



SOME ISSUES OF IMPROVEMENT OF NORMATIVE LEGAL ACTIVITY

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Article history:	Abstract:
Received: August 7 th 2022 Accepted: September 7 th 2022 Published: October 11 th 2022	In this article, the author describes the characteristics of the expert review of the draft normative legal document, the economic, financial, scientific, linguistic, ecological expertise according to the decision of the developer of the draft normative legal document or the body that has the right to adopt the normative legal document. , as well as the effectiveness of conducting other types of expertise was analyzed. Theoretical and practical conclusions were developed by the author on the basis of the general statistical analysis of the expertise of the draft of the normative legal document, based on the analysis of the changes of the issues of the expertise of the draft of the normative legal document in recent years.

Keywords: Legal expertise, regulatory legal documents, legislation, laws, law creation, legality.

The role and importance of legal expertise in improving the legal system of society and raising it to a new level of quality in the Republic of Uzbekistan, which is taking steps to establish a legal-democratic state in harmony with the development of world civilization, is great. Conducting a legal examination of legal documents related to the economy, state building, education, social security, internal and foreign policy and other branches of political, economic and social spheres and developing expert opinions on them is the main factor in making the right decisions regarding the legal regulation of these spheres. is serving. In addition, legal expertise proves that it is an integral part of the process of development, discussion and adoption of legal documents in our country, in other words, the activity of law-making.

Ensuring the acceptability, perfection, popularism and efficiency of legislation is of great importance in the establishment of a legal state and the formation of a civil society in our country. In a word, the development of society and the state depends on the quality and effectiveness of the adopted normative legal documents.

Expertise of regulatory legal documents plays an important role in ensuring the rule of law in all spheres of state and community life and ensuring legality in the activities of state and economic management, local government bodies, as well as in improving the quality of drafting of regulatory legal documents.

In the process of adopting normative legal documents perfectly, in accordance with the scale and level of new social relations, the expertise institute plays an important role.

The stronger the legal basis, the more laws are followed, the more the state and society will develop. At the same time, the times and reforms require continuous improvement of the existing laws.

Examining the drafts of normative-legal documents is one of the components of the law-making process, ensuring the perfect preparation of legislative documents, the mechanism for regulating social-legal relations, and the political, socio-economic, cultural-educational activities carried out in our republic. important in strengthening the legal basis of large-scale reforms in the fields.

Examining the drafts of normative-legal documents is one of the components of the law-making process, ensuring the perfect preparation of documents, the mechanism of regulating social-legal relations, and the political-legal, socio-economic, cultural-cultural activities carried out in our country. It is important to strengthen the legal basis for large-scale reforms in the rife sectors. Therefore, activities related to the preparation of drafts of regulatory legal documents, which are a very complex and complex process, their comprehensive examination, acceptance, and ensuring their implementation, should be regularly analyzed from a scientific and practical point of view.

Analyzing the experience of conducting legal expertise in the practice of foreign countries and applying its advanced aspects to our national legal reality is of great importance in researching the problems related to the improvement of the expertise of drafts of regulatory legal documents in our country.

The creation of rules for the preparation and adoption of draft regulatory legal documents in foreign



countries has long historical roots. In countries such as the USA, Canada, Germany, Poland, the Czech Republic, and Hungary, along with the rules for formalizing regulatory legal documents, special attention is paid to the issue of choosing the correct subject of regulation and studying their compatibility with the current legal system. From this point of view, in these countries, the assessment of the effectiveness of legal documents and conducting expertise have become an important element of legal practice in this regard. In particular, evaluation and expert councils operate in Switzerland. At the beginning of the 20th century, American jurist Horace Fleck studied the quality and scientific basis of law-making in his article, and he paid special attention to not issuing unnecessary laws. In particular, in his opinion, one of the main shortcomings in the legislative process is that these laws do not take into account the economic structure of society, politics, and the social situation in the country [1].

When Francis Schneider analyzes the effectiveness of European law in his article, he also makes a number of conclusions (for example, institutional factors). In his opinion, one of the factors of the effectiveness of the European law is the specific assessment of this law and its verification [2]. Therefore, any regulatory legal document must be subject to scientific expertise.

As we mentioned above, although there are noticeable changes in the quality of the legal examination of regulatory legal documents, until today, uniform legal bases or rules in this regard have not been adopted in a systematic form (for example, a law). In addition, issues related to the status of legal expertise subjects and expertise conclusions prepared by them are also left out of the scope of legal regulation. We believe that it is important to study foreign experience and learn its positive aspects from the point of view of these circumstances.

