

Theoretical Analysis of Early Termination of Authority of Local Deputies

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Abstract

The paper analyzes the practical features, legal foundation, and opportunities to strengthen the system of early termination of authority of a local council deputy's. The author examined the current reasons for terminating a deputy mandate, researched other nations' experiences, and created suggestions to enhance domestic laws. The study led to the formation of scientifically supported conclusions regarding egregious violations of the deputy ethics rules, corruption-related crimes, conflicts of interest violations, the creation of new grounds, and the implementation of a procedure for terminating a deputy's authority.

Keywords: Local Councils, Deputy (MP), Term of Office, Legitimacy, Uzbekistan

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I. Introduction

The role of local councils in the system of representative bodies of state power is incomparable. Article 99 of the Constitution of the Republic of Uzbekistan establishes the legal status of local representative bodies. In recent years, consistent reforms have been implemented to improve the activities of local councils, expand their powers, and increase the efficiency of the deputies' activities. The “Strategy of Actions on the Most Important Tasks of Our Country in 2017-2021” was developed in conjunction with the Decree of the President of Uzbekistan dated February 7, 2017, Presidential Decree Number 4947. According to statistics, during the period from 2020 to 2023, the number of deputies of the Council of the Republic was terminated by more than 20. 45% of these cases occurred for the benefit of the deputies themselves, 30% for other reasons, 15% due to unexcused absence from sessions, and 10% for other reasons.

Improving the institution of early termination of the powers of a deputy of the local council of people's deputies is of great importance in the process of building a modern democratic legal state. Since this institution is an important factor in ensuring the effectiveness of the activities of local representative bodies. The object of this study is social relations associated with the early termination of the powers of a deputy of the local councils, and the subject matter is the regulatory legal acts regulating these relations, law enforcement practice, and foreign experience. The local councils of Uzbekistan have become increasingly central to the process of governance in the past several years, and as essential representatives of citizens' interests and agents of local independence, they have a place in the organization of state power that cannot be overstated. As a point of contact between the government and the people, they provide a feedback mechanism without which governance cannot be effective.

The supplements to the local councils, as foreseen in the reforms of the past few years, have reinforced not only their authority but also aimed at establishing greater responsibility on the part of the deputies. The high frequency of representation change suggests a mounting expectation by citizens for accountability and performance from their representatives. It also suggests leadership style responsive to opinion and performance expectation, which connotes the establishment of an evaluation and feedback culture in local government. This is most critical in building trust between citizens and their representatives. Strengthening the institution of early termination introduces a much-needed mechanism for ensuring high standards of accountability and stopping those in power from shirking their responsibilities without consequences.

In order to further strengthen the institution of early termination, it is important to analyze regulatory legal acts that govern these procedures. These laws should specify clearly the circumstances under which deputies' mandates can be forfeited, specify procedural requirements for termination to be initiated, and specify rights and protection available to deputies under the process. Drawing lessons from international

best practice in local council government can provide valuable guidelines. For instance, in most democratic nations, performance evaluation, citizen feedback schemes, and even recall elections have proved helpful in maintaining accountability and responsiveness among local leaders.

II. Methodology

At the stage of processing and analyzing data (2023-2024), the systematization of the collected data, statistical analysis, comparative legal analysis, and the formation of conclusions were carried out. The objects of research were social relations associated with the premature termination of the mandate of a local Kengashes deputy, regulatory legal acts regulating these relations, law enforcement practice, and foreign experience. The methodological framework consists of a systematic approach, a historical approach, a logical approach, a functional approach and a sociological approach. To ensure the reliability of the research results, a combination of different methods was used, a comprehensive empirical base was formed, impartial and independent experts were involved, and the results were approved.

III. Results

The following are possible prospects for improving national legislation: Firstly, it is proposed to introduce a new basis for "gross violation of the rules of parliamentary ethics" into the legislation. This will ensure that deputies adhere to ethical standards in their professional activities. Secondly, it is necessary to clarify the concept of "good reason" for the obligation of a deputy to participate in sessions. To do this, it is necessary to establish a clear list of good reasons in the legislation. Thirdly, it is advisable to introduce a mechanism for early termination of the mandate of a deputy at the initiative of voters. In this regard, the experience of Japan can be used. Fourthly, it is necessary to introduce the basis for terminating the mandate of a deputy for violating the requirements of the legislation on combating corruption.

