

## Codification Process in the Legal System of Uzbekistan

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### ANNOTATION

*The article focuses on codification as an important and basic form of systematization of modern legislation. It is noted that at present, new trends are taking place in the content of the codification process, for example, as the adoption of more and more functional codexes, such as budget, electoral, etc.*

*It is emphasized that in modern legal science there is a need to develop and improve the theory of codification. The article analyzes that the criteria for codification, determining its necessity in a certain branch of law, have not been sufficiently developed, that the theory of codification is largely behind practice.*

**KEYWORDS:** *legal system, system of law, systematization of legislation, codification, code, codification process, Romano-Germanic legal family, Anglo-Saxon legal family.*

**Introduction.** Currently, Uzbekistan is in the process of renewal, democratization of all aspects of public life. The rapid development of social relations also contributes to the expansion of law-making activities, which ultimately leads to an increase in the number of legal acts adopted by the subjects of law-making activities. So, according to Article 6 of the Law of the Republic of Uzbekistan ZRU No. 682 “On regulatory legal acts”, “the types of regulatory legal acts are:

Constitution of the Republic of Uzbekistan;

laws of the Republic of Uzbekistan;

resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan;

decrees and resolutions of the President of the Republic of Uzbekistan;

orders and resolutions of ministries, state committees and departments;

decisions of local authorities”[1] .

As can be seen from the above list, there is a multiplicity of types of regulatory legal acts in the republic, which will largely affect their number.

Thus, the National Database of Legislation of Uzbekistan (Lex.uz) today contains more than 35,000 legal acts. In this state, the possibility of duplication, discrepancies and inaccuracies in the legislation is inevitable, which certainly complicates law enforcement practice [2].

In such a situation, the systematization of legislation is of great importance. Therefore, the state takes systemic measures on this issue. So in the Concept "On the improvement of rule-making activities" dated 05.08.2018. the task was set in order to improve the system of law and legislation, gradually reduce the number of departmental acts, which will significantly increase the role of laws of direct action[3].

It is noteworthy that as part of the “regulatory guillotine” initiated by the Ministry of Justice, almost 1900 outdated and irrelevant government decisions from 1990-2020 were declared invalid. About 500 documents were also canceled in 2020. At the next stage, legislation by industry will be consolidated [4].

In addition, in accordance with the Decree of the President of the Republic of Uzbekistan “On measures for the comprehensive systematization of the National Legislative Framework” dated April 30, 2021 No. UP-6218, a “Road Map” is being implemented to systematize legislative acts regulating the activities of state bodies in 2021–2023. [5].

## 2. Materials and methods

Indeed, the systematization of legislation is necessary for the further development of legislation, as it contributes to the elimination of gaps, irrelevance and contradictions in the current legislation. One of the effective forms of systematization of legislation is codification. According to T.Ya. Khabrieva, the codification of legislation is necessary to ensure the normal functioning of the mechanism of legal regulation, but it should not be a goal, but a means of building an integral, coordinated system of legal acts[6].

In the words of John Louis Bergel (Jean Lous Bergel). “In the broadest sense, a code is a collection of laws, a code, or set of legal provisions relating to a particular issue. More specifically, it is “a collection of laws or regulations collected in a single body containing a more or less complete system of rules on one of several legal issues. It is a product of the "spirit of method" applied to legislation" [7].

## 4. Analysis of the results of the study

It must be stated that the legal system of modern Uzbekistan is developing dynamically, due to the rapid development of social relations, the digitalization of all spheres of public life, and, accordingly, a lot of legal acts are being adopted aimed at regulating these relations, and there is a growing need for their codification. In this regard, it is necessary to pay attention to the question of the types of codes. In the legal literature, codes are divided into several groups:

a) by content:

- functional codes, this includes budget, tax codes;
- statutory codes, these include civil, labor;
- thematic codes, which include transport, etc.;
- thematic codes, which include transport, etc. [8].

