Social Contexts | Konteksty Społeczne
2022, Vol. 10, No. 2(20), 53-74
http://doi.org/10.17951/ks.2022.10.2.53-74

Constitutional Referendum in Uzbekistan on April 30, 2023: Declared Goals and Results

Roman Martyniuk
ORCID: 0000-0003-4469-7762
Ostroh Academy National University, Ukraine*

Oleksii Datsiuk
ORCID: 0000-0003-2293-6371
Ostroh Academy National University, Ukraine**

Abstract: The purpose of the article is to analyze the causes and consequences of the constitutional referendum held in Uzbekistan on April 30, 2023. The referendum, which was held under the slogans of adapting the Constitution to the requirements of the "New Uzbekistan" and strengthening the protection of human rights, had quite ambiguous consequences. Along with a certain improvement in the legal status of the individual, the referendum "zeroed" the entire tenure of the President of Uzbekistan Shavkat Mirziyoyev and began counting the term of Mirziyoyev's presidency from the moment of the official announcement of the voting results. The referendum preserved the existing form of government in Uzbekistan, which is characterized by the dominant position of the president in the state mechanism. Thus, the referendum guaranteed the further preservation and strengthening of authoritarian tendencies in the development of the political system of Uzbekistan.

Keywords: constitution, referendum, state sovereignty, constituent power of the people, form of government, presidential republic, mixed republic.

Research Methodology

Juridical-dogmatic and comparative-legal methods were of decisive importance in the methodology of this study. The juridical-dogmatic method was applied primarily for the interpretation of the constitutional provisions on the status of higher state bodies and the concepts used in the constitutional text, the

* roman.s.martyniuk@ukr.net

** 909.stv@ukr.net

ISSN 2300-6277, https://journals.umcs.pl/ks

analysis of the principles underlying the organization of state power and the constitutional features of the form of government. The application of comparative legal analysis made it possible to compare the provisions on the organization of state power of the primary and current editions of the Constitution of Uzbekistan, thus tracing the evolution of the Uzbek form of government based on the results of the constitutional referendum on April 30, 2023.

Background of the Constitutional Referendum of April 30, 2023

On March 10, 2023, the Legislative Chamber, the lower house of the Oliy Majlis (the parliament of Uzbekistan) adopted Resolution No. 3017-IV "On holding a referendum of the Republic of Uzbekistan on the draft Constitutional Law of the Republic of Uzbekistan »On the Constitution of the Republic of Uzbekistan«". At the same meeting, the deputies of the Oliy Majlis approved the decision to hold a constitutional referendum on April 30, 2023.

On March 13, 2023, the Constitutional Court of Uzbekistan adopted a resolution on recognizing the decision of the Legislative Chamber of the Oliy Majlis dated March 10, 2023 to hold a constitutional referendum on April 30, 2023 as consistent with the Constitution of Uzbekistan.

Since, in accordance with Clause 3 of Art. 78 of the edition of the Constitution of Uzbekistan valid at the time of the referendum, the decision to hold a national referendum in Uzbekistan and the appointment of a date for its holding were under the joint jurisdiction of the Legislative Chamber and the Senate, the lower and upper houses of the Oliy Majlis (Konstituciya…), the issue of holding a constitutional referendum on the draft Constitutional Law "On the Constitution of the Republic Uzbekistan" was also considered in the Senate of the Oliy Majlis. On March 14, 2023, the Senate at its plenary session approved the draft Constitutional Law and decided to hold a referendum on April 30, 2023.

Although, in accordance with Clause 2 of Art. 78 of the edition of the Constitution of Uzbekistan valid at the time of the referendum, the adoption of constitutional laws belonged to the joint jurisdiction of the Legislative Chamber and the Senate of the Oliy Majlis, there was also an alternative procedure for amending the Constitution, provided for in Art. 127 of the Constitution (Konstituciya…). This procedure involved the adoption of constitutional changes in a referendum. It was this method, at the suggestion of the President of Uzbekistan Shavkat Mirziyoyev, the initiator of the constitutional reform, that was chosen to adopt the draft Constitutional Law "On the Constitution of the Republic of Uzbekistan" in order to give it greater legitimacy. This method of adopting the Constitutional Law, deliberately proposed by the President of Uzbekistan, cor-

responds to the definition of the constitution as an act of the constituent power of the people (Vystuplenie…).

In the process of developing and adopting the draft Constitutional Law, the ruling subjects, explaining the motives for their actions, declared the need to adapt the Constitution to the requirements of the "New Uzbekistan" and strengthen the protection of human rights. They argued that the new version of the Constitution lays the foundations of social, democratic, legal and truly people's statehood, and it will become an important factor in improving the welfare of the population, further increasing the level of protection of rights and interests, human dignity and liberalization of all spheres of life, and also marks a new period in the development of the country (Vystuplenie…; Kakovy celi…).

The constitutional referendum in Uzbekistan was held on April 30, 2023. According to the results of the referendum, changes and additions affecting most of its provisions were made to the Constitution of Uzbekistan of 1992. A new version of the Constitution of Uzbekistan appeared, in which the number of articles increased from 128 to 155. In total, 65% of the constitutional text underwent changes.

Problem Provisions of the New Version of the Constitution of Uzbekistan

The analysis of the new version of the Constitution of Uzbekistan shows a significant discrepancy between the officially declared goals of the constitutional reform and its real results. Although the new version of the Constitution of Uzbekistan contains a number of progressive provisions related to the improvement of the legal status of the individual, in particular, the expansion of the constitutional catalog of rights and the consolidation of their legal guarantees, it also contains problematic provisions that contradict the principles of "classical" constitutionalism. These provisions basically regulate the organization of state power.

Art. 11 of the new edition of the Constitution of Uzbekistan reads: "The system of state power of the Republic of Uzbekistan is based on the principle of separation of powers into legislative, executive and judicial" (Proekt…). In Clause 6 of Art. 93 of the Constitution such a joint authority of the Legislative Chamber and the Senate of the Oliy Majlis as "defining the system and powers of the legislative, executive and judicial authorities of the Republic of Uzbekistan" is mentioned (Proekt…). Declaring the division of state power into legislative, executive and judicial branches is obviously incorrect. It is advisable to consolidate the very principle of separation of state power, however, individual bodies of state power, such as the President of Uzbekistan or the Constitutional Court of Uzbekistan,

cannot be identified with any of those listed in Art. 11 branches of government. Literal understanding of Clause 6 of Art. 93 of the new edition of the Constitution of Uzbekistan provides that the legislative competence of the Oliy Majlis does not extend to determining the constitutional and legal status of public authorities that do not belong to the mentioned triad of authorities.

