

## Normative Legal Act as a Source of Law

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### ANNOTATION

*In this scientific article, the category of "normative-legal document" which is considered as a legal document defining, changing or canceling the legal provisions containing mandatory state instructions for all, has been thoroughly analyzed scientifically and legally. Within the framework of the topic, the theoretical views of mature scientists and foreign researchers were analyzed and a scientific debate was started with them.*

**KEYWORDS:** *act, legal, normative, law, state, expertise, source.*

In legal theory, there are different scientific approaches to the interpretation of the scientific category "**normative-legal document**", **which is one of the main sources of law.**

The scientific views of our national legal scholars in their research work on the concept of "normative-legal document" and its types deserve special attention.

In particular, according to the theoretician scientist Z.M.Islamov, the regulatory legal document is one of the main sources of modern state law. Most of the legal norms regulating the most important social relations are expressed in it [1].

According to H.T.Odilqoriyev, the term "normative legal document" means a law-making document of the competent authorities of the state that establishes, changes or cancels general mandatory rules aimed at regulating social relations. The form of a normative document of law is the most acceptable form of state management of the country's economic, political, cultural and spiritual life in the conditions of a democratic legal society" [2].

Sh. Saydullaev, based on the specific nature of the normative legal document, "all legal documents issued by state bodies or officials cannot be normative legal documents, only documents establishing, changing or canceling general rights and obligations are normative legal documents. to be recognized as" [3] put forward.

In agreement with the theoretical views of these scientists, it is appropriate to define the concept of a **regulatory legal document as " a legislative document that defines, changes or cancels legal provisions containing mandatory state instructions for all "**.

Also, legal practitioners-experts expressed their opinion on the unified understanding of the concepts used in the framework of the category of "normative-legal document" in the practice of applying the law.

In particular, at the regular meeting of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, held on September 8, 2020, the Minister of Justice R. Davletov in his report touched on some issues related to the current state of the law, "laws" and "laws" formed in the long history of legal theory and legal practice. " has been used in our national legislation for years as concepts with the same meaning. In order to put an end to this practice, it is proposed to define concepts such as "legislation", "legislative document" and "law document" in the legal documents according to their generally recognized content and meaning [4].

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Based on this, in the first part of Article 7 of the current Law of the Republic of Uzbekistan "On Regulatory-Legal Documents" dated April 20, 2021 ORQ-682, "Regulatory-legal documents are legislative documents that constitute the legislation of the Republic of Uzbekistan."

**20,000** normative legal documents[5] have been adopted by the authorized body and officials .

Also, *the regulatory legal document Its characteristics and characteristics* have also been studied in various ways by researchers and theorists.

According to Z.M. Ilomov, in contrast to other forms (sources) of law, the regulatory legal document has the following characteristics:

1. A normative-legal document is created as a result of the law-making activity of the competent bodies of the state or the will of the people (referendum).

Only legal norms , that is, rules of a general nature that have the essence of state obligation, find their expression in regulatory legal documents. Therefore, it is necessary to distinguish normative legal documents from individual legal documents, which are not among the sources of law. An individual legal document is valid within the scope of concrete subjects of law. It is intended for one-time use, - applies to specific individuals and ceases to be effective when a specific right or obligation is exercised (an example of this is the awarding of a pension to a specific person by the social security body).

2. Normative-legal document is an official state document formalized. It will have mandatory features: designation (law, decree, decision); it is necessary to record the name of the body that accepted the document (parliament, government, local authority).
3. In normative documents, legal norms are divided into groups according to certain structural structures - (for example, in codes, constitutions) by sections, chapters, articles [6].

According to legal scholar H.T. Odilqariyev, regulatory legal documents are distinguished from other types of social norms by their following three features:

1. regulatory legal documents are created by authorized state bodies and establish, change (improve) or cancel general mandatory rules for all;
2. they express the content of the legal provision, that is, the rights and duties of the participants in the legal relationship;
3. certain legal consequences arise in case of non-fulfillment or violation of the provisions established in regulatory legal documents, as a rule, the coercive power of the state is used[7].

Sh.A. Saidullaev recognized that "normative-legal documents have a special place in the system of sources of law and indicated the following features, that is: they are adopted on behalf of the state in accordance with the law; is the product of the activity of legal creation of authorized entities; establishes, changes (improves) or cancels general rules for all; is carried out in a special procedural order; has an official form (law, decree, decision, etc.); aimed at regulating certain types of social relations; the content of the legal provision, that is, the rights and obligations of the participants of the legal relationship are stated; in case of non-fulfillment or violation of the rules established in it, certain legal consequences will arise and the coercive power of the state will be used according to the rule" [8].

Acknowledging the scientific approaches of the above-mentioned scientists regarding the specific features of the regulatory legal document, one cannot agree with some of them.

In particular, theoretical scientists Z.M.Islomov and Sh.A.Saidullaev in their works evaluated the regulatory legal document as a product of law-making activity of authorized subjects.

