 246.

⁶ See: Ардан Ф. Франция: государственная система: [Пер. с фр.] [Вступ. ст. Л. М. Энтина]. - М.: Юрид. лит., 1994. – М.: 1994. С. 74.

control, the difference remained.

The competence of the French Parliament is absolutely limited, which makes it different from other democratic countries' parliaments.

Unlike other constitutions, Article 24, Part 1 of the French Constitution, which defines the composition of Parliament, lists the lower house as the first. (In the Constitution of the Republic of Uzbekistan, the Legislative Chamber of the Oliy Majlis is indicated before the Senate. Chapter XVIII, Article 76. - Sh.E.). The reason for this was that the leftist forces played a major role in the struggle against fascism during the Second World War, and the influence of the leftist forces was strong in French society in the years after the war. They continued to oppose the upper house. Therefore, in the 1958 constitution, the upper house was named after the lower house.

Thus, the National Assembly, which is the lower house, has great powers, and it is here that the fate of the country's laws is ultimately decided.

Article 25 of the Constitution refers to the organic law⁷ on the question of the term of office and the number of members of the chambers. The Electoral Code is also part of the Organic Law. According to it, the deputies of the National Assembly are elected by the majority method in elections consisting of two rounds. The number of deputies ranged from 450 to 577 during the Fifth Republic, depending on the number of voters. Now there are 577 of them. The vast majority of deputies are elected from the metropolitan area, a very small number of deputies are representatives of the French overseas territories.

According to Article 24 of the French Constitution, the Senate is elected by the electoral college for a nine-year term (six years according to the 2003 change) at the departmental level (the French territory is divided into 95 departments) and not by direct popular vote. The composition of the collegium includes local deputies, members of regional and departmental councils, representatives of municipal councils, and deputies of the National Assembly. This electoral system should ensure the representation of the French regional communities in the Parliament.

The election of the members of the Senate in Uzbekistan is very similar to the one in France and is based on the administrative-territorial division of the republic. Pursuant to the constitutional law of the Republic of Uzbekistan on the Senate of the Oliy Majlis (December 12, 2012), members of the Senate (senators) of the Republic of Karakalpakstan are elected by secret ballot at the respective joint meetings of the deputies of the Dzhokorgi Council of the Republic of Karakalpakstan, the representative bodies of the state authorities of the regions, districts, and cities, regions and the city of Tashkent in equal numbers - six people are elected.

Sixteen members of the Senate are appointed by the President of the Republic of Uzbekistan from among the most prestigious citizens who have great practical experience in the field of science, art, literature, production, and other branches of state and community activity.

In the French Parliament, both houses (the National Assembly and the Senate) meet together as a single body and are called Congress, only to adopt the constitution, make changes to it and pass constitutional laws. In all other cases, they shall hold separate meetings.

The French Parliament has two distinct characteristics. This is, firstly, the absolute limitation of the powers of the parliament (the French parliament cannot have any powers other than the rights directly specified in the constitution). Second, the upper chamber is considered weak. The French Senate is a decorative body that exists only as a continuation of the historical tradition (in 1969 de Gaulle tried to abolish the Senate). The main role in the French parliament belongs to

⁷ See: Органик қонун – давлат тузумини тартибга соладиган қонунлар шундай аталади. Францияда пайдо бўлган ва француз ҳуқуқ тизимининг таъсири остидаги давлатларда амал қилинадиган юриспруденция атамаси.

the lower house⁸.

In France, the five-year terms of the deputies of the National Assembly are called Legislature. During the period of five years, the identity of the deputies is inviolable, and they can be arrested, searched their houses, etc. forbidden. The amount of salary given to deputies is determined by the National Assembly in agreement with the government.

Its working bodies are elected for a five-year term at the first meeting of the National Assembly. The work of the National Assembly is managed by a bureau consisting of 22 deputies headed by its chairman. The Speaker of the National Assembly is usually the third person in the French Republic after the President and the President of the Senate.

Parliament meets by law in regular session, which begins on the first working day of October and ends on the last day of June.

