

Normal Creative Activity in Legislation Legal Basis of Monitoring: Analysis and Proposal

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ABSTRACT

In this scientific article, the legal basis of monitoring the activity of norm creation in legislation is thoroughly theoretically and legally analyzed. Also, the institutional basis for monitoring the activity of norm creation was considered.

KEYWORDS: *monitoring, norm, project, justice, technology, norm creation.*

In this scientific article, the stages of norm creation, i.e. the development of drafts of regulatory and legal documents and the issues of coordination with interested ministries, agencies and local executive authorities, public discussion, legal and other types of expertise, and monitoring the activities of submission to competent bodies, current legislation and scientific analyzed based on sources.

First of all, if we dwell on the concept of "monitoring the activity of norm creativity", its specific features, types, it is appropriate to state the following.

At this point, if we interpret the term "monitoring", this concept (from the English observation, control) means the activity of monitoring, taking into account, evaluating and setting the perspective of the state of a certain process (for example, the implementation of the adopted law).

Today, although the local scientific community has not conducted any specific research on the category of "monitoring of norm-making activities" and the rules have not been defined in the national legislation, the field of legal monitoring of the implementation of regulatory legal documents has been expressed. At the same time, the concept of "monitoring the activity of norm creation" is almost a new concept for the field of jurisprudence.

In particular, Article 53 of the Law of the Republic of Uzbekistan "On Regulatory Legal Documents" dated April 20, 2021 stipulates that monitoring and control of the implementation of regulatory legal documents shall be carried out in accordance with the legislation. That is, the bodies and other organizations that have the right to adopt regulatory legal documents will carry out control over the execution of relevant normative legal documents, as well as monitoring of the practice of applying the law on issues related to their implementation, as well as the analysis of the appeals of individuals and legal entities [2].

In our opinion, "**monitoring the activity of norm creation**" is the activity of studying whether the processes from the planning of the development of the normative legal document to its adoption are carried out in accordance with the law.

Based on the above description, the concept of monitoring of the implementation of regulatory legal documents can be seriously distinguished from the category of "monitoring of rule-making activity".

Legal scientist Yu. Arzamasov divided the stages of legal monitoring of regulatory legal documents into procedural, preparation, systematic-structural, law enforcement, and content-creative types.

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From this, he defined the concept of procedural monitoring as recording and observing important elements of the preparation, development, adoption and implementation of regulatory legal documents [3].

In our opinion, the concept of " **monitoring of the creation of norms** " includes the processes of planning the development of a legal document, organizing the preparation of projects, developing the project, conducting expert examination of the project, discussing the project and agreeing with the relevant authorities, reviewing, accepting and approving the process. It is appropriate to describe the implementation by the competent authorities as a complex learning activity.

In our opinion, the following are the specific features of the monitoring of norm creation activities:

the existence of the function of carrying out this activity in a certain authorized state body (according to the decision of the President of the Republic of Uzbekistan No. PQ-3666 dated 13.04.2018, the monitoring of the law-making activities of state bodies and organizations is carried out by the Ministry of Justice of the Republic of Uzbekistan);

that the main goal of monitoring is to achieve the creation of a quality and perfect base of legal documents;

during the monitoring, it consists in studying whether the requirements of the legal documents related to this activity are fully and without deviations being observed by the competent state agencies carrying out the activity of norm creation.

development of draft normative legal documents and coordination with interested ministries, agencies and local executive authorities

It should be noted that although there is no special normative legal document related to the field, from the point of view of monitoring the activity of *"project development activity planning" related to the creation of norms, approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 227 of August 5, 2011 "Development of draft laws and Uzbekistan* In accordance with the Regulation "On the preparation and adoption of programs of the Oliy Majlis of the Republic of Uzbekistan for inclusion in the Legislative Chamber, as well as the procedure for monitoring their implementation", the Ministry of Justice:

"performs effective and systematic monitoring of the implementation of work programs related to draft laws, provides necessary assistance to interested organizations in the development, agreement and submission of draft laws to the Cabinet of Ministers;

every quarter submits to the Cabinet of Ministers information on the implementation of the work programs related to the drafts, indicating the reasons and conditions for the non-introduction of the drafts on time, their low quality, as well as suggestions for ensuring the timely and high-quality development and introduction of the drafts" [4].