The problem is Art. 85 of the new edition of the Constitution of Uzbekistan, Part 1 of which reads: "The Sovereign Republic of Karakalpakstan is part of the Republic of Uzbekistan" (Proekt…). This constitutional provision is nothing more than a legal fiction. Only genuine states have sovereignty, and not autonomous political entities within a unitary state. Sovereignty, having an indivisible character, belongs only to the Uzbek state as a whole, and not to Karakalpakstan as its administrative-territorial unit. Art. 83 of the new edition of the Constitution of Uzbekistan directly states that "The Republic of Uzbekistan consists of regions, districts, cities, towns, villages, *auls*, as well as the Republic of Karakalpakstan" (Proekt…).

The very essence of state sovereignty as a property (attribute) of state power lies in its supremacy in relation to any other power within the country and its independence from any other power outside it. Therefore, the sovereignty of Uzbekistan excludes the sovereignty of Karakalpakstan and *vice versa*. State sovereignty testifies to the sovereignty of the state within its territory. If the state of Uzbekistan owns sovereignty, no other subject can own sovereignty within its territory. The mention in the constitutional text of the sovereignty of the Republic of Karakalpakstan indicates the alleged parallel existence of the sovereignty of the Uzbek state as a whole and the sovereignty of its administrative territorial component Karakalpakstan. The illusory nature of the sovereignty of Karakalpakstan is indicated by Part 2 of Art. 85 of the new edition of the Constitution of Uzbekistan: "The sovereignty of the Republic of Karakalpakstan is protected by the Republic of Uzbekistan" (Proekt…). Karakalpakstan's lack of means to ensure its own sovereignty indicates that it cannot be considered a sovereign state.

The absence of its own sovereignty in Karakalpakstan is evidenced by the provisions of Part 1 of Art. 22 of the new version of the Constitution of Uzbekistan saying that "the Republic of Uzbekistan establishes a single citizenship for the entire territory of the republic" (Proekt…), as well as Art. 87 that "The laws of the Republic of Uzbekistan are obligatory on the territory of the Republic of Karakalpakstan" (Proekt…).

Karakalpakstan's lack of real sovereignty is discordant with Karakalpakstan's own Constitution (Art. 85 of the new edition of the Constitution of Uzbekistan). The Constitution is an act of the constituent power of the people, which, according to Part 1 of Art. 7 of the new edition of the Constitu-

tion of Uzbekistan, is the only source of state power. Consequently, only the people of Uzbekistan as the collective sovereign and the subject of constituent power have the right to adopt a constitution. This exclusive right of the people of Uzbekistan is mentioned in the final provision of the Preamble to the Constitution of Uzbekistan.

The issue of the sovereignty of Karakalpakstan is connected with the provision of Art. 89 of the new edition of the Constitution of Uzbekistan that "The Republic of Karakalpakstan has the right to secede from the Republic of Uzbekistan on the basis of a general referendum of the people of Karakalpakstan" (Proekt…). The cited constitutional provision obviously contradicts the provision of Art. 1 of the new edition of the Constitution of Uzbekistan on the sovereign nature of the Uzbek state and Part 2 of Art. 3 of the Constitution that "the state border and territory of Uzbekistan are inviolable and indivisible" (Proekt…). An immanent component of the category of state sovereignty is the principle of the territorial integrity of the state. The sovereignty of Uzbekistan extends to its entire territory and no part of this territory can proclaim itself independent of the sovereign power of the Uzbek state. It seems at least strange that the population of Karakalpakstan as an administrative territorial unit can divide the territory of Uzbekistan. Even the subjects of the federation as quasi-state formations do not have sovereignty and, as a result, are deprived of the right of secession, i.e. the right to secede from the federal state. Such a right would be contrary to the principle of popular sovereignty and the principle of state sovereignty. In the conditions of the real sovereignty of the Uzbek state, only the people of Uzbekistan, who, according to Part 1 of Art. 7 of the Constitution of Uzbekistan, "is the only source of state power" (Konstituciya…), can decide on the issue of territorial changes in Uzbekistan through its direct expression of will at a national referendum.

According to Clause 7 of Art. 93 of the new edition of the Constitution of Uzbekistan, the joint jurisdiction of the Legislative Chamber and the Senate of the Oliy Majlis includes "adoption of new state entities into the Republic of Uzbekistan and approval of decisions on their secession from the Republic of Uzbekistan" (Proekt…). It is not clear how this constitutional provision relates to the provision of Art. 89 on the right of Karakalpakstan to secede from Uzbekistan on the basis of a "general referendum of the people of Karakalpakstan" (Proekt…).

In Clause 1 of Art. 93 of the new edition of the Constitution of Uzbekistan, it is determined that "the joint jurisdiction of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan includes [...] the adoption of the Constitution of the Republic of Uzbekistan" (Proekt…).

Giving parliament the right to adopt a new constitution is unacceptable from the point of view of the theory of popular sovereignty. According to this theory, the constitution should be adopted by the people as the subject of constituent power. The primary constituent power of the people, embodied in acts of constitutional significance, determines the principles of organization and functioning of the authorities established by it. From this point of view, the constituent power is a direct expression of the people's will, while the activities of the relevant state bodies can be considered an indirect form of realization of the constituent power of the people (Yushchyk, 2009, pp. 2–4). This explains, in particular, why acts that are the result of the rule-making activity of "established" authorities have less legal force than acts of the constituent power of the people (Shapoval, 2018, p. 3).

The well-established understanding of the phenomenon of the constituent power of the people recognizes only the possibility for the parliament to make changes and amendments to the constitution (adoption of its new edition). The mentioned right is exercised by the parliament with strict observance of the procedure provided for by the constitution (the constitutional procedure for introducing amendments and additions to the basic law). Hence the concepts of primary constituent power and institutional (delegated) constituent power. The institutional constituent power is derived from the primary constituent power: if the result of the exercise of the primary constituent power in the form of a direct expression of the will of the people in a referendum or the activity of a constituent is usually the development and adoption of a constitution, then the institutional (delegated) constituent power is used for subsequent partial changes to the constitution by an authorized subject, i.e. parliament. By adopting constitutional laws on amendments to the constitution the parliament, in the cases and in the manner prescribed by the constitution, acts as an organ of constituent power. The adoption of constitutional laws by parliament is the only form known to democratic states of exercising the institutional (delegated) constituent power of the people.