In developed democratic countries, the expertise of draft laws is organized at a high level. In particular, in the USA, every bill is thoroughly examined through the established information-analytical system. In France, more than 300 qualified lawyers participate in the process of drafting the law. Laws are not adopted without the conclusion of the State Council. A similar body exists in the Netherlands [3].

Another factor of effective examination of laws is adequate financing of this process. Financial stimulation of the expert, full reimbursement of the expenses related to conducting the expertise is widely used in the practice of developed countries.

For example, in Great Britain, despite the development of research services in the House of Representatives,

each of its committees has the right to hire experts within the limits of the established budget. Their number is not limited. In particular, the involvement of foreign experts serves to effectively conduct the examination of laws related to foreign political relations and economic relations.

Also, the conclusion prepared based on the results of the scientific-legal examination of the draft normative-legal documents should first of all be based on the in-depth scientific analysis of this document.

If we analyze the practice of preparing legal conclusions in foreign countries, in Russia, after the bill is introduced to the State Duma by the subject of the right of legislative initiative, the State Duma

The Analytical Department and Legal Department of Devoni will carry out its expertise. At this point, it should be noted that during the examination, the analytical department focuses on the need to adopt the draft law and the analysis of the social, economic, legal and other consequences it may cause.

The legal department prepares a conclusion on the compliance of the draft with the Constitution of the Russian Federation and the legislation, on compliance with the rules of the legislative technique, and determines how well this draft of the law is compatible with the existing legal system.

Expertise of draft laws in Ukraine is carried out in the following order: after the draft law is submitted to the Verkhovna Rada of Ukraine by the subject of the right of legislative initiative, the draft goes to the main (responsible) committee of the Verkhovna Rada Apparatus and the scientific-expert department. Before considering the draft law in the first reading, the scientific-expert department conducts an examination on its relevance, compliance with the law, and the analysis of the social, economic and other consequences of its adoption. The conclusion of the scientific-expert department is submitted to the deputies in a mandatory manner before voting for the adoption of the draft law in the first reading. After the draft law is adopted in the first reading, it is subject to mandatory legal expertise in the legal department of the Oliy Rada Department. During the expert examination, it will be determined how compatible this draft law is with the existing legal system and to what extent the rules of legislative technique were observed in its preparation.

In this way, the sequence, goals and subjects of scientific and legal expertise of draft laws are clearly defined in the process of law-making in Ukraine. At the first stage, the examination is carried out by the Scientific-Expert Department of the Oliy Rada Devotion, and at the next stage, i.e. after the adoption



of the bill in the first reading, the legal department of the Oliy Rada Devotion conducts the examination.

We can also witness that the Great Britain has accumulated considerable experience on these issues. In this case, the analysis of the experience of conducting legal expertise of draft laws shows that the focus of attention is on the nature of the state, which does not have codified domestic law or a constitution written as a single document or system of documents. But this situation does not indicate that there are absolutely no legal boundaries for legal expertise in Great Britain. Because the legal system of this country contains some parts of the legal framework.

According to the current constitutional law, any authority in Sweden acts on behalf of the people. According to it, the legislative body (Riksdag) - parliament, which is formed by general and direct election by the citizens of Sweden, operates [4].

In Sweden, as in other countries, extensive research is an integral part of the legislative process. This process usually begins with the establishment of a government committee. However, sometimes it is enough to organize a working group under the relevant ministry. With the establishment of the committee, it can be given certain freedom to operate. In some cases, its activity is limited by the protocol. The composition of the committee may vary depending on the specific issue. In most cases, the committee consists of several people, but there are also committees consisting of one person. Often, the committee includes lawyers and experts from specific fields depending on the issue under consideration, as well as members of parliament and representatives of ordinary citizens.

In many areas, several experts with different perspectives are involved because the opinions of different experts differ significantly. The committee is given a certain freedom in choosing the method of organizing its activities. Nevertheless, sometimes the protocol imposes certain conditions.

Usually, the term of termination of the activity of the committee is provided. In Sweden, the activity of committees does not exceed two years. The committee is mainly engaged in extensive research. For example, the committee can distribute questionnaires and organize discussions. The committee has the authority to organize educational tours throughout Sweden and abroad. Before introducing a proposal to adopt a new law or revise an existing law, the committee must assess the financial costs. This is actually one of the main tasks of the committee.

It is necessary for the committee to indicate the sources of financing. If the committee comes up with a

proposal to establish a new body that supervises the implementation of the law, in this case it is required to develop a system of financing the new body.

After the committee completes its work and publishes its report, the relevant ministry sends the report to some officials and organizations for consideration. The number and type of addressees may vary depending on the subject of the lecture. In normal circumstances, the opinion of representatives of workers' and consumers' interests is also taken into account. If the report of the committee concerns legal issues, it will be sent to courts and law faculties of universities.