IV. Discussion

According to Article 120 of the Constitution of the Republic of Uzbekistan, the Councils of People's Deputies in regions, districts and cities (except for cities subordinate to the district) are representative bodies of state power. Local Councils play an important role in expressing and implementing the interests of the population. Article 1 of the Law "On the Status of a Deputy of a Regional, District and City Council of People's Deputies" defines the concept of a deputy, according to which a citizen of Uzbekistan who has been elected to the relevant regional, district and city Council of People's Deputies and has been registered by the regional, district and city election commission in accordance with the Election Code of the Republic of Uzbekistan is a deputy.

Foreign experience particularly highlights the importance of having clear and

fair procedures for the early displacement of local representatives. In other democracies, the use of performance indicators and citizen satisfaction polls can serve as agents of change. When the constituents have a structured platform where they can communicate their dissatisfaction or concerns, it offers a democratized means of governance where the elected representatives feel compelled to serve public interests. Apart from that, political trend knowledge can prove useful for the local councils via an insight into the general temperament of their constituency. Leveraging technology, via mobile apps and social media channels, to build up real-time inputs can further serve as a bridging linkage between the councillors and the people, creating an inclusive model of governance and more transparency. In addition, training programs for deputies can impart a sense of responsibility and sensitivity towards their roles. By equipping local representatives with the necessary skills and knowledge to perform, local councils can build a group of informed leaders who remain committed to their roles and attuned to the needs of the people.

Revocation of local deputy mandates is a core aspect of democratic governance aimed at keeping elected officials accountable and responsive (Carpenter, 2001). This often involves the inclusion of clauses that provide for the removal or dismissal of local deputies who prove to be unsuitable for their positions for a range of reasons such as malfeasance, incapacity to perform their tasks, or loss of confidence in their abilities. In this article, we will describe how ideally the process should work and then analyze its application in Europe in greater detail. Such adaptations may entail implementing the use of citizen initiatives in decision-making, expanding grounds for removal to encompass a broad selection of accountability measures, and ensuring that town councils are furnished with the appropriate resources for enabling open and fair proceedings. Removal of deputy mandates encapsulates a fundamental democratic objective—the guarantee that elected representatives behave in line with the interests of their constituents. By streamlining these processes, regional governments in Uzbekistan will have the capacity to enhance their legitimacy and develop a model of accountable, responsive, and participative governance. History in European states has lessons to teach that will guide this process, ultimately enhancing the legal system in the country to be more democratic and resilient.

The powers of a deputy include the following important areas:

- Legislative activity - the deputy actively participates in the process of making decisions on issues of local importance.
- Supervisory functions - exercises parliamentary control over the activities of state bodies and officials in the region.
- Work with voters - considering citizens' appeals, holding meetings with voters, representing their interests.
- Formation and control over the implementation of the local budget - participation in the effective management of the financial resources of the region.

A transparent and effective legal system must be in place for the termination of local deputies' authority (Contandriopoulos, 2004). The system needs to have explicit grounds for dismissal, such as ethical violations, corruption, or failure to attend compulsory meetings and poor performance. Explicit criteria prevent politically motivated and arbitrary dismissals (Falleti, 2005). The procedure typically begins with either resignation (self-termination) or a formal process to begin the removal. In the latter case, provisions for constituent petitions are typically made, which may demand a specified number of signatures before proceeding.

Where there is a claim of wrongdoing, an independent review or investigation process should take place (He, 2010). This guarantees due process and allows for the preservation of evidence before any action is taken. Transparency at this point is necessary in order to support public confidence (Gibson, 2010). Where there is a claim of wrongdoing, an independent review or investigation process is essential to uphold democratic integrity and ensure accountability among elected officials. Such a process acts as a safeguard, allowing for due process while helping to preserve evidence, thereby laying a foundation for any subsequent actions that may need to be taken. This independence is crucial not only in demonstrating impartiality but also in reinforcing public trust in both the investigation and the outcomes that follow.