From the point of view of the concept of the constituent power of the people, the entry into force of the constitution as a result of its adoption by parliament as one of the "established" authorities should be seen as an attempt to remove the people from the possibility of exercising their primary constituent power. The primary constituent power, the result of which is precisely the adoption of a new constitution, is inalienable from its source that is the people. Only the people as the subject of the primary and supreme in nature of the constituent power, can exercise it through the constituents i.e. collegial bodies specially created for the development and adoption of the constitution, or by its direct expression of will in a referendum. On the contrary, the acquisition of legal force by the constitution as a result of its adoption by the parliament, whose powers are de-

rived from the constituent will of the people, is unacceptable from the point of view of view of the idea of the constituent power of the people.

The provision of Clause 1 of Art. 93 of the new edition of the Constitution of Uzbekistan on the right of the chambers of the Oliy Majlis to adopt a new Constitution of Uzbekistan is, in fact, a materialized normative remnant of the Soviet concept of the supremacy of the Soviets. The mentioned concept substantiated the idea of the sovereignty of the councils (Shapoval, 2004, p. 55) and, in particular, the right of the highest authority in the system of representative bodies – the councils, to adopt a constitution. With this approach, however, the constitution was perceived not as an act of the constituent power of the people, but as a "basic law", i.e. an act of supreme legal force adopted by the supreme body of state power. This understanding of the constitution was an alternative to what follows from the theory of "classical" constitutionalism.

According to Clause 1 of Art. 93 of the new edition of the Constitution of Uzbekistan, the joint competence of the chambers of the Oliy Majlis covers not only the adoption of the new Constitution of Uzbekistan, but also "the introduction of amendments and additions to it" (Proekt…). At the same time, according to Clause 2 of Art. 93 of the new edition of the Constitution of Uzbekistan, the joint jurisdiction of the Legislative Chamber and the Senate of the Oliy Majlis consists in "the adoption of constitutional laws, laws of the Republic of Uzbekistan, the introduction of amendments and additions to them" (Proekt…).

Firstly, it is not clear where the developers of the new version of the Constitution of Uzbekistan see the difference between such powers of the Oliy Majlis as "introducing amendments and additions" to the Constitution of Uzbekistan and "adopting constitutional laws". From the point of view of the concept of the constituent power of the people, any amendments and additions to the constitution can be made by the parliament only through the adoption of constitutional laws. In fact, the adoption of constitutional laws is the only possible form of revision of the constitutional text by parliament. Therefore, in Clause 1 and Clause 2 of Art. 93 of the new edition of the Constitution of Uzbekistan actually refers to the same powers of the Oliy Majlis. Secondly, the peculiarity of the legal nature of constitutional laws as acts of the constituent power of the people is that, after their adoption and entry into force, they are integrated into the constitutional text and form a single whole with the constitution. The entry into force of a constitutional law entails changes in the constitutional text, that is, the appearance of a new version of the constitution. It is impossible to make changes and additions to the current constitutional laws, because the current constitutional laws cease to exist as a normative act structurally separated from the constitution. The above understanding of the legal nature of constitutional laws is consistent with the pro-

visions of Art. 154 of the new edition of the Constitution of Uzbekistan, which reads: "Changes and additions to the Constitution of the Republic of Uzbekistan are made by a constitutional law adopted by a majority of at least two-thirds of the total number of deputies of the Legislative Chamber and members of the Senate of the Oliy Majlis of the Republic of Uzbekistan, respectively, or by a referendum of the Republic of Uzbekistan" (Proekt…). Also, in Chapter six of the new edition of the Constitution of Uzbekistan "The procedure for amending the Constitution", it is repeatedly referred to the Constitution of the Republic of Uzbekistan "as amended by this Constitutional Law" (Proekt…).

One of the destructive features of the presidentialized form of government adopted in the post-Soviet space is the empowerment of certain state authorities with functions and powers that are not characteristic of them. This constitutional defect in the form of government reflects the influence of unsurpassed eastern political traditions, primarily clan political mechanisms, customs and Muslim law, as well as the legacy of Soviet totalitarianism (Szymanek, 2008, p. 28). In particular, according to Clause 8 of Art. 109 of the new edition of the Constitution of Uzbekistan, the President of Uzbekistan "represents a candidate to the Senate of the Oliy Majlis of the Republic of Uzbekistan for election to the post of Chairman of the Senate" (Proekt…).

Art. 10 of the new edition of the Constitution of Uzbekistan states that "On behalf of the people of Uzbekistan, only the Oliy Majlis elected by them and the President of the Republic of Uzbekistan can speak" (Proekt…). According to the ideas established in the theory of constitutional law, only the parliament, elected by the entire electoral corps, represents all the citizens of the state, but the parliament cannot represent the state and personifies only the legislative branch of power. At the same time, the president, as the head of state, exercises the supreme representation of the state as a whole, and not of a separate branch of power. The president as the head of state, however, cannot represent the whole people, since he is elected only by a part of it. If the result of voting in presidential elections is determined by the majority system of relative majority, then the said part may also constitute an absolute minority of the number of voting participants.

According to Clause 2 of Art. 133 of the new edition of the Constitution of Uzbekistan, the President of Uzbekistan signs constitutional laws. The fundamental difference between constitutional laws and ordinary laws is that the adoption of the latter by the parliament is a form of rule-making activity of the state. Hence the simplified procedure for adopting ordinary laws and the facultative nature of the constitutional control exercised over them. Amending the constitution or adopting constitutional laws is a form of exercise of the constituent power

of the people. According to their legal characteristics (legal nature and legal force), constitutional laws are no different from the constitution. Therefore, the head of state cannot apply the right of veto or the right of promulgation to constitutional laws. Giving the president the right to promulgate constitutional laws means that the possibility of exercising the constituent power of the people is dependent on the will of one of the "established" authorities, whose powers are derived from the supreme constituent power of the people.