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However, based on the legislation and practice of law enforcement in the field, it can be noted that in our opinion, the development of regulatory legal documents is fully a product of the activity of norm creation.

For example, according to the Decree No. PF-5505 of the President of the Republic of Uzbekistan dated

August 8, 2018, "On approval of the concept of improving the activity of norm creation" is defined as one of the main directions of improvement of activity.

In order to determine the specific type of document necessary for the regulation of this or that social relationship, clearly defining the basis of adoption of regulatory legal documents and the subject of regulation is one of the priority tasks defined in the Concept of Improving the Activity of Norm Creativity.

Also, foreign scientists have analyzed the specific features of the legal document in detail in their research work.

For example, S. Boshno pointed out the following characteristics of a regulatory legal document: it has an official character; having a single system; normality; written document; to be accepted in a special manner; acceptance by competent authorities; regulation of social relations; guaranteed by the coercive power of the state[9].

And M.V. Chinnova singled out three groups of features describing the regulatory legal document:

- features describing the legal document (normativity, regulation of typical social relations);
- characters describing the "document" (optional content and written expression);
- Signs characterizing the regulatory act as legal (official feature, state guarantee with coercive force) [10].

One of the legal scholars, L.A. Morozova, believes that normative legal documents have the following characteristics: a) written form; b) that the content consists of legal norms; c) only state bodies and officials have the authority to accept; g) to be accepted in a special order; d) hierarchical subordination of acts[11].

In our opinion, based on the legislation and legal theory of the field, it is appropriate to point out the following **signs typical of regulatory legal documents**:

- 1. Adoption in accordance with legislation.** This sign within it is possible to understand the development and adoption of regulatory legal documents in accordance with relevant laws and regulations. It should be noted that today more than **50** legislative documents[12] have been adopted, based on specific types of normative legal documents, defining the special procedures for their development and adoption .

In particular, the Constitution of the Republic of Uzbekistan, the Constitutional laws of the Republic of Uzbekistan "On the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" and "On the Senate of the Oliy Majlis of the Republic of Uzbekistan", "On Regulatory and Legal Documents", "Preparation of Draft Laws and Legislation of the Oliy Majlis of the Republic of Uzbekistan" Among them are the laws "On the procedure for entering the parliament", "On the referendum of the Republic of Uzbekistan", "On the Cabinet of Ministers of the Republic of Uzbekistan", "On local state power" and other legal documents.

- 2. That it is an official document.** It is known that it is a condition that documents are prepared in the prescribed manner, that is, formalized and published, and that it has the character of "officialness".

Including In accordance with the Law "On Regulatory-Legal Documents", the drafts of legislative

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documents and the information-analytical materials attached to them must be legally and technically formalized. Also, the publication of regulatory legal documents in the official sources stipulated by the Law is a mandatory condition for their application.

**3. Possession of legal norms whose content constitutes mandatory state instructions.** One of the necessary conditions determining the "legal status" of a normative-legal document is "generally binding state instructions" and having a normative character. Documents that do not have a general binding character, but contain legal norms as generally binding state instructions, should be canceled and are not applied.

Legal norm – general mandatory behavior (behavior) rule established by the state, approved, protected, expressed in a specific form, aimed at regulating social relations[13].

For example, it is not allowed to include legal norms in documents that are not departmental normative legal documents (normative documents in the field of technical regulation, letters, telephone messages, explanations on private issues, documents of an individual nature, etc.)[14].

**4. Product of "norm creativity" of authorized subjects .** It is known that the Law of the Republic of Uzbekistan "On Regulatory and Legal Documents" specifies the relevant entities (chambers of the Oliy Majlis of the Republic of Uzbekistan, the President, the Cabinet of Ministers, ministries, state committees and agencies, and local state authorities) that have the authority to adopt a regulatory legal document. . It should be noted that these subjects can adopt legislative documents only after carrying out the activity of norm creation.

**5. It should be accepted based on the "Rule of Law".** According to current legislation, laws and other regulatory legal documents are adopted on the basis of the Constitution of the Republic of Uzbekistan and for its implementation and cannot contradict its norms and principles. Based on this, the normative legal document must be in accordance with the normative legal documents that have a higher legal force than it.

**6. Possession of "legal force".** According to the Law of the Republic of Uzbekistan on April 20, 2021 "On Regulatory Legal Documents" No. O'RQ-682, regulatory legal documents shall enter into force from the date of their official announcement, unless a later date is specified in the documents themselves, as well as Regulatory legal documents are retroactive have no force and are applied to social relations that have arisen after their implementation.

the regulatory legal documents, which provide for the complexity of the procedure for the implementation of business activities and impose new obligations on the subjects of business activities, as well as determine new measures regarding their responsibility, enter into force at least three months after the date of their official announcement [15].

**Types of normative-legal documents** based on the norms of national legislation, we will analyze their content as follows.