Currently, the following codes are in force in Uzbekistan:

1. Civil Code of the Republic of Uzbekistan// <https://lex.uz/docs/111181>
2. Civil Procedure Code of the Republic of Uzbekistan// <https://lex.uz/docs/3517334>
3. Criminal Code of the Republic of Uzbekistan//<https://lex.uz/docs/111457>
4. Criminal Procedure Code of the Republic of Uzbekistan// <https://lex.uz/docs/111463>
5. Criminal Executive Code of the Republic of Uzbekistan // <https://lex.uz/docs/163627>
6. Code of the Republic of Uzbekistan on administrative proceedings // <https://lex.uz/docs/3527365>
7. Code of administrative responsibility// <https://lex.uz/docs/3527365>
8. Economic Procedural Code of the Republic of Uzbekistan// <https://lex.uz/docs/3523895>

9. Family Code of the Republic of Uzbekistan// <https://lex.uz/docs/104723>
10. Labor Code of the Republic of Uzbekistan// <https://www.lex.uz/acts/145261>
11. Housing Code of the Republic of Uzbekistan//<https://lex.uz/docs/106134>
12. Customs Code of the Republic of Uzbekistan// <https://lex.uz/docs/2876352>
13. Tax Code of the Republic of Uzbekistan// <https://lex.uz/ru/docs/4674893>
14. Land Code of the Republic of Uzbekistan// <https://lex.uz/docs/149947>
15. Air Code of the Republic of Uzbekistan// <https://lex.uz/docs/55599>
16. Urban Planning Code of the Republic of Uzbekistan // <lex.uz/ru/docs/5307955>
17. Budget Code of the Republic of Uzbekistan//<https://lex.uz/docs/2304140>
18. Electoral Republic of Uzbekistan// <https://lex.uz/ru/docs/4386846.5>

In recent years, in the legal system of the Republic of Uzbekistan, codification activities have been developing rapidly, it is still planned to develop drafts of the following codes:

1. Entrepreneurial Code of the Republic of Uzbekistan
2. Environmental Code of the Republic of Uzbekistan
3. Code of the Republic of Uzbekistan On non-governmental and non-profit organizations
4. Information Code of the Republic of Uzbekistan
5. Health Code of the Republic of Uzbekistan

### Conclusions

At the end of the article, it should be noted that the codification process in the legal system of the Republic of Uzbekistan manifests itself as dynamic, due to the rapid development of the legal system as a whole, with the need to systematize legislation, which is dictated by the goal of improving law enforcement practice.

I would also like to note that in domestic literature, within the framework of the science of Theory of State and Law, there is an urgent need to further develop the theory of codification, the code, taking into account the large practice of the codification process that takes place in the legal system of the Republic of Uzbekistan.

### Reference

1. Law of the Republic of Uzbekistan“On regulatory legal acts”,, dated April 20, 2021, No. ZRU-682 // <https://lex.uz/docs/5378968>
2. Almost 1900 government decisions have become invalid // <https://www.gazeta.uz/ru/2021/02/23/documents/>
3. Decree of the President of the Republic of Uzbekistan dated August 08, 2018 No. UP-5505 / On approval of the Concept for improving rule-making activities / <https://lex.uz/ru/docs/3858812>
4. The national legislation base will be systematized // [https://www.norma.uz/novoe\\_v\\_zakonodatelstve/nacionalnaya\\_baza\\_zakonodatelstva\\_budet\\_sistematizirovana](https://www.norma.uz/novoe_v_zakonodatelstve/nacionalnaya_baza_zakonodatelstva_budet_sistematizirovana)
5. Almost 1900 government decisions have become invalid // <https://www.gazeta.uz/ru/2021/02/23/documents/>

6. See: Gaps in Russian legislation, 2010, No. 1, pp. 13-16.
7. Jean Lous Bergel Principal Features and Methods of Codifications // Louisiana law Review. Volume 48/ Number 5, May 1988.P.4.
8. Tikhomirov Yu.A. Theory of the code// Codification of legislation: theory, practice, technique. N. Novgorod. 2009. P. 38.