Art. 98 of the new edition of the Constitution of Uzbekistan gives the right of legislative initiative to the Constitutional Court of Uzbekistan and the Supreme Court of Uzbekistan. As a general rule, the constitutions of developed countries do not give the right of legislative initiative to the courts and bodies of constitutional jurisdiction. It is believed that empowering these subjects with the right of legislative initiative provokes their transformation into active participants in the political process. It is also obvious that the implementation of the right of legislative initiative by the Constitutional Court of Uzbekistan will inevitably entail a situation where the body of constitutional jurisdiction will be forced to verify the constitutionality of the law, the developer of which he himself was. In such a situation, the problem of "judging in one's own case" will arise and it will be impossible to guarantee the impartiality of the Constitutional Court.

Guaranteeing the Dominant Role of the President of Uzbekistan in the State Mechanism Is the Hidden Goal of the Constitutional Reform

The new version of the Constitution of Uzbekistan establishes an eclectic form of government that combines the features of a presidential and a mixed republic. The right of the Legislative Chamber of the Oliy Majlis to consider and approve, on the proposal of the President, the candidacies of the Prime Minister and other members of the Cabinet of Ministers (Government of Uzbekistan) (Clauses 3 and 5 of Art. 94 of the new edition of the Constitution of Uzbekistan); the constitutional provision that the President of Uzbekistan "ensures the coordinated functioning and interaction of public authorities" (Proekt…) (Art. 105 of the new edition of the Constitution of Uzbekistan); parliamentary responsibility of the Cabinet of Ministers of Uzbekistan (Art. 119 of the new edition of the Constitution of Uzbekistan) should be considered as the features of a mixed republic.

However, the form of government established by the edition of the Constitution of Uzbekistan cannot be defined as a mixed republican one. Such essential institutions of a mixed republic as parliamentary investiture of the government, parliamentary responsibility of the government, countersigning of presidential

acts by members of the government, dualism of executive power in the new version of the Constitution of Uzbekistan are significantly distorted or not provided for at all. The new version of the Constitution of Uzbekistan exaggerates the constitutional status of the President of Uzbekistan and camouflages the fact of his transformation from the head of state to the head of executive power.

The new edition of the Constitution of Uzbekistan does not establish the classical form of parliamentary investiture of the government. The parliamentary investiture of the government provides for the approval by the parliament of the program of activities of the supreme body of executive power as a condition for its authority. The positive result of voting in the parliament on the program of the government's activities is in fact the approval of the composition of the government. The passage of the parliamentary investiture by the newly formed government indicates that it has received confidence from the legislature, gained legitimacy and can begin to implement its program of activities. The parliamentary investiture of the government also provides that the basis of the program of its activities are the provisions of the coalition agreement on the formation of the parliamentary majority. In the future, the inefficiency or inconsistency of the government's policy with the program of its activities give grounds for bringing it to parliamentary responsibility. Consequently, the parliamentary investiture of the government guarantees the fundamental participation of the parliament in the process of forming the government and is an important tool for the influence of the parliament on the executive branch.

Under the condition of parliamentary investiture of the government, the president is forced to take into account the alignment of political forces in parliament and appoint to the post of prime minister a person who enjoys the support of a parliamentary majority (Eldzhi & Makmenamin, 2014, p. 43) and is able to form a government whose program and composition will be approved by parliament. The president cannot appoint as prime minister a person who has a low chance of getting an investiture in parliament, as this will provoke a political crisis (Pavlenko, 2002, p. 108). The new edition of the Constitution of Uzbekistan does not provide for such a mechanism. In general, the Constitution imitates rather than guarantees the parliamentary way of forming the government. The procedure for the formation of the Cabinet of Ministers of Uzbekistan is regulated by Art. 118 of the new edition of the Constitution of Uzbekistan. According to Part 6 of this article, "members of the Cabinet of Ministers of the Republic of Uzbekistan are appointed to the position by the President of the Republic of Uzbekistan after the approval of their candidacies by the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" (Proekt…). According to Part 1 of Art. 118 of the Constitution, the President submits the candidacy of the Prime Minister for

consideration and approval by the Legislative Chamber "after consultations with all factions of political parties within a month after the election of officials and the formation of bodies of the chambers of the Oliy Majlis of the Republic of Uzbekistan or within a month after the dismissal or resignation of the Prime Minister, or the resignation of current composition of the Cabinet of Ministers" (Proekt…). In Part 3 of Art. 118 of the Constitution it is indicated that "a candidate for the post of Prime Minister during the consideration of his candidacy in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan represents the action program of the Cabinet of Ministers for the near and long term" (Proekt…). At the same time, the Constitution does not directly establish the requirement for the Legislative Chamber of the Oliy Majlis to approve the program of activities of the Cabinet of Ministers as a condition for its authority. The provision of Part 5 of Art. 118 says: "In the event of a three-time rejection of the submitted candidates for the position of Prime Minister, the President of the Republic of Uzbekistan appoints the Prime Minister and has the right to dissolve the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" (Proekt…). The cited provision indicates that the last word in the procedure for the formation of the Cabinet of Ministers belongs to the President. The disagreement of the Legislative Chamber with the position of the President on the candidacy for the post of Prime Minister and the composition of the Cabinet of Ministers generally means that the President receives a legal basis to form the Cabinet of Ministers independently and terminate the powers of the Legislative Chamber. Since the refusal of the Legislative Chamber three times to approve the candidacy proposed by the President for the post of Prime Minister may entail the termination of the powers of the lowest chamber, it is natural that it will not provoke such a development.

The absence of a full-fledged parliamentary investment in the Cabinet of Ministers gives reason to believe that the President of Uzbekistan, relying on the support of the pro-presidential majority of the Legislative Chamber or without such support, will form the composition of the government at his own discretion.

According to Part 7 of Art. 118 of the new edition of the Constitution of Uzbekistan, "the President of the Republic of Uzbekistan has the right to dismiss the Prime Minister, the current composition or a member of the Cabinet of Ministers of the Republic of Uzbekistan" (Proekt…), and according to Clause 16 of Art. 109 of the Constitution, the President of Uzbekistan "suspends, cancels acts of the republican executive authorities and *khokims*; has the right to chair meetings of the Cabinet of Ministers of the Republic of Uzbekistan" (Proekt…). It is obvious that the responsibility of members of the Cabinet of Ministers to the President of Uzbekistan, the unconditional right of the President to cancel gov-

ernment acts and his right to chair meetings of the Cabinet of Ministers determine the administrative dependence of the members of the government on the head of state, hence the transformation of the latter into the actual head of executive power.

