



Forms and Stages of Parliamentary Control: Scientific and Theoretical Views

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Abstract: This scientific article reveals the forms and stages of parliamentary control carried out by the Oliy Majlis of the Republic of Uzbekistan, as well as the scientific and theoretical views of foreign and national scientists regarding this institution.

Keywords: forms and manifestations of parliamentary control, presidential republic, vote of no confidence, warning parliamentary control, intermediate parliamentary control, final parliamentary control, special parliamentary hours, interpellation, parliamentary inspection, parliamentary discussion, special sessions of parliament, open or closed meetings of parliamentary committees.

Parliamentary control is carried out in various forms and forms depending on the administrative and political order of each country, the level of legal culture of the country's population, and national traditions and national experience.

One of the common forms of parliamentary control in presidential republics is a parliamentary vote of no confidence in the government and a parliamentary hearing.

These forms of parliamentary control are characterized by political aspects. Parliamentary control (control) is a form of state control. It has a general, political and administrative character¹.

Control over the government's financial and budget activities, which is one of the forms of parliamentary control, is determined by its administrative nature. Parliamentary control is one of the functions of the parliament, which includes measures to check and correct the activities of the government, officials and, in some cases, the head of state, within the framework established by law².

Modern scientists rely on different bases when classifying the forms, forms, and types of parliamentary control. According to A.A. Kornilaeva, forms of parliamentary control can be classified as follows:

- ✓ Parliament's control over the activities of state bodies and officials, which are and are not part of the parliament;
- ✓ warning, intermediate and final parliamentary control;
- ✓ parliamentary control in specific areas (ensurement of individual rights and freedoms, finance

¹ Большой юридический словарь. 3-е изд., доп. И перераб. / Под ред. Проф. А.Я.Сухарева. – М.: ИНФРА – М, 2006. – VI, – С.509.

² Парламенты мира. Сб. М., 1991; Комментарий к Конституции РФ/Под общ. ред. Ю.В. Кудрявцева. М. 1996. – С. 45.; Конституционное (государственное) право зарубежных стран: Учебник. Т. 1-2/Отв. ред. Б.А. Страшун. М., 1996. – С.125.

and budget, defense and security issues)³.

Parliamentary control can be divided into the following types according to the characteristics of the bodies implementing parliamentary control:

- Control carried out directly by the parliament (for example, a parliamentary request that sends the legislative chamber of the Oliy Majlis on a certain issue)
- Parliamentary control carried out by bodies that are part of the Parliament, that is, committees, commissions, individual deputies;

Control by non-parliamentary bodies. For example, parliamentary control by the Chamber of Accounts, Human Rights Representative (ombudsman). For example, the scientific information service in the USA, the ombudsman in Sweden, and the federal audit chamber in Germany have such powers.

It's no secret that oversight plays an important role in any parliamentary activity. It is impossible not to have a control function in the activities of the parliament, which protects the interests of different classes and groups, communicates with citizens constantly, adopts the budget and has a number of other important powers. Parliamentary control should not be understood as an inspection carried out by management bodies over the activities of economic entities.

Based on the Constitution and laws of the Republic of Uzbekistan, the following main forms of parliamentary control in Uzbekistan can be indicated:

- ✓ Control over the implementation of laws of the Republic of Uzbekistan, decisions of the chambers of the Oliy Majlis;
- ✓ Parliamentary control in the field of government formation;
- ✓ control over observance of human rights, freedoms and legal interests;
- ✓ control in the field of defense and security;
- ✓ Controlling the implementation of the State budget of the Republic of Uzbekistan;
- ✓ control in the field of state administration, formation of state authorities;
- ✓ control over foreign political activity;
- ✓ parliamentary scrutiny;

I. Ismailov, the main tasks of the parliamentary control over the implementation of laws are to check and analyze the implementation of the material and procedural norms established by the laws; during the implementation of laws, to determine and evaluate the level of achievement of the goals provided for in it; monitoring the implementation of laws; includes identifying and eliminating the causes and conditions that prevent the effective implementation of laws⁴.

In addition to the above, the following types of parliamentary control are found in the world parliamentary practice:

- informational control (for example, general and special inquiries, parliamentary investigations conducted in open and closed meetings of the committee, etc.);
- sanctioned or decisive parliamentary control (decision of war and peace issues, ratification of international legal documents, etc.);
- parliamentary control, which is exercised by the majority of members of parliament and by the opposition, depending on the location of the parties in the parliament;
- specific and abstract types of parliamentary control are also distinguished.