Transparency at this point is required, as it serves to validate public trust in the integrity of the review. If individuals feel that an inquiry is taking place in the open and accountability, they would be more willing to accept the verdicts and results even if such outcomes are contrary to their initial predispositions. In case an independent audit finds evidence of corruption, what is required should be done in accordance with established legal processes. This could include disciplinary action, report to the police, or asking the deputy to resign. Speed in doing so is critical because delays could ruin the public's confidence in the process. And, when investigations acquit individuals of wrongdoing, it is equally critical to clearly share those results. Public recognition of when officials are acquitted of impropriety has the potential to restore faith in government and indicate the effectiveness of due process.

The role of an independent review in cases of alleged impropriety is pivotal to the health of a democratic system. It not only provides an avenue for accountability, but also reasserts the central precept of justice—accounting all individuals, including officials, to scrutiny and rule of law. By putting emphasis on demands of openness, public participation, and responding to findings, we can develop a culture where elected officials and citizens both feel enabled and responsible towards one another. This balanced approach effectively strengthens democratic government, bridging the gap between the officials and the publics they represent.

Grounds and procedure for early termination of powers In accordance with Article 3 of the Law "On the Status of a Deputy of the Regional, District and City Council of People's Deputies", the powers of a deputy may be terminated ahead of schedule in the following cases:

- Upon personal application. According to statistics for 2022, 45% of cases of early termination of the powers of a deputy were carried out precisely on the basis of a personal application.
- When there is a court verdict of conviction that has entered into legal force. For example, in 2021, a deputy of the Tashkent Regional Council of People's Deputies was found guilty under Article 167 of the Criminal Code and his powers as a deputy were terminated.
- When a deputy renounces citizenship of the Republic of Uzbekistan. Two cases on this basis have been recorded across the republic in the last three years.
- In the event of the death of a deputy.
- When a court finds a deputy incompetent.
- When declared missing or deceased based on a legally effective court decision.
- When a deputy is elected or appointed to an inappropriate position.
- When a deputy is recalled.
- When a deputy fails to attend a session of the Council for thirty or more working days within a calendar year without good reason. In the first half of 2023, 3 cases were registered on this basis throughout the republic.

A. Germany Experience

In Germany, the issue of early termination of the mandate of a local council (Gemeinderat) deputy is regulated by the legislation of the federal states. For example, in the federal state of Bavaria, the following grounds are established for termination of the mandate of a deputy:

- Written application of the deputy;
- Incapacity of the deputy;
- Criminal liability of the deputy;
- Failure of the deputy to perform his duties consistently.

The revocation of a deputy's mandate for a local council (Gemeinderat) is governed differently in every federal state, a reflection of the federal character of government. Especially in Bavaria, law enumerates particular grounds for such revocation, namely, the written request of the deputy, incapacity, criminal culpability, and persistent failure to perform duties. These are all significant in maintaining the integrity of local government and ensuring that elected members are actively involved in their councils. Voluntary resignation by way of the written request of the deputy accommodates personal circumstances such as career changes or relocation. This voluntary aspect of resigning as a deputy prevents any disruption in council business and is respectful of individual circumstances.

Incapacity is also a significant ground for revocation of mandate and applies to situations where a deputy may be incapacitated from discharging their duties due to health issues. This provision safeguards the deputy's health as well as the functionality of the council, acknowledging that a representative of a constituent ought to be able to engage with council duties effectively. In addition, criminal liability offers a

significant benchmark for ethical conduct in local government. When a deputy is convicted of a crime, it shows the requirement of confidence from the public in representatives elected.