The administrative subordination of the Cabinet of Ministers of Uzbekistan to the President of Uzbekistan eliminates such a fundamental distinguishing feature of a mixed republic as the dualism of executive power. The absence of a constitutionally established dualism of executive power does not allow classifying the form of government as a mixed republican one (Sartori, 2010, pp. 115–116). In the studied form of government, the dualism of executive power is completely overcome in favor of the President.

On March 9, 2023, at a regular meeting of the Legislative Chamber of the Oliy Majlis, during the consideration of the issue of holding a referendum on the draft Constitutional Law "On the Constitution of the Republic of Uzbekistan", it was officially proclaimed that "the updated Constitution is aimed at creating a strong parliament, a compact and responsible government, as well as an independent and fair judiciary to build a state that serves the people" (Obnovlyaemaya…). It is obvious that the cited declaration of intent of the developers of the new edition of the Constitution of Uzbekistan is groundless. Formally, according to Art. 105 of the new edition of the Constitution of Uzbekistan, the President is only the head of state and does not head the government, but in accordance with Part 1 of Art. 114 of the Constitution, "executive power is exercised by the Cabinet of Ministers of the Republic of Uzbekistan" (Proekt…). However, the completely weakened institutional ties between the Oliy Majlis and the Cabinet of Ministers and the administrative subordination of the government to the President will give rise to the irresponsibility of the authorities as a whole, since they will allow the President to strengthen his own legitimacy through the success of government policy and at the same time, in case of failure of his own political course, to shift political responsibility to the Cabinet of Ministers. The imitation of the parliamentary way of forming the government and the political responsibility of the Cabinet of Ministers of Uzbekistan for the results of the implementation of the political course of not the parliamentary majority, but the President of Uzbekistan, contradict the logic of the organization of state power in a mixed republic.

A mixed republic acquires legitimacy due to the conformity of the essence and results of government policy with the programmatic principles of the bloc of parties that form the majority in parliament. In a simplified way, this legitimation scheme can be depicted as follows: voters cast their votes for political forces, which, having received the majority of mandates in parliament as a result of the elections, form the government. The composition and program of activities of the

government reflect, respectively, the composition and political platform of the parliamentary majority. The government is actually implementing a course that is not only approved by the parliamentary majority, but also one that is a means of implementing in state policy the programmatic foundations of the parties that won the elections. Since the programmatic basis of these political parties, embodied in government policy, expresses the interests of a large part of society, the correspondence of the results of government policy to the expectations of voters ensures the legitimacy of a mixed republic. Elections here are the most important instrument of party responsibility for the results of government policy: voters reward the successful policy of the ruling parties by again supporting them during the voting, or, conversely, refuse to support them if their policy is unsuccessful. The new edition of the Constitution of Uzbekistan does not provide for anything similar to the described mechanism of legitimation of the form of government.

According to Part 3 of Art. 116 of the new edition of the Constitution of Uzbekistan, "the current Cabinet of Ministers resigns its powers before the newly elected Oliy Majlis of the Republic of Uzbekistan" (Proekt…). Taken separately, not in connection with other constitutional norms, this constitutional provision can be considered evidence of the existence of a government structure derived from the composition of the parliamentary majority and the compliance of the government's program of activities with the program principles of the parliamentary majority factions. However, the constitutional provision on the resignation by the Cabinet of Ministers of powers before the newly elected Oliy Majlis, in addition to other constitutional norms establishing the administrative dependence of the government on the President, eliminates the provision of Art. 114 that "the Cabinet of Ministers carries out its activities within the framework of the main activities of the executive branch, determined by the President of the Republic of Uzbekistan" (Proekt…). The role of the President as the real head of the executive power is also reflected in the provisions of Clause 7 of Art. 109 of the new edition of the Constitution of Uzbekistan that the President "forms and abolishes ministries and other republican executive bodies with subsequent submission of decrees on these issues for approval by the Senate of the Oliy Majlis of the Republic of Uzbekistan" (Proekt…); Clause 15 of Art. 109 on the right of the President to appoint and dismiss chairmen (*khokims*) of regional state administrations and the city of Tashkent; Clause 16 of Art. 109 on the right of the President to chair meetings of the Cabinet of Ministers. Consequently, according to the new version of the Constitution of Uzbekistan, neither the composition of the Cabinet of Ministers, nor the program of its activities are really connected with the results of the parliamentary elections. The Cabinet of Ministers of Uzbekistan is the "team of the president" and through the system of executive bodies

subordinated to it ensures the implementation of the election program of the President of Uzbekistan.

A systematic analysis of the norms of the new edition of the Constitution of Uzbekistan on the organization of state power gives grounds to conclude that the form of government provided for by the constitution does not create fundamentally important institutional ties between the Oliy Majlis and the Cabinet of Ministers, and therefore does not provide political parties with real effective influence on the executive branch. According to the new version of the Constitution of Uzbekistan, political parties that have won elections and formed a parliamentary majority are deprived of the opportunity to determine the composition of the Cabinet of Ministers and the content of its program of activities, and therefore cannot translate their pre-election commitments into government policy and thus receive credit of trust from voters in the next parliamentary elections.

The new version of the Constitution of Uzbekistan significantly complicates the procedure for the parliamentary responsibility of the government, requiring a decision on the resignation of the Cabinet of Ministers of Uzbekistan not by a simple, but by a qualified two-thirds majority of the constitutional composition of the Legislative Chamber of the Oliy Majlis. In addition, even if a decision is made to dismiss the Cabinet of Ministers by a two-thirds majority of the constitutional composition of the Legislative Chamber of the Oliy Majlis, the powers of the government are terminated by the decision of the President of Uzbekistan. Art. 119 establishes: "A vote of no confidence in the Prime Minister is considered adopted if at least two thirds of the total number of deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan vote for him. In this case, the President of the Republic of Uzbekistan decides to dismiss the Prime Minister from office. At the same time, the entire composition of the Cabinet of Ministers of the Republic of Uzbekistan resigns together with the Prime Minister" (Proekt…). Therefore, Art. 119 does not answer the question of what will be the consequences of the Legislative Chamber of the Oliy Majlis expressing a vote of no confidence in the Prime Minister if the President of Uzbekistan does not decide to dismiss the Prime Minister from office.