At the same time, in our country, the development of drafts of normative legal documents and coordination with interested ministries, agencies and local executive authorities, conducting legal expertise and submitting them to competent bodies are carried out through the electronic systems "project.gov.uz" and "E-qaror". .

Through these systems, the activity of norm creation is monitored in the following manner.

the draft laws of the Republic of Uzbekistan, documents of the President of the Republic of Uzbekistan and the Government of the Republic of Uzbekistan developed and agreed upon by the relevant ministries, agencies, and local executive authorities (imposing visas) and later acceptance to be submitted to the Cabinet of Ministers and the Administration of the President of the Republic of Uzbekistan in electronic form only through the Unified Electronic System.

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According to the decision, the Ministry of Justice of the Republic of Uzbekistan allows ministries, departments, local executive authorities, other state bodies and organizations to develop, agree (approve) drafts of laws of the Republic of Uzbekistan, documents of the President of the Republic of Uzbekistan and the Government of the Republic of Uzbekistan only through the Unified electronic system and was assigned the task of continuous monitoring of the input process.

It is known that in accordance with the decision of the Cabinet of Ministers No. 218 dated April 14, 2020, it is established to implement a single electronic "E-decision" system for development, agreement and registration of decisions of local executive authorities [5].

At the same time, in accordance with the decision of the Cabinet of Ministers No. 390 dated June 22, 2021, the processes of development, agreement, acceptance (issuance), registration and announcement of decisions and orders of local government bodies only through the electronic system "E-decision" monitoring is carried out by judicial authorities.

According to this decision, according to the results of monitoring, measures of influence will be applied to the leaders and responsible employees of the interested organizations who did not respond to the decisions and orders of the local government bodies sent for agreement through the electronic system "E-decision" [6].

According to the results of the scientific research conducted in this field, the following **author's proposals and concessions are put forward for the further improvement of the relevant legislation and law enforcement practice** :

- adoption of a regulatory legal document defining the mechanisms for monitoring the activities of state bodies and organizations on issues of norm creation;
- e-law, designed to monitor all stages of norm creation, i.e. development of drafts of normative legal documents, agreement with interested ministries, agencies and local executive authorities, public discussion, legal and other types of expertise, and submission to competent bodies. development of electronic monitoring system.

List of used literature:

1. National database of legislative information, 04/20/2021, No. 03/21/682/0354
2. See: Normography: theory and technology normotvorchestva : uchebnik dlya bakalariata i magistratury / Yu. G. Arzamasov [i dr.] ; editor-in-chief Yu. G. Arzamasova. — Moscow: Izd. Yurayt, 2019. — S.159.
3. Collection of legal documents of the Republic of Uzbekistan, 2011, No. 32-33, Article 335.
4. National database of legal documents, 04/15/2020, No. 09/20/218/0429
5. National database of legislative information, 23.06.2021, No. 09/21/390/0588
6. Anvarova D. Comparative legal analysis of fighting against "fake" messages - 2021. - T. 1. – No. 1. – S. 51-53.
7. Anvarova, D. (2021). Comparative legal analysis of fighting against "fake" news. *Pravovye voprosy protivodeystviya moshennichestvu i cyberprestupleniy*, 1 (1), 51-53.
8. Anvarova, D. A.. (2021). Ensuring Women's Social Rights is a Factor in Poverty Reduction. *Middle European Scientific Bulletin*, 18, 30-32. <https://doi.org/10.47494/mesb.2021.18.839>
9. Anvarova, D. A.. "Ensuring Women's Social Rights Is a Factor in Poverty Reduction". *Middle European Scientific Bulletin*, vol. 18, Nov. 2021, pp . 30-32, doi: 10.47494 /mesb.2021.18.839.