

THE ROLE OF PUBLIC PARTICIPATION IN ENSURING TRANSPARENCY OF
PARLIAMENTARY OVERSIGHT IN UZBEKISTAN: LEGAL GAPS AND
INTERNATIONAL PRACTICE

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Annotation: This article critically evaluates the organizational and legal architecture underpinning transparency and openness in parliamentary oversight system in Uzbekistan. The article analyzes the practical implementation of existing relevant laws and regulations, identifies legal organizational limitations, and evaluates alignment with global standards. By applying a comparative legal analysis, it highlights potential deficiencies in public access, procedural ambiguities, and legal discretion surrounding closed sessions. The article concludes with evidence-based proposals for legal reform, emphasizing the need for institutional accountability, regulatory clarity, and the formalized inclusion of civil society actors.

Keywords: Parliamentary Oversight, Transparency, Legal Framework, Accountability, Oliy Majlis, Closed Sessions, Civil Society, Comparative Analysis, Institutional Reform, Uzbekistan

Parliamentary oversight is an indispensable mechanism for enforcing executive accountability in democratic governance. In Uzbekistan, the Oliy Majlis—comprising the Legislative Chamber and the Senate—has formal authority to oversee executive conduct and the use of public resources. However, the degree to which this oversight is transparent and participatory remains questionable. Despite the presence of legal guarantees, there is limited empirical evidence demonstrating consistent public access or independent scrutiny of oversight outcomes.

Under the decree of the President of Uzbekistan “On the Development Strategy of New Uzbekistan for the year 2022-2026” dated 28 January 2022, the goals to improve the public participation in the process of government by ensuring the participation of the citizens in the law-making process and parliamentary oversight are set out. Further to this, the announcement of the decisions on the results of parliamentary oversight on the website of the Chambers of Oliy Majlis is also mentioned to be one of the goals for the development of the country. This article aims to move beyond normative assertions by critically analyzing the legal provisions and their real-world application, identifying institutional bottlenecks and offering targeted reforms based on comparative analysis from various countries.

This article applies the democratic accountability framework, which conceptualizes parliamentary oversight as a mechanism by which the electorate ensures that elected officials and executive agencies act in the public interest. According to Bovens (2007), transparency is both a precondition and an outcome of accountability; without access to information and the ability to observe institutional processes, the public cannot hold institutions accountable. In Uzbekistan’s

case, understanding parliamentary transparency through this lens reveals the need for institutional mechanisms that enable not only visibility but also responsiveness to public scrutiny.

Uzbekistan's legal basis for parliamentary oversight is expansive and includes several constitutional and statutory instruments. The key ones among them are as follows:

- **Constitution of Uzbekistan (1992, amended 2023):** Article 95 establishes the authority of the Oliy Majlis to exercise control over the activities of the executive branch, ensuring compliance with legislation and accountability.
- **Law on Parliamentary Oversight (2017):** Article 4-5 define the objects and forms of parliamentary oversight, including hearings, inquiries, and reviews among others. Article 25 mandates the public presentation and publication of oversight results.
- **Constitutional Laws on the Legislative Chamber (2002, amended 2022) and Senate (2003, amended 2022):** Article 10 of the Law on the Legislative Chamber establishes that sessions of the Legislative Chamber shall be held openly, allowing for public participation and media coverage, with the option of holding closed sessions when necessary. Article 20 of the Law on the Senate specifies that the Legislative Chamber has the authority to consider issues related to parliamentary oversight and invite experts, representatives of civil society, and media organizations to participate in open sessions.
- **Regulations on the Legislative Chamber and Senate (2005, updated 2021):** Article 3(7) provides detailed procedures for holding open and closed sessions, inviting experts, and publishing oversight results to ensure public awareness and engagement.
- **Law on Transparency of State Authority and Administration (2014):** Article 4 establishes the principles of openness, transparency, and accountability in the activities of state bodies, except for information classified as state secrets or protected by law under Article 6. Article 5 also mandates that public information, including the results of parliamentary oversight, be published on time.

While these laws ostensibly support openness and transparent oversight mechanisms, they still have some vague definitions, leaving gaps in the practical implementation of the transparency mechanisms in the parliamentary oversight system. Legal mechanisms supporting transparency include open sessions, media access, civil society participation, and the publication of oversight results. Yet, the application of these measures may not be consistent.

For example, **Article 25** of the Law on Parliamentary Oversight mandates publication of results and encourages open hearings. However, there is no legal requirement to publish detailed minutes, dissenting opinions, or voting records, that may limit transparency. Furthermore, while participation of media and civil society is permitted, it is not formalized, leading to selective or symbolic involvement rather than meaningful engagement.

Similarly, **Article 10** of the Constitutional Laws on the chambers of Oliy Majlis permits closed sessions with no precise criteria. This creates a permissive environment where openness is the exception, not the norm. The existing laws also lacks mechanisms for post-facto justification of closed sessions or periodic review for declassification.