The new version of the Constitution of Uzbekistan establishes a kind of substitute for the individual parliamentary responsibility of government ministers. Part 8 of Art. 118 reads: "The Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan has the right to hear a report from a member of the Cabinet of Ministers of the Republic of Uzbekistan on issues of his activities. Based on the results of hearing the report of a member of the Cabinet of Ministers, the Legislative Chamber has the right to submit a proposal for his resignation to the President of the Republic of Uzbekistan for consideration" (Proekt…). Con-

sequently, the Legislative Chamber is deprived of the opportunity to independently terminate the powers of ministers of the Cabinet of Ministers.

In the form of government envisaged by the new version of the Constitution of Uzbekistan, the absence of a parliamentary investiture of the government complements the rejection of the institution of countersignature, i.e. the requirement that relevant acts of the president must be signed by members of the government.

The countersigning of presidential acts by members of the government is a fundamental feature of parliamentary and mixed republics. In these forms of government, the countersigning of acts of the president by members of the government indicates the recognition by the government of the constitutionality and expediency of issuing a certain act of the president, its compliance with the political course of the government. In addition, countersignature ensures compliance with the act by both entities participating in it – the president and the prime minister. At the same time, the countersigning of presidential acts by members of the government is a form of a kind of mutual control between the president and the government, carried out in the process of appropriate rule-making (Shapoval, 2005, p. 186).

Consequently, in parliamentary and mixed republics, countersigning of presidential acts by members of the government is an element of the system of checks and balances (Sovhyria, 2010, p. 68), through which the prime minister and (or) the relevant minister restricts the president's rule-making (Kupchenko, 2013, p. 78), thereby preventing him from possible abuses in the executive sphere. Unlike the parliamentary form of government, in which all, with some exceptions, acts of the head of state need countersigning, in a mixed republic, the countersigning of acts of the president by members of the government is designed to ensure coordinated interaction between the head of state and the government in the areas of joint competence of these subjects. Therefore, here the object of countersignature is only those acts of the President, the implementation of which is ensured by the government. However, the new version of the Constitution of Uzbekistan does not give members of the Cabinet of Ministers the right to countersign acts of the President, which fully corresponds to their administrative subordination to the head of state.

According to official statements, the new version of the Constitution of Uzbekistan is designed, among other things, to achieve "the effective functioning of the system of checks and balances" (Obnovlyaemaya…). The system of checks and balances is doomed to inefficiency, and some of its elements acquire the character of a legal fiction if it is not balanced. The asymmetry of the system of checks and balances leads to pressure from a stronger authority on a weaker one.

Balancing the possibilities of mutual influence of the highest bodies of the state is a fundamental condition for organizing a system of checks and balances. Ignoring this condition destroys the system of checks and balances, entails the danger of degradation of statehood to the state of political monocentrism (Krasnov & Shablinskij, 2008, pp. 11–12). It is impossible to talk about the symmetry of the system of checks and balances established by the new version of the Constitution of Uzbekistan. The expressive features of this system are the completely fragmentary means of influence of the Oliy Majlis on the President of Uzbekistan and the complete absence of means of influence on the President from the Cabinet of Ministers.

The new version of the Constitution of Uzbekistan enshrines the right of the President to prematurely terminate the powers of the Oliy Majlis. The discretionary right of the president to prematurely terminate the powers of parliament (its lower house) is one of the hallmarks of a mixed republic. In a mixed republic, the list of grounds for the president to exercise the right to prematurely terminate the powers of parliament (its lower house) should be unlimited, since the main purpose of this right is to serve as a means of resolving the political crisis associated with opposition to the president of the parliamentary-government bloc. The new version of the Constitution of Uzbekistan provides for the possibility of early dissolution by the President of the Legislative Chamber and the Senate of the Oliy Majlis "in the event of insurmountable differences arising in the Legislative Chamber or the Senate that jeopardize their normal functioning, or if they repeatedly take decisions that contradict the Constitution of the Republic of Uzbekistan, as well as insurmountable differences between the Legislative Chamber and the Senate, jeopardizing the normal functioning of the Oliy Majlis of the Republic of Uzbekistan" (Art. 111) (Proekt…). Also Part 5 of Art. 118 of the Constitution provides for the possibility of early termination of the powers of the Legislative Chamber in the event of a three-fold rejection of the candidates submitted by the President for the position of Prime Minister. Obviously, the early termination of the powers of the Legislative Chamber due to its unwillingness to approve the candidates proposed by the President for the post of Prime Minister does not correspond to the logic of the organization of state power in a mixed republic. At the same time, the discretionary right of the president, characteristic of a mixed republic, to terminate the powers of the parliament (its lower house) becomes redundant in the conditions of the decisive influence of the head of state on the selection of the composition of the government and determining its political course. Obviously, the constitutional grounds on which the President of Uzbekistan terminates the powers of the chambers of the Oliy Majlis do not concern the resolution of the conflict between him and the parliamentary-government bloc. Such

a block does not exist in the form of government established by the new version of the Constitution of Uzbekistan.

The form of government provided for by the new edition of the Constitution of Uzbekistan, despite its obvious similarity with the presidential republic, is not identical to it either. It does not have a "rigid" separation of powers and features that are atypical for a presidential republic, primarily such powers of the President of Uzbekistan as the right to initiate legislation and the right to prematurely terminate the powers of the chambers of the Oliy Majlis. The "rigidity" of the separation of powers, which is a fundamental condition for classifying the form of government as a presidential republic, does not provide for the vesting of the president with the above-mentioned powers.

Art. 99 of the new edition of the Constitution of Uzbekistan, which regulates the legislative process in the Parliament, establishes, in particular, the procedure for overcoming the veto of the President by the chambers of the Oliy Majlis and the obligation of the President to promulgate the law in case the chambers overcome the presidential veto. In Parts 9 and 10 of Art. 99 it is fixed that "the President of the Republic of Uzbekistan has the right to return the law with his objections to the Oliy Majlis of the Republic of Uzbekistan. If the law in the previously adopted version is approved by a majority of at least two-thirds of the total number of deputies of the Legislative Chamber and members of the Senate of the Oliy Majlis of the Republic of Uzbekistan, respectively, the law must be signed by the President of the Republic of Uzbekistan within fourteen days and promulgated" (Proekt…). The procedure for overcoming the veto of the head of state and the entry into force of the law, determined by the new version of the Constitution of Uzbekistan, creates an opportunity for the President of Uzbekistan, ignoring the fact of overcoming his veto, to stop the legislative process at the stage of promulgation of the law. After the Legislative Chamber and the Senate of the Oliy Majlis override the President's veto, the head of state may refuse to sign and promulgate the law. In this case, since according to Part 11 of Art. 99, "the publication of laws and other regulations is a prerequisite for their application" (Proekt…), the legislative process will be terminated. Termination by the President of Uzbekistan of the legislative process at the stage of promulgation of the law is possible, since the new version of the Constitution of Uzbekistan does not provide for any form of constitutional and legal responsibility of the head of state.