³ Конституционное право зарубежных стран. Учебник для вузов / Под общ. ред. М.В. Баглая, Ю.И. Лейбо, Л.М. Энтина. 2-е изд., перераб. - М.: НОРМА, 2005. Гл. 17. – С. 321-322

⁴ Исмоилов Н.М. Қонулар ижроси устидан парламент назорати. Тошкент: Адолат, 1999. – Б.5.

Modern legal literature tries to classify parliamentary control in different ways according to different grounds. Among the most common types of classification, we can point out the classification according to the time and content of parliamentary control according to the bodies exercising parliamentary control.

If the analysis is based on the experience of parliaments in the world, today's parliamentary control over the executive power, in particular, the government, governing bodies, and ministers, is manifested in the following forms:

There are many forms of parliamentary control, the main ones being:

1. Discussion of the main directions of the government's activity - after the parliamentary election, when the government is formed (this applies to parliamentary republics and parliamentary monarchies), the elected head of government gives a speech, in which he defines the main and priority directions of his future activity, talks about the tasks the government has set for itself. In this case, members of parliament make speeches (criticize or approve of these directions), carry out preventive (cautionary) control, because they warn against some inappropriate behavior, about responsibility in case of failure to fulfill their promises, etc. In this way, they control the future activities of the government.
2. Special parliamentary hours and inquiries are the most common form of parliamentary scrutiny, which can be said to be daily. Requests can be sent to individual ministers, to the prime minister, and sometimes to the entire government. Requests are divided into two types - oral and written, the procedure for issuing these requests, as well as answering them, is usually determined by the rules of chambers.⁵
3. An interpellation is an appeal by a deputy or a group of parliamentary deputies to the government or its individual members on specific or general issues of government policy, ministries⁶. Often inquiries are made on the basis of some facts that cause serious concern in the society. This form of control is Hungary⁷, Spain⁸, Latvia⁹ and established in the legislation of many other European countries
4. Parliamentary scrutiny is a special form of parliamentary control that allows responding to the most urgent problems of the state. Special commissions with broad powers in the field of task solving will be established to conduct the investigation. They have the right to call witnesses and demand necessary documents. For example, in the countries of Japan and Greece, the parliamentary investigation ends with the resignation of the Prime Minister, and the legal process begins as a result.
5. Parliamentary Debate – This form of parliamentary scrutiny is used to evaluate the government's general policy or its actions on a particular issue. Often, the initiators of parliamentary discussions are the opposition.
6. A vote of no confidence is a vote of disapproval of a political direction, a particular action, a government bill or an individual minister expressed by a House of Parliament. The result of a vote of no confidence can be either the resignation of the current government and the formation of a new government, or the dissolution of the parliament and the holding of early elections.
7. Special sessions of the Parliament. Parliament sometimes convenes a special session to maintain emergency control over the executive branch. For example, when declaring a state of emergency,

⁵ Парламентский контроль [Электронный ресурс]. – Режим доступа: <https://studfiles.net/preview/5248909/page:53/>.

⁶ Мустафин, А.А. Политология : словарь современных терминов и выражений / А.А. Мустафин. – Ангарск : АГТА, 2012 г. – 168 с.

⁷ Венгрия Конституциясининг 27-моддаси. // Конституция Венгрии (Венгерской Республики) от 18 августа 1949 г. // Конституции государств Европы. – М.: НОРМА, 2001. – с. 134,

⁸ Испания конституциясининг 111-моддаси. // Конституция Королевства Испании от 27 декабря 1978 г. // *LeyespoliticosdelEstado*. –Madrid, 2000. <http://constitucion.Rediris.Es>.

⁹ Латвия Республикаси Конституциясининг 27 - моддаси. // Конституции Латвии (Латвийской Республикой) от 15 февраля 1922 г. // Конституция государств Европы. –М.: НОРМА, 2001. – С. 354.

when the French President uses the absolute powers granted to him, when federal intervention is used in Brazil, such special parliamentary sessions are called¹⁰.

In addition, based on today's world experience and tasks set before modern parliaments, the form of parliamentary control is consultative (informative), sanctioning.

and there are also types in the financial-budget description. This classification provides a comprehensive account of parliamentary control, and all other classifications of parliamentary control are derived from it.

Thus, among the criteria for the classification of parliamentary control, it is possible to include the bodies that implement parliamentary control, the time of its implementation, the content and process of parliamentary control. It is logical to combine law-making and control functions in the activity of the parliament. After all, the parliament monitors life and practice by controlling the implementation of laws.

This allows him to study the needs of society, understand how the laws are working or not working as expected, and ultimately take them into account in the creation of laws. From this it can be concluded that parliamentary control is one of the important factors of law-making activity and improvement of legislation.

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¹⁰ Чиркин В. Е. Элементы эволюции верхних палат современного парламента //Труды института государства и права Российской академии наук. – 2012. – №. 1. – С. 106-120.