

The Main Directions of Improvement of the Legislation on the Participation of Citizens in the Process of Creation of Norms

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Annotation

In this article, the main directions of improving the legislation on citizen participation in the process of creating norms are scientifically and theoretically analyzed.

Key words: *legal, system, document, state, normative, citizens, process.*

The legal system is an external structure of law, which expresses all existing normative legal documents. From a theoretical point of view, a system means a sum of individual elements that are interrelated and complementary to each other. In this respect, the adoption, modification or cancellation of a specific normative legal document in the legislation has an impact on the entire system. More precisely, depending on the characteristics of the whole system, a change may occur in one of its individual elements.

Normative legal documents on the participation of citizens in the process of creation of norms, although they are a separate direction of the general legal system, interact with other legal documents. In this regard, the adoption of one or more normative legal documents as the legal basis for the participation of citizens in the process of creation of norms does not serve as a solution to the problem.

It was noted in the "Concept of Improving Norm Creation Activities" that existing shortcomings in the legal system lead to the continuation of negative practices such as scattered regulation of social relations in various fields, which causes legal conflicts, different interpretations and complications in the application of law. At the same time, it was shown that the approach to the creation of norms does not ensure the achievement of the goals of improving the life and well-being of citizens, taking into account the public opinion in legal documents [¹].

In recent years, a number of reforms aimed at eliminating the indicated shortcomings and improving the activity of norm creation have been implemented. In particular, as a result of the adoption of the new version of the Law of the Republic of Uzbekistan "On Regulatory-Legal Documents", advanced views on the development and adoption of projects of regulatory-legal documents were put forward. The establishment of the principle of transparency and the introduction of the mandatory publication of plans (programs) for the preparation of draft regulatory legal documents on the official websites of relevant bodies with the right to adopt regulatory legal documents, proposals of citizens to the relevant state bodies on the preparation of draft regulatory legal documents it is possible to mention important steps such as the establishment of the right of entry, the formalization of the institution of regulatory impact assessment [²]. In addition, the introduction of procedures such as the public discussion of each accepted normative legal document project, and the non-acceptance of drafts that have not undergone public discussion, should be noted.

The legal basis of citizens' participation in the process of creation of norms, first of all, begins with the constitution. After all, the Constitution is at the top of the hierarchy of the legal system. Although a number of articles of the Constitution contain norms related to the participation of citizens in the

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process of creating norms, they do not have the characteristics of a clear and direct legal basis. In particular, Article 32 of the Constitution states that citizens of the Republic of Uzbekistan have the right to participate in the management of society and state affairs directly and through their representatives. The next norm of this article describes the forms of such participation: "Such participation is carried out through self-management, holding referendums and democratic organization of state bodies, as well as development and improvement of public control over the activities of state bodies" [3] .

Of course, the referendum is one of the most important forms of norm creation. The most important issues in the life of society and the state are put to the referendum, and relevant decisions are made by the will of the majority of citizens. However, the development and adoption of normative legal documents regulating the majority of social relations is carried out within the framework of special activities of competent state bodies. Determining the right of citizens to participate in various forms in the rule-making activities of these state bodies within the framework of constitutional norms is of principle importance for relevant laws and regulations.

For this reason, it is appropriate to reflect that the participation of citizens in the field of society and state management can also be in the form of participation in the process of creation of norms in Article 32 of the Constitution under consideration. After all, in the preamble, which defined the main purpose, tasks, and general spirit of our General Dictionary, it was noted that the Constitution of the Republic of Uzbekistan was adopted by the people of Uzbekistan through its autonomous representatives.

The analysis of the experience of foreign countries also showed that the constitutions of most countries guarantee the right of citizens to directly participate in the process of creating norms.

Along with the above, ongoing legal reforms also require a new approach to the field. It is particularly noteworthy that in the "Development Strategy of New Uzbekistan for 2022 - 2026" the tasks of modernizing the process of norm creation, improving the practice of conducting consultations with civil society institutions in the process of law creation in order to ensure the strict implementation of legislative documents, and developing the concept of development of the legislation of the Republic of Uzbekistan on this basis are set. [4]. Combining the issues of norm creation and citizen participation in a document such as a strategy serves as a cornerstone for further reforms.

Systematization

Undoubtedly, laws and by-laws adopted on the basis of constitutional norms play an important role in regulating relations in a certain field. As a result of reforms in the field of norm creation, many new regulatory legal documents related to the field have entered our legal system. As a result, more than a dozen laws and by-laws were formed within the framework of legal relations related to the preparation and adoption of draft normative legal documents. While recognizing the effective impact of these legislative documents on the legal system, it would be useful to pay attention to some problems.

