

## Separation of Powers in the Republic: Theoretical And Legal Foundations

*Azizov Latifjon Qalandarovich*  
*Tashkent State Law University, Master*

### **Abstract:**

*This scientific article provides a comprehensive analysis of the principle of separation of state power in the republic, its stages of formation, theoretical sources and legal foundations. It also covers the mechanisms of mutual balance and checks between the branches of power, their effectiveness and role in building a democratic state on a scientific basis.*

**Keywords:** *separation of powers, legislative power, executive power, judiciary, constitution, democracy, rule of law.*

### **Introduction**

For Effective organization of public administration is one of the important factors of stability and development of society. The principle of separation of powers is one of the basic principles of a democratic legal state, which serves to prevent the concentration of state power in one hand [1].

This principle is of great importance in ensuring the rights and freedoms of citizens and has become an integral part of the constitutional system of almost all democratic states today.

Although the idea of separation of powers appeared in ancient times, its scientifically based theory was developed by European enlighteners [2], [3], [4], [5], [6].

### **Methodology**

Charles Louis Montesquieu, one of the founders of this theory, justified the need to separate power into three branches. In his opinion, the concentration of power in one hand leads to despotism.

John Locke also emphasized the need to limit state power and put forward the idea of separating legislative and executive powers.

The essence of the separation of powers is the division of state power into three independent branches.

-legislative power

-executive power

-judicial power

This system is based on the following principles:

-prevention of monopoly of power

-mutual control (checks and balances)

-independence

-the rule of law

### **Result and Discussion**

The legal basis for the separation of powers in the Republic is enshrined in the Constitution [7], [8], [9].

Legislative power

The legislative power is exercised by the parliament and performs the following functions:

-adopts laws

- approves the state budget
- controls the executive power

The executive power is exercised by the government:

- enforces laws
- implements state policy
- ensures economic and social development [10], [11].

The judiciary is independent and:

- ensures justice
- protects the rights of citizens
- ensures the rule of law [12], [13], [14]

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## Conclusion

### Proposals:

- improve legislation
- strengthen the judicial system
- enhance parliamentary oversight
- increase transparency

In conclusion, the principle of separation of powers is one of the important foundations of a democratic state. Its effective implementation ensures the stability of state governance and plays an important role in protecting the rights of citizens.

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