These gaps are not just theoretical—they materially reduce the public ability to scrutinize oversight activities and limit civil society's role as a watchdog. The result is an oversight process

that appears open in form but remains opaque in substance. Recent research analyses challenges in effectively implementing parliamentary oversight in Uzbekistan. Otabek Khasanov (2016) emphasizes that, despite the establishment of legal and institutional frameworks, the oversight roles of the parliament have not achieved the desired level of control over the executive branch. He attributes this to the need for enhanced research and proposals to bolster the efficiency of parliamentary control mechanisms. Similarly, Kamoliddin Yusupov (2021) argues that genuine democratization in Uzbekistan is contingent upon strengthening parliamentary control, which serves as a crucial check on executive power. He underscores the importance of not just legal reforms but also cultural and institutional changes that promote transparency and accountability. These perspectives suggest that, while formal reforms have been initiated, substantive improvements in parliamentary oversight require a holistic approach that addresses legal, institutional, and cultural dimensions.

Three core weaknesses may emerge from the features of the current system, in particular, the provision of the main legal act – Law on the Parliamentary oversight:

1. **Unclear Role of Public Participation:** The law allows public and media presence but does not define their rights within proceedings—can they question? Debate? Or merely observe? This vagueness may not allow as active participation as intended by the law.
2. **Inconsistencies in Information Disclosure:** There is no uniform standard for what oversight information must be disclosed, when, and how. As a result, some proceedings remain undocumented or are summarized without meaningful detail.
3. **Discretionary Use of Closed Sessions:** With no objective criteria, there is no means to check the level of discretion for reasoning to choose to conduct close sessions.

According to the areas for improvement as highlighted above, in order to ensure genuine transparency, it is proposed to transition from legal formality to enforceable accountability. Proposed reforms should include:

- **Codifying Clear Criteria for Closed Sessions:** Amendments to Article 25 should define permissible conditions for secrecy—e.g., national security or personal data protection.
- **Mandating Comprehensive Disclosure:** Standardized protocols should govern the publication of session minutes, voting outcomes, and dissenting views. Laws must also define deadlines for timely dissemination.
- **Formalizing Public and Civil Society Participation:** Clear procedural roles should be assigned to public actors, including the right to submit questions, offer expert analysis, and observe proceedings.
- **Institutionalizing Post-Session Review Mechanisms:** Closed sessions should be subject to periodic review, with the possibility of declassification. This will deter misuse and ensure long-term transparency.

These proposals are based on the existing international experiences that are already in practice in other countries to ensure structured transparency in parliamentary oversight processes. The article analyzed and draw conclusions based on the following models:

- **Germany and Canada:** Both countries strictly limit closed sessions to issues of national security. Germany's Bundestag Rules (2022) and Canada's House of Commons Procedure (2017) require documented justification.
- **UK and US:** Legal mandates for proactive and regular disclosure of meeting records and oversight results, via the UK Freedom of Information Act (2000) and the US Sunshine Act (1976), create enforceable transparency.
- **Sweden and South Africa:** These countries legally empower civil society to engage in legislative oversight and freely publish the results. South Africa's Constitution obliges parliament to facilitate public involvement, while Sweden's Public Access to Information and Secrecy Act (2009:400) permit wide media access and publication of the results of the parliamentary oversight results.
- **New Zealand and Australia:** Standing Order 203 of the House of Representatives (1996) of New Zealand and Australia's Senate Procedural Orders and Guidelines (2015) permit expert input in closed sessions under defined conditions, enhancing the technical quality of oversight.
- **EU and US:** United States Code and the Treaty on the Functioning of the European Union (2009) Require periodic review and justification of closed sessions, ensuring temporary confidentiality does not become permanent opacity.

It is proposed that these practices to can be adapted to the legal context concerning the transparency and openness of parliamentary oversight in Uzbekistan, establishing a rule-based oversight culture rooted in openness and accountability. The comparative models cited in this article were selected based on two criteria: the maturity of their parliamentary oversight systems and their explicit legal codification of transparency norms. Countries such as Germany, Canada, the United Kingdom, and South Africa were chosen due to their consistent inclusion in OECD and other international agencies (i.e. UNDP) reports on good governance, as well as their documented experiences with civil society integration in legislative processes. This purposive selection aims to ensure relevance and adaptability to Uzbekistan's context, considering its current phase of democratic institutional development.

Legal provisions alone cannot guarantee transparency; their implementation and the institutional culture surrounding them matter equally. In Uzbekistan, there is a strong legal ground for ensuring openness of the oversight mechanism of the parliament. However, a broad description of transparency and openness procedures, ambiguous legal provisions, and undefined mechanisms for enforcement could be the room for attention and improvement. Addressing these deficiencies requires a shift toward evidence-based reforms: codified standards for closed sessions, mandatory and standardized publication practices, and active inclusion of public actors in oversight processes. Drawing on comparative models, parliamentary oversight system of Uzbekistan may adopt these reforms based on the existing system of laws and regulations which already pave the way for ensuring transparency and openness of parliamentary oversight results.

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