First of all, if we make a summary of the existing regulatory legal documents in the legal framework of the field, "On regulatory legal documents", "On the procedure for preparing draft laws and submitting them to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan", "On public discussion of draft laws", "Republic of Uzbekistan **Laws** of the Republic of Uzbekistan "On the Regulations of the Legislative Chamber of the Oliy Majlis", "On the Referendum of the Republic of Uzbekistan" ;

Decree No. PF-5505 of the President of the Republic of Uzbekistan "On approval of the concept of improving the activity of norm creation" "On measures to further improve the regulatory impact

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assessment system", **Decisions;**

Decisions of the Cabinet of Ministers of the Republic of Uzbekistan "On organizational measures for the development and introduction of a unified electronic system of agreement on drafts of normative-legal documents", "On measures to ensure the legality of normative documents of ministries, state committees and agencies" ;

instructions on the procedure for the preparation, legal-technical formalization and legal examination of draft normative legal documents to be submitted to the Cabinet of Ministers of the Republic of Uzbekistan by state and economic management bodies, local government bodies", "Departmental Normative- Rules for preparation and acceptance of legal documents", "Rules for development, legal and technical formalization, legal examination of draft normative legal documents by local state authorities";

In addition, considering the fact that a number of legislative documents on legal expertise, interpretation of legal norms, and legal experiments are expected to be adopted, the urgency of the issue will increase.

It is known that the Law of the Republic of Uzbekistan "On Regulatory-Legal Documents" adopted in 2021 approved the single methodology of legal-technical legalization of drafts of regulatory-legal documents, as well as the information-analytical materials attached to them. From the name of the unified methodology and its content, it is understood that this document covers all types of draft normative legal documents. The problem is that various methodological instructions and rules governing these relations are still in force for the drafts of specific types of regulatory legal documents. In particular:

by the joint decision of the chambers of the Oliy Majlis of the Republic of Uzbekistan on the preparation and legal-technical formalization of draft laws, the rules for the legal-technical formalization of the bills submitted to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and the laws submitted to the Senate of the Oliy Majlis of the Republic of Uzbekistan were approved [⁵].

by the order of the Minister of Justice of the Republic of Uzbekistan, the rules for the preparation and adoption of departmental normative legal documents on the preparation and legal-technical formalization of drafts of orders and decisions of ministries, state committees and agencies were approved;

by the order of the Minister of Justice of the Republic of Uzbekistan on the drafts of the decisions of the local state authorities, the rules for the development, legal and technical formalization, and legal examination of the drafts of regulatory legal documents by the local state authorities were approved.

In addition, there are methodological instructions on the procedure for the preparation, legal and technical formalization and legal expertise of the drafts of normative legal documents submitted to the Cabinet of Ministers of the Republic of Uzbekistan by state and economic management bodies, local government bodies, which include the draft laws and regulations submitted to the government. all is implied.

The existence of such duplicating legislative documents in the field of norm creation has a negative effect on the participation of citizens in the process of development and adoption of draft normative legal documents.

First of all, the preservation of references to the old regulatory legal documents in some legal documents shows that it causes problems in adapting to the rapid changes that are taking place. In particular, methodological instructions on the procedure for the preparation, legal and technical formalization and legal examination of draft normative legal documents submitted to the Cabinet of

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Ministers of the Republic of Uzbekistan by state and economic management bodies, local government bodies, and the rules for the preparation and adoption of departmental normative legal documents references to several repealed laws and regulations are provided.

Secondly, according to the general rules of legal technique, the concepts and terms used in normative legal documents should be used in a uniform form in accordance with their meaning adopted in legal documents, excluding the possibility of different interpretations. However, it is evident that the concept of this regulatory legal document does not come in a single form. The concept of office is not defined in the Law of the Republic of Uzbekistan "On Regulatory-Legal Documents". However, this concept is applied to various enterprises, organizations and institutions in consumption.

In addition, in the Law, the concept of normative legal documents is equated with legislative documents, but the issue becomes more complicated in the legal documents. In particular, in the regulation "On passing legal expertise and state registration of normative legal documents adopted by ministries, state committees and agencies" approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan, normative legal documents adopted by ministries, state committees and offices are "*normative documents*". expressed in the form, and in the "Rules for the preparation and adoption of departmental normative legal documents" approved by the order of the Minister of Justice of the Republic of Uzbekistan, the concept of "*Departmental normative legal document*" is used for these documents. Another decision of the Cabinet of Ministers "On improving the procedure for adopting normative documents of ministries, state committees and agencies" comes in the form of "*Departmental normative documents*".

Thirdly, such a large number of legislative documents related to the preparation and adoption of draft normative legal documents creates many difficulties for those who use them. Especially to citizens who do not have special knowledge and skills.

