



The problem of determining the status and methodology for studying a political party

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ABSTRACT

This article is devoted to the problem of determining the status and methodology for studying a political party. In the article, the legal status of a political party has been studied based on a comparison between countries' experiences and its specific features have been revealed.

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Siyosiy partiya maqomi va uni o'rganish usullarini aniqlash muammosi

ANNOTATSIYA

Kalit so'zlar:

siyosiy partiya, siyosiy partiya fraksiyasi, partiya guruhlari, ko'ppartiyaviylik, huquqiy maqom, parlament huquqi, jamoat birlashmalari.

Ushbu maqola siyosiy partiyaning maqomi va uni o'rganish metodologiyasini aniqlash muammosiga bag'ishlangan. Maqolada mamlakatlar tajribasini taqqoslash asosida siyosiy partiyaning huquqiy maqomi o'rganilib, uning o'ziga xos xususiyatlari belgilab berilgan.

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Проблема определения статуса и методика изучения политической партии

АННОТАЦИЯ

Ключевые слова:

политическая партия,
фракция политической
партии,
партийные группы,
многопартийная система,
правовой статус,
парламентское право,
общественные
объединения.

Данная статья посвящена проблеме определения статуса и методологии изучения политической партии. В статье на основе сравнения опыта стран изучен правовой статус политической партии и выявлены его специфические особенности.

Currently, in legal science, several theoretical and methodological issues related to the institution of a political party seem relevant and in demand in practice.

One of these issues is the problem of determining **the legal status of a political party**. As Russian legal scholar T.K. Baykova rightly notes: “The problem of the legal status of political parties is one of the least developed in legal science, namely in the science of constitutional law”. [1]

As the study of works and publications on this issue shows, they were mainly of a journalistic or descriptive nature and were considered by political scientists or historians.

When determining the legal status of a political party, it is necessary, in our opinion, to take into account the following circumstances.

First, the nature of the political party. As stated above, the author adheres to the position that the party is the main element of the political system, **a political institution**.

This interpretation is often found in the works of political scientists[2], in which this status of a political party is scientifically substantiated by the history of the origin and evolution of this institution, as well as by the characteristics that distinguish the party from other political forces. Thus, according to American political scientists Joseph LaPalombara and Myron Weiner, these characteristics include:

- a party is an organization, i.e. a long-lasting association of people. This makes it possible to distinguish the party from factions, cliques, etc., which arise and disappear along with their inspirers and organizers;

- there are stable local party organizations that maintain regular contact with the national leadership;

- the goal of the party is the conquest and exercise of power. The desire to exercise power allows us to distinguish parties from pressure groups. If parties set the goal of gaining power in elections, exercising it through the work of party deputies in parliament and government, then pressure groups do not strive to seize power, but try to influence, influence power, remaining outside its sphere;

- popular support is ensured, from voting to active membership in the party. On this basis, parties differ from political clubs, which do not participate in elections and parliamentary activities.[3]

Secondly, the content of the legal status of political parties. We join the opinion of the majority of scientists who believe that the main content of the legal status of a political

party is legal capacity, legal principles, rights and obligations, legal guarantees for their implementation, and the legal responsibility of parties[4].

This means that the content of the legal status of political parties is a complex phenomenon that incorporates many institutions that determine the special place and significant role of a political party in the system of state power, but, in particular, in the political system of the country.

At the same time, we fully agree with the opinion that “The formation of the legal status of parties as an independent phenomenon is due to the need to resolve the problem of regulating the legal status of the most specific type of public associations - parties. Resolving this problem within the framework of the institution of public associations does not seem to be sufficiently effective due to its specifics, therefore the establishment of an independent institution of political parties is necessary”. [5]

Thirdly, the multi-level legal status of a political party.

Following Article 1 of the Law of the Republic of Uzbekistan “On Public Associations”, a political party is recognized as one of the types of public associations. In turn, a public association, according to Article 10 of the Law of the Republic of Uzbekistan “On Non-State Non-Profit Organizations” is recognized as one of the forms (organizational and legal forms) of non-state non-profit organizations.

As stated above, in the Law of the Republic of Tajikistan “On Political Parties”, a political party is also understood as a public association (Article 2). The same legal status of a political party can be seen from the content of Article 2 of the Law of the Republic of Tajikistan “On Public Associations”.

However, it is difficult to agree with such a legislative approach, since, in our opinion, the legal status of a political party, in contrast to the legal status of a public association or non-governmental non-profit organization, is characterized by a more complex essence and complex nature. In this regard, we fully share the view that “a feature of the legal status of parties is its multi-level nature. The reason for this is the threefold nature of parties. The content of the legal status of a party depends on whether we consider “a party in power,” “a party as an organization,” or “a party as a form of realization of individual rights.” The content of the legal status is a moving element, capable of transformation, while its structure remains unchanged. The structure of legal status is a general category for all subjects of law, while its content is a special category specific to each subject. It is precisely by the content of the legal status that subjects of law differ from each other, while its structure unites them all.”[6]

All these circumstances are not typical for the legal status of public associations.