The number of meetings that each chamber can hold during the session cannot exceed 120. Session weeks are determined separately for each ward⁹.

After that, permanent commissions of the National Assembly are elected. The 1958 Constitution drastically reduced the number of standing commissions. If during the IV Republic the number of these commissions was 20-22, then during the V Republic their number decreased. According to Article 43, Part 2 of the Constitution, each chamber will establish 6 permanent commissions. They consider proposals and bills submitted to the chamber.

The number of each commission is determined precisely. Traditional commissions: foreign affairs (50 members), defense affairs (40 members), finance and economy (60 members) and legislation (9-11 members) commissions. Later, due to the increase of social problems, new commissions were also established. Among them, it is possible to include commissions on culture and family affairs, on youth and sports, on education and other commissions. Every member of the parliament should be a member of some permanent commission.

Every deputy has the right of legislative initiative and can include any bill in the agenda. However, according to the procedure of the National Assembly, all draft laws must be discussed in the permanent commission related to this legislation, according to their direction and nature. According to the decision of this commission, this bill may or may not be placed on the agenda of the plenary meeting of the National Assembly.

The chairpersons of the standing commission have the right to call the members of the government in their meetings for reporting or clarification. Such reports and information shall be held in open and closed hearings. Issues of foreign policy, defense and national security are discussed at the meetings, which are usually held behind closed doors. Among the most important functions or tasks of the National Assembly are matters such as drafting and passing laws, discussing and approving the budget proposed by the government, and approving the composition of the government.

According to Article 43, Part 1 of the Constitution, at the request of the government or by the decision of the House, a special commission can be established to consider certain bills and legislative proposals. However, contrary to the wishes of the authors who drafted the Constitution, the experience of creating special commissions did not spread widely. Of the 2,915 bills passed by the National Assembly from January 1959 to December 1989, only 35 (a little more than 1%) were considered by special commissions¹⁰.

⁸ See: Жалменова О.П. Конституционное право зарубежных стран. Особенная часть. Модульное учебное пособие для студентов. – Тамбов, 2007. <https://studfile.net/preview/7339844/> (20.12.2022).

⁹ See: Конституция Французской Республики от 4 октября 1958 г. <http://lawyers-ssu.narod.ru/subjects/constzs/-france.htm> (09.12.2022)

¹⁰ See: Керимов А.Д. Парламентское право Франции. - М.: Норма, 1998. С. 57.

Such temporary commissions can be established for the purposes of control and investigation. Such commissions are created for the purpose of in-depth study of some issues related to the life of the country, for example, government activities, bribery of high officials, corruption, or important international relations, and in other similar cases.

Their mandate ends with the submission of a report to the parliament. This will be granted up to six months¹¹.

According to Article 33 of the Constitution, the sessions of the Chambers are held in public. Transcripts of all speeches of deputies and senators during the sessions are published in "Journal Ofisel". However, at the request of the prime minister or 1/10 of the members of the parliament, the meetings of the chambers can be held in closed session. The aforesaid special control or investigative commissions may be made secret commissions and the publication of part or all of the report may be prohibited. According to Article 31 of the Constitution, the members of the government have the right to participate and speak in the meetings of both chambers¹².

During the session, the number of sitting days that each chamber can hold does not exceed 120 days. The session weeks are set separately for each chamber¹³.

The 1958 Constitution also clarified the issue of holding emergency sessions. Such sessions shall be convened by a written declaration of the Prime Minister or upon the demand of a majority of the deputies; however, according to Article 30 of the Constitution, the President of the Republic personally decides whether to hold such an emergency session of the National Assembly or not¹⁴.

Another innovation in the Constitution of the V Republic is that according to it, two candidates from each party are elected to the National Assembly, that is, the main candidate and his assistant. This provision provides for the non-holding of by-elections. The fact is that if a deputy dies or is unable to fulfill his duties, as well as if he becomes a member of the government or the Constitutional Council, his deputy will take his place. Thus, it is envisaged not to change the party structure of the deputies of the National Assembly during the legislature.