The above analyzes show that it is time to critically review and systematize the legislation in the field of norm creation. This need is primarily related to effective legal regulation of relations in the field of norm creation. In addition, the "Open budget" projects, which are gaining wide coverage recently, prove that the legal and political activity of citizens has increased significantly. These factors require revision of the system of normative legal documents regulating the activity of norm creation from the point of view of citizens' participation and adaptation to the optimal type of systematization. Of course, in theory and legal practice, proposals are being made to adopt the Code of Normative Creativity. However, since codification is a long-term, complex process, it is appropriate to use the incorporation type of systematization at the moment.

It is known that incorporation is the systematization of regulatory legal documents, their official comments and other legal information into a specific collection based on various criteria in paper or electronic form. Changes and additions to the content of existing regulatory legal documents will not be made. The positive impact of the introduction of incorporation into the system of normative legal documents on the creation of norms on the participation of citizens can be seen in the following:

makes it easier to find and use the necessary information related to the preparation and adoption of draft regulatory legal documents;

reduces questions and appeals by citizens to the state bodies authorized to adopt a regulatory legal document or directly to the working group that prepared the draft regulatory legal document;

allows to identify overlapping and conflicting norms;

increases the quality of suggestions and recommendations provided by citizens.

Of course, there are many different forms of incorporation, and informal forms are common today.

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However, we believe that the Ministry of Justice of the Republic of Uzbekistan, which is authorized to conduct a unified state policy in the field of law creation in our country, should deal with the incorporation of normative legal documents on the participation of citizens in the process of creating norms. After all, within the framework of their powers, the judicial bodies:

coordinates the activities of state bodies and organizations on issues of law creation and carries out methodical leadership;

state bodies and organizations monitor and analyze the activity of law creation;

compliance of draft normative legal documents with legislation, norms of international agreements, goals and objectives of reforms implemented in the country, rules of legislative technique, rules that create conditions for corruption and committing other offenses, as well as rules that introduce excessive administrative and other restrictions for individuals and legal entities and conducts a legal examination from the point of view of determining the existence of norms and compliance of normative documents in the field of technical regulation with the law, determining the existence of legal norms in them;

approves the procedure for keeping a classified account of regulatory legal documents by state bodies and organizations, supervises compliance with it;

It carries out work on the systematization of the state accounting and legal documents of the Republic of Uzbekistan.

Improvement of institutional foundations

In Uzbekistan, attention was paid to the institutional foundations as one of the main directions of improvement of norm creation activity. As a result, a number of new institutions entered the process of preparation and adoption of draft normative legal documents, and the existing ones were further improved. In particular, new institutions, such as regulatory impact assessment and legal experimentation, enriched the activity of norm creation, and conceptual views were defined regarding the open and transparent discussion of projects and the wide involvement of representatives of various fields in it.

In the development strategy of New Uzbekistan for 2022-2026, the modernization of the process of norm creation, the development of the concept of the development of the legislation of the Republic of Uzbekistan in this regard is defined, and in this concept, the institutional foundations in the development of legislation, including the improvement of the practice of conducting consultations with civil society institutions in the process of law creation, were emphasized. . In addition, the eleventh goal of the strategy includes further improvement of the mechanisms of open communication with the people, expansion of the practice of making important decisions taking into account public opinion.

Development of a separate regulatory legal document

Any innovation, any novelty, cannot show its full effect until it is legally guaranteed. As a result of the above analysis, it became clear that the legal basis of citizens' participation in the process of norm creation has a scattered appearance. This creates the risk that some relationships will be completely or partially not legally regulated. At this point, it is appropriate to dwell on the extent to which gaps in the law have a negative impact on citizens in the process of creating norms. The study of existing approaches to the concept of the legal gap is important in the process of reforming and modernizing our national legal system. Because determining the causes of gaps in the law and developing and applying effective means and methods for their elimination is an important factor in ensuring the maturity and thoroughness and perfection of our legislation.

Direct participation of citizens in the process of creating norms is a new trend not only for citizens,

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but also for state bodies authorized to adopt normative legal documents. This situation also requires the formation of uniform formal and legal views on the participation of citizens in the process of creating norms.

Today, against the background of the reforms in the field of norm creation and the ever-increasing citizen activity, there is a need for a systematic and complete regulation of relations related to the involvement of citizens in the process of norm creation. In this regard, it is time to develop the draft Law of the Republic of Uzbekistan "On the participation of citizens in the process of creation of legal norms". In this Law important relations such as legal norm creation, citizens' participation in the process of legal norm creation, forms and types, rights and obligations of citizens and authorized state bodies in this process are established on the basis of legal documents.

It is expedient to regulate the procedural procedures of citizens' participation in the process of norm-making with relevant legal documents. In this case, each type of regulatory legal document and the specific characteristics of the state body authorized to adopt it are approached.

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