Art. 113 of the new edition of the Constitution of Uzbekistan establishes: "The President of the Republic of Uzbekistan, who resigned upon the expiration of his powers, holds the position of a member of the Senate of the Oliy Majlis of the Republic of Uzbekistan for life" (Proekt…). According to Part 3 of Art. 104 of the new edition of the Constitution of Uzbekistan, bringing a senator to criminal

liability, detention, arrest or application of measures of administrative responsibility to him is possible only with the consent of the Senate. Therefore, the cited constitutional provision should be considered a normative guarantee of the immunity of the ex-presidents of Uzbekistan.

Art. 106 of the new edition of the Constitution of Uzbekistan states: "A citizen of the Republic of Uzbekistan not younger than thirty-five years old, fluent in the state language, permanently residing in the territory of Uzbekistan for at least 10 years immediately before the elections can be elected President of the Republic of Uzbekistan. The same person cannot be the President of the Republic of Uzbekistan for more than two consecutive terms. The President of the Republic of Uzbekistan is elected by the citizens of the Republic of Uzbekistan on the basis of universal, equal and direct suffrage by secret ballot for a period of seven years. The procedure for electing the President of the Republic of Uzbekistan is determined by law" (Proekt…). This article reproduces verbatim Art. 90 of the primary version of the Constitution of Uzbekistan, with the exception of the provision on the term of office of the President of Uzbekistan. The primary version of the Constitution of Uzbekistan had established a five-year term of office for the President.

The increase in the term of office of the President of Uzbekistan from five to seven years is a completely regressive amendment. The seven-year term of office of the president does not agree well with the idea of his responsibility to the people, reflected in Art. 2 of the new version of the Constitution of Uzbekistan. The failure of the president's policy, which cannot be grounds for impeachment, is too high a price for a long term of office. At the same time, the obvious success of the president's policy is a prerequisite for his re-election for a new term. The optimal term for a president to serve is four to five years. Such a term of office, as well as the constitutional ban on one person holding the presidency for more than two consecutive terms, prevent the transformation of his power into a long-term one-man dictatorship. The mentioned restrictions are certainly better than a ban on re-election or the possibility of unlimited re-election of the president.

A four-five-year presidential term is a well-established modern norm for developed republics. Here it is worth mentioning the latest French experience. Until 2000, the term of office of the President of France was 7 years. In September 2000, by referendum, his term of office was limited to 5 years.

The main effect of changing the constitutional provisions on the term of office of the President of Uzbekistan is not in increasing the duration of the President's term, but in the fact that changing these provisions has become a technical and legal means of "zeroing out" the entire tenure of the President of Uzbekistan Shavkat Mirziyoyev. After the entry into force of constitutional changes, the term

of office of President Mirziyoyev has been increased to seven years and the calculation of that period begins from the moment the results of the referendum are officially announced.

Separate attention deserves such a feature of the form of government established by the new edition of the Constitution of Uzbekistan, as the absence of the institution of impeachment. In modern republics, impeachment is the only form of constitutional and legal responsibility of the president, with rare exceptions. Therefore, given the absence of the institution of impeachment in the form of government under study, it is correct to assert that the President of Uzbekistan is an official who is not subject to constitutional and legal responsibility. The strong power of the president should provide for his proportional constitutional and legal responsibility. However, the new version of the Constitution of Uzbekistan combines a huge amount of powers of the President of Uzbekistan with his complete political and legal irresponsibility. This fact is completely dissonant with the officially declared intention to "strengthen [...] the mechanisms of checks and balances in the branches of power" (Vystuplenie…).

According to Clause 11 of Art. 109 of the new edition of the Constitution of Uzbekistan, the President "appoints, with the approval of the Senate of the Oliy Majlis of the Republic of Uzbekistan, the Prosecutor General of the Republic of Uzbekistan, the chairman of the Accounts Chamber of the Republic of Uzbekistan and dismisses them" (Proekt…), and according to Clause 12 of Art. 109 the President "appoints, after consultations with the Senate of the Oliy Majlis of the Republic of Uzbekistan, the chairman of the State Security Service of the Republic of Uzbekistan and dismisses him from office" (Proekt…). The President also appoints and dismisses, on the proposal of the Supreme Judicial Council, the chairmen and deputy chairmen of the courts of the regions and the city of Tashkent, the chairman of the Military Court (Clause 14 of the Art. 109 of the new edition of the Constitution of Uzbekistan).

The decisive role is played by the President in the process of forming the composition of the Constitutional Court, the Supreme Court, the Supreme Judicial Council, as well as in appointing the Chairman of the Board of the Central Bank, the head of the republican anti-corruption body and the head of the republican antimonopoly body, since the Senate of the Oliy Majlis makes the relevant appointments on the proposal of the head of state (Clause 13 Art. 109 of the new edition of the Constitution of Uzbekistan).

Conclusion

The constitutional referendum held in Uzbekistan on April 30, 2023 under the slogans of adapting the Constitution to the requirements of the "New Uzbekistan" and strengthening the protection of human rights, provided a solution to another, hidden task. The referendum "zeroed out" the entire tenure of the President of Uzbekistan Shavkat Mirziyoyev and began counting the term of his presidency from the moment the voting results were officially announced. The referendum guaranteed the preservation of the leading role, among other higher bodies of the state, of the President of Uzbekistan and legalized the form of government designed in accordance with the needs of the current Head of State.