According to the report, in cases where this or that obligation should be assigned to a specific body, this body will be given the opportunity to express its opinion.

After all comments on the report have been submitted to the ministry, the ministry or ministries will continue to review it. Sometimes it is necessary to study the situation more deeply. For example, the ministry can organize a discussion of the issue among the public.

Then the government will form its opinion based on all the materials. The government may decide to submit the bill to the parliament.

In recent years, Swedish legal scholars have noted the need to define legal provisions clearly and comprehensibly. Linguistic experts are often involved in the preparation of the draft law for this purpose. Sweden has a system where every bill is reviewed by a special linguistics department of the Ministry of Justice before it is presented to the parliament.

Normally, a bill cannot be submitted to the Swedish Parliament until it has been reviewed by the Legal Council.

The Legal Council is an independent body consisting of three judges of the Supreme Court and the Supreme Administrative Court. The main task of the legal council is to study the draft laws prepared by the government. However, drafts of legal regulations are sometimes prepared in parliament, and the initiative may belong to some member of parliament. Such a bill is sent to the Legal Council by the relevant parliamentary committee for consideration.

Determining the compliance of the draft law with the fundamental laws and the legal system as a whole is an important aspect of the work of the Legal Council. In this matter, the Legal Council pays particular attention to the compatibility of the draft law with the Swedish Constitution. However, with Sweden's accession to the European Union in 1995, the importance of the compliance of draft laws with EU law has increased. The duties of the legal council include, in addition to checking the compliance of draft



laws with the legal system, checking that the main provisions of the draft are not inconsistent with each other. The Council should also consider the requirement of legal certainty.

Finally, the Legal Council will consider whether the definitions of the provisions of the draft law are consistent with its objectives and what problems may arise in the implementation of the law.

The opinion of the legal council has a recommendatory nature. At the moment, the government and parliament are not bound to adopt the same point of view.

Nevertheless, the opinion of the Legal Council is taken into account (especially if it notes that the bill in question is contrary to the Constitution or EU law). In such cases, the bill is usually withdrawn or revised.

After the legal council sends its report to the relevant ministry, the ministry makes its observations based on the report and submits the draft law to the parliament¹. After that, the draft law will be considered in one of the standing committees of the parliament. Here the draft law will be carefully studied again. If the parliamentary committee finds that a large number of amendments are necessary, the bill can be sent back to the Legal Council for finalization.

In Switzerland, the evaluation of the role and impact of legislation has become an important component of the political process and especially of the legislative process in the last two decades. The introduction of a new article on assessment activities in the new Federal Constitution of the Swiss Confederation, adopted on April 18, 1999, was the gradual end of the work in this area.

Stefan Wogenauer studied the legislative process in Germany and showed the strong influence of legal doctrine as one of its main aspects. The presence of a special Scientific Committee at the Bundestag and its scientific analysis of the legislation are noted. According to the author, the role of the scientific community and doctrinal law in the examination of the law is very high [5].

The materials of the international conference on "The quality of legal documents and its importance in the current legal space" [6], which was held at the University of Latvia, are of great importance regarding the issue of legal expertise in Europe and the improvement of the quality of legal acts. Scientific articles on issues of certain standards and factors in improving the quality of legal acts have been published in this collection.

It is known that one of the negative events in the society in the process of administrative and legal reforms is the fight against corruption. While studying

the foreign experience and practice on this issue, the issue of anti-corruption examination of regulatory legal documents is addressed in many UN member states, as well as some CIS member countries Russia, Belarus, Azerbaijan, Armenia, Moldova and Wide attention is paid to the Baltic States. In general, the practice of conducting legal expertise of draft normative legal documents in the CIS countries is basically close to each other, and there are many similarities with the practice of the Republic of Uzbekistan in this regard.

An anti-corruption expertise institute has been introduced in our country, and targeted and systematic work is being carried out in this regard.

In particular, in Article 25 of the Law "On Regulatory-Legal Documents" adopted in the new version, a strict norm was established that the drafts of regulatory-legal documents must be subject to legal expertise as well as anti-corruption expertise. .

On this basis, the regulation "On the procedure for the anti-corruption examination of normative-legal documents and their drafts" was adopted.

In short, studying the foreign experience and practice related to the legal examination of the drafts of normative legal documents and, most importantly, harmonizing their advanced aspects with our national legislation, in increasing the efficiency of the state legal reforms implemented in our country, in all aspects serves as an important factor in creating a perfect and quality legal system.

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