At the same time, a deputy or senator can be the mayor or his adviser. (In Uzbekistan, hokims simultaneously hold the position of the chairman of the respective Council of People's Deputies, which has been criticized by the public).

The Constitution of the 5th Republic of France has traditionally defined the age limit of deputies and senators. According to it, a candidate for a deputy must be at least 23 years old, and a candidate for a senator must be at least 35 years old. A candidate for deputy must be a French citizen and must have served in the army for 18 months. The Senate is considered the upper house, and its members are representatives of the French regions. The members of the Senate are elected for 9 years, and one-third of them are renewed every three years. It is envisaged that the composition of the Senate will be up to 348 members¹⁵.

According to the French expression, the composition of the Senate is "permanent and eternal". Senators are elected from one to twenty-two people from each district, depending on the number of voters.

The internal structure of the Senate consists of the Senate Bureau and standing commissions, which are structured in the style of the composition of the National Assembly. The difference

¹¹ See: Конституционное право зарубежных стран : Учеб. пособие для вузов. - М. : Юристъ, 2004. С. 666.

¹² Les Constitution de la France depuis 1789 P., 1970, P. 431.

¹³ See: Конституция Французской Республики // Конституции государств Европейского Союза / Под общей редакцией Л. А. Окунькова. — М.: Издательская группа ИНФРА-М — НОРМА, 1997. С. 673.

¹⁴ Les Constitution de la France depuis 1789. P., 1970, P. 430 – 431.

¹⁵ See: Конституция ва парламентлар ҳақида – Т., 2012. Б. 198.

between the Senate and the National Assembly is its term of office and, unlike the deputies of the National Assembly, senators do not have assistants. The Chairman of the Senate is the second official after the President of the Republic. If the president dies or resigns, he or she will act as president until a new president is elected. "President par interim" is the acting president. This happened twice during the Fifth Republic: in 1969 when Charles de Gaulle resigned from the presidency and in 1974 when President Georges Pompidou died. In both cases, Alain Poer, who was the chairman of the Senate, was the "President par interim".

Comparing the factions in the lower houses of the parliaments of France and Uzbekistan, it can be said that their organizational structure and functions are basically similar to each other. But in the Legislative Chamber of the Parliament of Uzbekistan, the factions consist of representatives of one party. In the regulations, the definition is defined as "Faction is an association of deputies formed by deputies nominated by a political party for the purpose of representing the party's interests in the Legislative Chamber and registered in accordance with the established procedure"¹⁶. Since MPs are mainly elected on behalf of parties, they are subject to the party constitution in addition to the parliamentary regulations.

In conclusion, it can be said that although the French Parliament during the V Republic preserved the traditions of parliamentarism that had been formed for a long time, from the parliamentary rule during the period of the III and IV Republics to a strong presidential rule. Although the form of government in France is now semi-presidential, according to the 1958 Constitution, it was a strong presidential system with marked authoritarianism, especially during the time when General de Gaulle was the head of state. Due to the changes made to the constitution in 1960, 1962, 1963, 1974, 1976, 1992, 1993, 1995, 2002, 2004, 2009, 2010 and 2012, the powers of the parliament expanded and in practice it took a semi-presidential, semi-parliamentary form of government.

It should be said that the strong presidential administration formed in Uzbekistan in the early period of independence was in many respects very close to the administration of de Gaulle in France. For this reason, a number of works on strengthening the role of the parliament have been carried out in our republic. In particular, according to the results of the national referendum held on January 27, 2002, and in accordance with the Law adopted on April 24, 2003, amendments and additions were made to Chapters XVIII, XIX, XX, XXIII of the Constitution and the transition from a unicameral parliament to a bicameral parliament, the upper chamber of the parliament - the Senate was organized.

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¹⁶ See: Ўзбекистон Республикаси Олий Мажлиси Қонунчилик палатасининг регламенти тўғрисида Ўзбекистон Республикасининг қонуни. <https://parliament.gov.uz/uz/laws/18346/>

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