**1. Legal documents.** The Constitution and laws of the Republic of Uzbekistan, decisions of the Chambers of the Oliy Majlis of the Republic of Uzbekistan are legal documents. Laws regulate the most important and stable social relations and are adopted by the Oliy Majlis of the Republic of Uzbekistan or by holding a referendum. Laws can be adopted in the form of constitutional laws. Laws providing for amendments and additions to the Constitution of the Republic of Uzbekistan shall be adopted in the form of constitutional laws. Laws can be adopted in the form of codes that strengthen, unify, systematize legal principles and norms, and also ensure complex legal regulation of the most important sphere of social relations. Chambers of the Oliy Majlis of the Republic of Uzbekistan adopt normative legal documents based on the Constitution and laws and in the form of decisions for their implementation[16].

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- 2. Legal documents.** Decrees and decisions of the President of the Republic of Uzbekistan, Government decisions, orders and decisions of ministries, state committees and agencies, decisions of local state authorities are statutory documents. According to the Law of the Republic of Uzbekistan dated April 20, 2021 "On Regulatory and Legal Documents" No. ORQ-682:
- The President of the Republic of Uzbekistan adopts normative legal documents in the form of decrees and decisions based on the Constitution and laws and for their execution;
  - The Cabinet of Ministers of the Republic of Uzbekistan adopts normative legal documents based on the Constitution and laws, decisions of the chambers of the Oliy Majlis, decrees and decisions of the President, and in the form of decisions for their execution;
  - ministries, state committees and agencies adopt regulatory legal documents in the form of orders and decisions within their powers;
  - Regional People's Deputies Councils and governors adopt normative legal documents in the form of decisions[17].

**In conclusion** , it should be noted that since the normative legal document, which is considered the main source of law, has a special place in the national legal system as an official document defining, changing and canceling legal norms as universally binding state instructions, it is important to further improve this category through comprehensive scientific research. .

#### References:

1. Islamov Z.M. Theory of state and law. - T.: Adolat, 2007. - B.597. ( Islamov ZM Theory of state and law. - T.: Adolat, 2007. - B.594.)
2. Theory of state and law: Study guide/ H.T. Under the general editorship of Odilkhariev. - T.: Publisher of the National Society of Philosophers of Uzbekistan, 2010. - B.193. ( Theory of state and law: Study guide/ HT Under the general editorship of Odilkhariev. - T.: Publisher of the National Society of Philosophers of Uzbekistan, 2010. - B.193.)
3. Saydullaev Sh. Theory of state and law. Textbook. -Tashkent: TDUU, 2018. - B.122. ( Saydullaev Sh. Theory of state and law. Textbook. -Tashkent: TDUU, 2018. - P.122. )
4. <https://gov.uz/uz/news/view?id=28474>
5. National database of legislative information of the Republic of Uzbekistan.
6. Islamov Z.M. Theory of state and law. - T.: Adolat, 2007. - B.598. ( Islamov ZM Theory of state and law. - T.: Adolat, 2007. - B.598.)
7. Odilkariyev HT Theory of State and Law. Textbook. - Tashkent. "Adolat", 2018. - V.201. (Odilkariyev HT Theory of state and law. Textbook. - Tashkent. "Adolat", 2018. - V.201.)
8. Saydullaev Sh. Theory of state and law. Textbook. -Tashkent: TDUU, 2018. - B.122. ( Saydullaev Sh. Theory of state and law. Textbook. -Tashkent: TDUU, 2018. - B.122.)
9. Boshno S.V. Razvitiye priznakov normativnogo pravovogo akta v sovremennoy pravotvorcheskoy praktice//Journal rossiyskogo prava, 2004, №2. - S.25. ( Boshno SV Development of signs of a normative legal act in modern law-making practice // Journal of Russian Law, 2004, No. 2. – P.25.)
10. Chinnova M.V. Priznaki normativnogo pravovogo akta // Business and zakone, No. 3. 2010. -S. 37. ( Chinnova MV Signs of a normative legal act // Business in law, No. 3. 2010. -p. 37.)
11. Lysenko V.A. i dr. Osobennosti normativno-pravogogo akta kak istochnika rossiyskogo prava // Vestnik ekonomiki, prava i sotsiologii, 2015, No. 4. -S.205. ( Lysenko VA and others. Features

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of a regulatory legal act as a source of Russian law // Bulletin of Economics, Law and Sociology, 2015, No. 4. -P.205.)

12. database of legislative information of the Republic of Uzbekistan .
13. Saydullaev Sh. Theory of state and law. Textbook. -Tashkent: TDUU, 2018. - B.72. ( Saydullaev Sh. Theory of state and law. Textbook. -Tashkent: TDUU, 2018. - B.72.)
14. Collection of legal documents of the Republic of Uzbekistan, 2014, No. 10, Article 110. ( Collection of legal documents of the Republic of Uzbekistan, 2014, No. 10, Article 110.)
15. <https://lex.uz/docs/5378966#5381170>
16. <https://lex.uz/docs/5378966>
17. National database of legislative information, 20.04.2021, No. 03/21/682/0354. ( National database of legislative information, 20.04.2021, No. 03/21/682/0354.)