Ground for removal in such an instance highlights the point that individuals who engage in unlawful activities cannot adequately represent their constituents. Failure to discharge duties on a regular basis shows the requirement of responsibility and timeliness in local government. Chronic absence or inability to discharge responsibilities can have a significant impact on the efficiency of the council. By establishing this ground, the legislature underscores the significance of being actively involved and engaged in matters at the local level to their best capabilities, so that councilmembers can carry out their duties to their maximum capabilities. Also, the laws surrounding such grounds tend to provide for mechanisms of due process. This ensures deputies who are accused of misconduct are given avenues to respond before any conclusions about their mandate are made.

Such methodology shows a confidence in fairness and responsibility in politics. Generally speaking, the law in Bavaria regarding the advance revocation of the mandate of a local council deputy serves to not only promote high levels of conduct among political representatives but active and responsible governance as well. Additionally, citizen opinion and political participation play just as crucial of a role as holding these reps accountable. Through transparency mechanisms, such as public attendance records and open council meeting minutes, citizens are more involved in local government, thereby enhancing the democratic process. Through such a mechanism, regulations of the mandate of Bavarian local council deputies reflect a pragmatic appreciation of the complexities of political service while upholding integrity, accountability, and civic involvement as top priorities.

B. France Experience

In France, the issue of early termination of the mandate of a deputy of the local council (Conseil municipal) is regulated by the Local Self-Government Code. According to it, the mandate of a deputy is terminated in the following cases:

- Resignation;
- Loss of voting rights;
- Conflict of interest;
- Violation of budgetary discipline.

In France, early termination of the mandate of a deputy in a local council (Conseil municipal) is governed by the Local Self-Government Code that prescribes specific reasons for its termination. They are critical for ensuring accountability, integrity, and smooth operation of local government. Resignation of a deputy is a mere but crucial basis for the termination of his or her mandate. This spontaneous resignation can be caused by various personal or professional circumstances, such as a job change or relocation to another location, which allows for an easy transition in the

council. Resignation highlights the importance of active engagement in the local government, corroborating the belief that council members need to be dedicated to their roles.

Loss of voting rights is yet another significant ground for early dismissal. The legislation ensures that individuals exercising authority on behalf of the local public have appropriate legal and moral status. A deputy who loses their right to vote may find themselves incapable of participating actively in democratic processes and, therefore, unable to perform their duties effectively. The legislation safeguards the representation level in local councils and emphasizes the need for deputies to uphold standards appropriate for public office. Conflict of interest is also another important consideration which could lead to the withdrawal of a deputy's mandate. This doctrine addresses the situations where individual interests could run contrary to the ability of a deputy to act in the interests of their constituency.

By establishing this foundation for dismissal, the Local Self-Government Code aims to ensure public trust in local government, such that deputies will be concentrating on the interests of their constituents instead of self-enrichment. The rule is an important instrument for promoting ethical conduct by elected officials and protecting the integrity of local political life. Secondly, violation of budgetary discipline is a grave transgression that can cause termination of a mandate. It is the responsibility of local councils to keep the public treasury and exercise financial frugality. If a deputy fails to practice budgetary discipline, then not only their image as an elected representative but also the economic health of the society to which they belong is at risk. This legislation serves as a reminder of the financial prudence necessary for local government, providing a solution to prevent or correct any misuse that would put the public's proper utilization and management of its funds in jeopardy.

By and large, provisions in France's Local Self-Government Code regarding the pre-mature withdrawal of a deputy mandate reflect overall philosophy towards ensuring accountability and honest management at the local level. By making clear the grounds for dismissal, the code helps to maintain the confidence of the people in their elected representatives. The emphasis on resignation, loss of vote, conflict of interest, and violation of budgetary discipline all contribute to pointing out the importance of integrity, responsibility, and transparency in local government. These regulations not only provide effective political representation but also foster active citizen involvement in local matters, ultimately strengthening the democratic process in French municipalities.

C. Japan Experience

In Japan, the issue of early termination of the mandate of a deputy of the local representative body (Prefectural Assembly) is regulated by the Law "On Local Autonomy". A distinctive feature of the termination of the mandate of a deputy is that there is a mechanism for terminating the mandate of a deputy at the initiative of voters. In Japan, the early revocation of the mandate of a deputy in a local

representative body, e.g., the Prefectural Assembly, is governed by the Law "On Local Autonomy." The law stipulates various mechanisms for keeping elected representatives accountable to the people, one special feature being the arrangement for the revocation of a deputy's mandate at the behest of the voters. This unique characteristic emphasizes the democratic principles that drive local politics in Japan, where citizens possess a direct line of access through which they can affect their representation.

