

## CONSTITUTIONAL AND LEGAL GUARANTEES OF THE ELECTORAL RIGHTS OF PERSONS WITH DISABILITIES

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### ANNOTATION

The article is devoted to the analysis of constitutional guarantees and problems of the realization of passive electoral right of a citizen of the republic of Uzbekistan. Under the conditions of applying the proportional electoral system the realization of passive electoral right has its special features. The author has proposed the lawful mechanisms, which will make it possible to consider the special features in the electoral legislation.

**Keywords:** elections, passive electoral right, constitutional guarantees, proportional electoral system, the exclusion of candidate.

### INTRODUCTION

The full realization of human and civil rights and freedoms in a modern democratic society should be ensured by a system of organizational and legal guarantees enshrined in legal sources and practically implemented by the State. The existence of an effective mechanism that promotes not only the declaration of norms in the field of human rights protection, but also their practical implementation, will help prevent the occurrence of negative consequences as a result of their improper application. Unfortunately, for today every day quite often you can observe various kinds of offenses affecting virtually all areas of public life. This state of affairs creates an institutional threat to the stability of the political system, expressed primarily in the weakening of the management mechanism, a decrease in the quality of decisions taken by state bodies and, as a result, the loss of legitimacy of the government itself.

The implementation of subjective suffrage is a rather interesting research segment of the sphere of constitutional and legal relations, since it should be recognized that elections in the Republic of Uzbekistan represent a form of direct democracy that is predominant in the context of frequency and mass use. In addition, the principles of electoral law have been formulated and received normative content in world practice for a number of centuries, which allowed us to develop a generally universal approach to the practice of its application in democratic states. In the Republic of Uzbekistan, a stable system of principles has been formed on the basis of international legal standards in the field of electoral legal relations. It should be stated that to date, to a sufficient extent a system of legal guarantees for the implementation of these principles has also been formalized, providing for equal legal opportunities for all subjects of the implementation of active and passive suffrage.

Along with the usual socialization of this category of citizens, political socialization is of particular importance, which assumes, first of all, the inclusion of persons with disabilities in power relations, the active realization by them of legally guaranteed political rights. The Constitution of the Republic of Uzbekistan establishes for every citizen the right to elect and be elected to State and local self-government bodies, as well as to participate in a referendum. In other words, any citizen regardless of gender, race, nationality, religion or physical abilities may participate fully in the political life of the State.

A citizen, being a disabled person, has corresponding health disorders as a result of various diseases or injuries resulting in disability and causing, for their part, the need for protection from the state.

At the international level, the legal status of persons with disabilities enshrined in the Convention on the rights of persons with disabilities, adopted by the UN General Assembly on 13 December 2006 and entered into force on 3 May 2008, the Convention, which in 2021 and joined the Republic of Uzbekistan, is aimed at securing full the participation of persons with disabilities in the civil, political, economic, social and cultural life of society, the elimination of discrimination on the basis of disability, protection for persons with disabilities. Article 29 of the Convention specifies which political rights and opportunities, on an equal basis with others, should to guarantee the States Parties, in particular:

- a) Ensure that persons with disabilities can participate effectively and comprehensively, directly or through freely chosen representatives, in political and public life on an equal basis with others, including having the right and opportunity to vote and be elected, in particular by:
  - 1) ensuring that voting procedures, facilities and materials were suitable, accessible and easy to understand and use;
  - 2) protecting the right of persons with disabilities to participate in secret voting in elections and public referendums without intimidation and to nominate their candidates for elections, to actually hold positions and perform all public functions at all levels of government - with the assistance of the use of assistive and new technologies, where appropriate;
  - 3) guaranteeing the free expression of the will of persons with disabilities as voters and, for this purpose, satisfying, when necessary, their requests for assistance with voting by any person of their choice, etc.

There are several different approaches to people with disabilities - from outdated, limited to charity and medical care, to more modern, applied on social and legal grounds. Different representation systems contribute to the description of public perceptions of persons with disabilities and are not mutually exclusive. Brief descriptions of each approach are provided below.

Charity-based approach - it is assumed that persons with disabilities are unable to fully participate in public life and need help. It is believed that they are worthy of pity and compassion.

A medical-based approach - such people are treated as if the obstacles they face were mainly due to disability. Within the framework of this model, people with disabilities are recommended to adapt to the conditions around them, rather than expect conditions to adapt to their needs.

The social approach - limitation of opportunities is described as a result of human interaction with environmental conditions. The introductory part of the CRPD Convention states: "The

limitation of opportunities stems from the interaction between persons with disabilities and obstacles caused by the attitude of people around them or environmental conditions that make it difficult for them to fully and effectively participate in public life on an equal basis with other people."

The legal-based approach emphasizes not dependence, but empowerment. Persons with disabilities have the same basic human rights as all other citizens, and Governments should guarantee them these rights and be responsible for protecting their rights.

Aspects of social and legal systems of representations contribute to the informed development of strategies for the involvement of persons with disabilities in political life. Social and legal systems of representations complement each other. Within the framework of the social representation system, the fact is emphasized that it is the obstacles created by society that lead to the exclusion of persons with disabilities, while how the legal system of representations emphasizes the equality of human rights belonging to all citizens without exception, and an active human rights role persons with disabilities.

There are different opinions on which terms should be used when discussing limited possibilities. Theorists who adhere to the social system of representations prefer the term "person with disabilities", since it corresponds to the principle that the obstacles faced by such persons can be explained by external, social factors, and not by the human condition as such. Speaking of "limited opportunities", such theorists imply social isolation, arising as a result of social processes, and not limited functionality.

Another approach is to use formulations that prioritize people. Within the framework of this system of representations, the limited capabilities of a person is not his defining characteristic, but only just one of its many properties. The phrases "persons with disabilities" and "people with disabilities" are interchangeable. In our guide, we prefer an approach according to which priority is given to the person as such, since this approach complies with the norms of the UN Convention on Human Rights

Persons with Disabilities (CRPD) and standard methods used by the United States Agency for International Development (USAID). We call "organizations of persons with disabilities" (DPoS) organizations whose members or leaders are people with disabilities. In this case, the word "persons" is used, and not "people", since this formulation has become a common preferred term for civil society organizations of this type. Don't be surprised that some people with disabilities talk about themselves in terms that other people with disabilities consider negative. "Limited opportunities" is a constantly evolving concept.

Analyzing this article, it can be noted that the legal status of disabled persons as a subject of electoral legal relations is fixed thoroughly. Moreover, there is a clear and detailed sequence of regulation of the necessary guarantees for the implementation of the electoral right of this category of persons.

## REFERENCES

1. The Convention on the Rights of Persons with Disabilities was adopted on December 13, 2006 by the United Nations in New York.
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