This presidential form of government cannot be considered either mixed republican or presidential. The atypicality of this form of government also lies in the fact that it does not provide for any form of constitutional and legal responsibility of the President of Uzbekistan, the countersigning of his acts by members of the Cabinet of Ministers, significantly distorts the parliamentary investiture of the Cabinet of Ministers of Uzbekistan and fundamentally complicates his parliamentary responsibility. Assuming the termination of the powers of the Cabinet of Ministers before the newly elected Oliy Majlis and securing the right of the Parliament to approve the candidacy of the Prime Minister, the new version of the Constitution of Uzbekistan at the same time links the content of the program of the Cabinet of Ministers not with the program principles of the factions of the parliamentary majority, but with the political course of the President. The absence of a full-fledged parliamentary investment of the Cabinet of Ministers of Uzbekistan and the nullification of the possibility of its real parliamentary responsibility indicate that the Oliy Majlis of Uzbekistan is deprived of tools for direct influence on the political course of the Cabinet of Ministers of Uzbekistan. In this state of affairs, parliamentary elections, which result in the emergence of a new alignment of political forces in the legislature, do not entail changes in government policy. The policy of the Cabinet of Ministers of Uzbekistan will remain unchanged as long as the political course of the President remains unchanged.

Given the right of the President of Uzbekistan to terminate the powers of any member of the Cabinet of Ministers of Uzbekistan and the government as a whole, the right to cancel acts of the Cabinet of Ministers, the right to chair meetings of the Cabinet of Ministers, it should be considered that the elements of parliamentarism in the form of government under study do not eliminate the administrative dependence of the Cabinet of Ministers of Uzbekistan from the President of Uzbekistan. In fact, the termination of the powers of the Cabinet of Ministers of Uzbekistan before the newly elected Oliy Majlis and the approval of the candidacies of members of the government by the Legislative Chamber of

the Oliy Majlis for their appointment by the President only camouflage the fact that the President of Uzbekistan combines the functions of head of state and head of executive power.

Obviously, the form of government provided for by the new edition of the Constitution of Uzbekistan, given the level of its presidentialization, will inevitably give rise to authoritarian tendencies in the functioning of the state mechanism and hinder the development of civil society. The administrative subordination of the Cabinet of Ministers of Uzbekistan to the President of Uzbekistan and the transformation of the latter into a real head of executive power will entail the functional substitution of the highest collegial body of executive power, the government, with a sole body, i.e. the President of Uzbekistan. It is natural that the President of Uzbekistan will also use other political institutions to ensure and strengthen his own legitimacy.

References

Eldzhi, R., Makmenamin, I. (2014). Razdelennaya ispolnitelnaya vlast i demokratizaciya v poluprezidentskih sistemah. *Politicheskaya nauka*, *3*, 40–59.

Kakovy celi prinyatiya Osnovnogo zakona? Rerieved from http://www.uzbekistan.org.ua

Konstituciya Respubliki Uzbekistan ot 8 dekabrya 1992 g. (v redakcii ot 7 aprelya 2017 g.). Retrieved from https://lex.uz/acts/35869

Krasnov, M., Shablinskij, I. (2008). *Rossijskaya sistema vlasti: treugolnik s odnim uglom*. Institut prava i publichnoj politiki.

Kupchenko, T. (2013). Pravovyi mekhanizm kontrasyhnatsii aktiv Prezydenta Ukrainy. *Naukovi zapysky Instytutu zakonodavstva Verkhovnoi Rady Ukrainy*, *1*, 76–80.

Obnovlyaemaya Konstituciya stanet prochnoj pravovoj osnovoj blagopoluchnoj zhizni nashego naroda. Retrieved from https://yuz.uz/ru/news/obnovlyaemaya-konstitutsiya-stanet-prochnoy-pravovoy-osnovoy-blagopoluchnoy-jizni-nashego-naroda

Pavlenko, R. (2002). *Parlamentska vidpovidalnist uriadu: svitovyi ta ukrainskyi dosvid*. KM Akademiia.

Proekt Konstitucionnogo zakona Respubliki Uzbekistan "O Konstitucii Respubliki Uzbekistan". Retrieved from https://meningkonstitutsiyam.uz/rus.pdf

Sartori, D. (2001). *Porivnialna konstytutsiina inzheneriia: Doslidzhennia struktur, motyviv i rezultativ*. Artek.

Shapoval, V. (2004). *Konstytutsiia i vykonavcha vlada*. Yurinkom Inter.

Shapoval, V. (2005). *Suchasnyi konstytutsionalizm*. Yurinkom Inter.

Shapoval, V. (2018). *Peredmova. Konstytutsiia Frantsuzkoi Respubliky (z peredmovoiu Volodymyra Shapovala)*. Moskalenko O. M.

Sovhyria, O. (2010). Instytut kontrasyhnuvannia aktiv hlavy derzhavy v Ukraini: pravova pryroda ta problemy zakonodavchoho rehuliuvannia. *Visnyk Kyivskoho natsionalnoho universytetu im. Tarasa Shevchenka*, *85*, 66–69.

Szymanek, J. (2008). Konstytucyjne wyznaczniki pozycji ustrojowej parlamentu w przestrzeni po-Sowieckiej: casus Azji Centralnej. *Studia Prawnicze*, *2*, 5–29.

Vystuplenie Prezidenta Respubliki Uzbekistan Shavkata Mirziyoeva na vstreche s chlenami Konstitucionnoj komissii Olij Majlisa 20 iyunya etogo goda. Retrieved from http://www.uzbekistan.org.ua

Yushchyk, O. (2009). Konstytutsiino-pravovi problemy ustanovchoi vlady v Ukraini. *Viche*, *4*, 2–4.

***

Referendum konstytucyjne w Uzbekistanie z dnia 30 kwietnia 2023 roku. Deklarowane cele i wyniki

Streszczenie: Celem artykułu jest analiza przyczyn i konsekwencji referendum konstytucyjnego, które odbyło się w Uzbekistanie 30 kwietnia 2023 roku. Referendum, które odbyło się pod hasłami dostosowania konstytucji do wymogów „Nowego Uzbekistanu" i wzmocnienia ochrony praw człowieka, miało dość niejednoznaczne konsekwencje. Wraz z pewną poprawą statusu prawnego jednostki referendum „wyzerowało" całą kadencję prezydenta Uzbekistanu Shavkata Mirziyoyeva i rozpoczęło liczenie kadencji Mirziyoyeva od momentu oficjalnego ogłoszenia wyników głosowania. Referendum zachowało istniejącą formę rządów w Uzbekistanie, która charakteryzuje się dominującą pozycją prezydenta w mechanizmie państwowym. Tym samym referendum zagwarantowało dalsze utrzymanie i wzmocnienie tendencji autorytarnych w rozwoju systemu politycznego Uzbekistanu.

***Słowa kluczowe*:** konstytucja, referendum, suwerenność państwa, władza ludu, forma rządów, republika prezydencka, republika mieszana.