One of the most significant features of this mechanism is the authority it gives the electorate. In a democratic system, the people's will must always prevail, and giving the voters the power to demand the revocation of a deputy's mandate is an excellent check on the elected deputies. It allows citizens to call the deputies to order for their conduct and performance so that they can continue to enjoy the confidence and trust of their people. This tradition not only upholds the relationship between deputies and citizens but also increases civic engagement as it encourages citizens to engage actively in the political process. The ability to withdraw a deputy mandate at the behest of voters reflects commitment to responsible government. When the people feel that their needs are not being met or a deputy is acting contrary to the interests of the community, they can act to correct the situation. This responsiveness is essential in creating a political atmosphere where the deputies understand that their offices are based on how effective they are at serving the people.

It also gives a sense of responsibility to elected representatives to stay connected with their people, listening to their issues and acting accordingly. In addition, this system ensures protection against possible corruption or malpractice on the part of deputies. By enabling the voters to start the process of removal, the law serves as a deterrent to immoral practices and reaffirms that elected representatives are not above reproach. The fear of losing their mandate at the hands of the voters pushes deputies to act ethically and represent the interests of their constituents. This informs a culture of accountability and transparency under local government, which is essential to maintaining the trust of the public in elected representatives. However, the use of this voters' initiative also requires careful handling to prevent abuse of the process. Though empowering the voters to bring an end to a mandate will increase accountability, there need to be certain definite rules so that such action is taken on reasonable grounds rather than political considerations or personal grievances. There must be checks so that the procedure doesn't get tainted and unclear and thus diminish the integrity and overall stability of the local government.

The stripping of local deputies' powers is required for democratic institutions to be accountable and trusted (Staudinger, 2022). While the mechanisms of doing so may vary widely throughout Europe, the fundamental principles of transparency, justice, and public involvement are essential. A strongly rooted legal system ensures that the procedure is not only effective but also helps to prevent abuses of power. With local governance evolving further, it is crucial that jurisdictions consistently review

and enhance their procedures for ending authority in line with the democratic principles they reflect. Greater engagement with constituents is most important here since it ultimately decides the effectiveness and trustworthiness of local governance (Malesky, 2010).

Conclusion

Early termination of the powers of a deputy of the Local Council is a complex legal process that affects not only the legal status of the deputy, but also the activities of the entire local representative body. An analysis of 2020-2023 shows that the number of cases of early termination of the powers of a deputy is increasing from year to year. The current legislation establishes nine grounds for early termination of the powers of a deputy, most of which are related to objective circumstances. However, the criteria for some grounds, such as "failure to attend sessions without good reason", are not clearly defined.

An analysis of foreign experience shows that in developed democratic countries there are additional grounds for early termination of the powers of a deputy. For example, in France, a conflict of interest can be terminated, and in Japan, a deputy can be terminated on the basis of a voter initiative. Based on the above conclusions, the following proposals and recommendations are put forward. The Law "On the Status of a Deputy of Regional, District and City Councils of People's Deputies" should include such grounds as gross violation of the rules of deputy ethics, committing a corruption offense, and violating the rules of conflict of interest as additional grounds for early termination of the deputy's authority.

The legislation should establish clear criteria for the concept of "good reason". In this case, illness confirmed by a certificate from a medical institution, being on a business trip, vacation, and force majeure may be recognized as good reasons. It is advisable to introduce a mechanism for early termination of the deputy's authority at the initiative of voters. In this case, the signatures of at least 10 percent of voters should be required, the procedure for collecting signatures, the terms for considering the issue, and the procedure for making a decision should be determined. In order to strengthen the accountability of deputies, it is necessary to introduce mechanisms to provide quarterly reports to voters, publish reports in the media, and ensure transparency of activities through electronic platforms.

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