In addition, a political party differs from public associations in the place it occupies in the system of government and society. If public associations are part of society, institutions of civil society, then political parties, taking into account their significant influence on the process of forming branches of government, especially representative bodies, as well as on all aspects of social construction, can be said to carry out the function of a “bridge” between state and society.

Moreover, for a political party, the state at the legislative level has established a special procedure for creation, state registration, and operation, which also indicates the special legal status of the political party.

And finally, we fully share the point of view that “political parties, by their internal essence, are multifunctional organizations, this is explained, first of all, by the “complexity”

of the institution of political parties, acting both as representatives of the interests of a part of civil society and as organizations included in the system of power relations. It is the fact that parties reflect the political will of their members that distinguishes them from other public associations (trade unions, youth organizations, environmental movements, etc.)."[7]

Thus, based on the above, we can conclude *that the legal status of a political party differs significantly from the legal status of a public association, firstly, in its place and role in the political system, influence on the system of state power; secondly, the content and multi-level nature of its status; thirdly, the multifunctionality of their internal essence.*

Another important theoretical aspect related to the institution of a political party and requiring in-depth and comprehensive research is the question of *the methodology and methodology for studying the institution of a political party.*

As stated above it is well known that political parties, unlike public associations, occupy a special place both in the state and in society, participating through their representatives in the formation and implementation of the domestic and foreign policies of the state, and directly in various sectors of public construction. Moreover, in many cases, political parties ensure the relationship and interaction of the state and society and its civil institutions.

This gives the activities of political parties a more complex socio-political character, which requires a special approach and special ways of studying their activities. This circumstance explains the need to develop a special methodological approach and a special methodology for studying such a phenomenon of the political system as a political party.

The modern theory of political parties has developed certain scientific concepts and approaches to the methodology and methods of studying the institution of a political party, which, in our opinion, require deep and comprehensive understanding and scientific justification in domestic legal science.

The historical method is highlighted, which is aimed, first of all, at distinguishing the stages of the emergence and formation of political parties based on various criteria (usually, such criteria are important legislative or institutional changes in the political system, fundamental changes in the political party itself).[8]

Other scientists study the activities of political parties from the point of view of the place and role of political parties in making government, or more precisely, political decisions. At the same time, they see a political party not as a kind of state body, but as a set of social relations that have developed in the process of achieving the main political goal - gaining power. This is the so-called *institutional* method, which, by the way, played a significant role in the formation of party theory.[9]

The sociological method is also distinguished, the adherents of which were M. Weber, M. Duverger, P. Bourdieu, J. Blondel, K. von Boyme, and others, who preferred to devote their works to the study of objective reality, in particular, a political party from the point of view of its electorate.

Other methodological approaches to studying the institution of a political party are usually recognized as the *psychological method* (its supporters are M. Lazarus, W. Wundt, (S. Siegele, G. Lebon, W. McDougal, E. Wachsmuth, F. Paulsen, G. Lasswell, G. Eysenck, A. Ponsonby, S. Long, A. I. Yuryev) [10], biological, anthropological, economic methods that are used in various branches of science: law, sociology, psychology, biology, anthropology, economics.

In addition, *systemic, synergetic, comparative (comparative) methods* of studying the institution of a political party are recognized as modern.

Here we would especially like to dwell on the prospects and possibilities of the comparative method of studying the activities of political parties, which allows, based on a comparison of two or more political parties, the identification of common features, differences, and features in the activities of these parties, to identify the patterns of these commonalities, differences, and features, characteristic trends in development of compared political parties. [11]

The comparative method is recognized as empirical and can be used in various forms:

- comparative legal, which is a unique means of identifying common, distinct, and original features, as well as patterns of legal regulation of the activities of political parties;
- a comparative method that allows us to identify the nature of various political parties;
- comparative-historical-typological, which makes it possible to reveal similarities in phenomena not related by their origin to the same conditions for the genesis and development of political parties;
- comparative-historical-genetic, showing the similarity in the activities of political parties as a result of their proximity in origin;
- a simple comparison that captures the mutual influence of political parties.

These circumstances give us grounds to substantiate *the conclusion about the need to form an independent scientific discipline - comparative party politics*, which would allow us to effectively and comprehensively study the phenomenon of political parties in different states by comparing political parties of the same name, their basic principles and categories, identifying characteristic trends and patterns in the formation, the formation and development of political parties, and based on the results of comparative analysis - the development of promising directions for further party building. [12]

It should be especially noted here that all of the above research methods do not exclude the use of general scientific, general theoretical methods, methods and approaches of social sciences, methods of political science, and the actual methods of party science, used, among other things, for a comprehensive study of the ideological orientation of political parties with their subsequent classification, studying party program documents: charter, election platform, decisions of congresses and conferences.[13]

Among the theoretical and methodological aspects of the activities of political parties, a special place is occupied by the question of the *genesis and evolution of political parties*, which we will try to study and reveal in detail in the next paragraph.

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