

The Law-Making Activity

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Abstract:

Further improvement of the work of justice bodies within framework of democratic legal reforms in our country, including development of rule-making function of the system, is one of main directions of the unified state legal policy. At the same time, it is necessary to introduce qualitatively new and modern mechanisms for rule-making activities of judicial bodies, coordination of rulemaking bodies and the bodies of state management and efficient and systematic methodological guidance of the process, further improving features and functions of judiciary in the formation of a common legal practice.

Based on above, this article examines the activities and trends in development of justice bodies in the Republic of Uzbekistan, their functions and nature of rule-making functions, and the activities of foreign justice bodies in this regard have been analyzed and suggestions for improvement have been made.

Keywords: justice, state, ministry, norm, expertise, structure, function, law, resolution,

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Introduction

We all know that a radical improvement in the quality of legislation aimed at regulating the process of socio-political, socio-economic and judicial-legal reform is one of the main directions of state legal policy. For the rule of law in society and any emerging socio-economic and legal relations are governed by the relevant regulatory documents. And the legality of legislation is determined by their compliance with higher legislation.

In a Compliant AI with Article 7 of the Law of the Republic of Uzbekistan dated 24 December 2012 the year "On normative legal acts" in the Republic of Uzbekistan shall have absolute supremacy of the Constitution and laws of the Republic of Uzbekistan and of aconite and other normative legal acts are adopted on the basis of and pursuant to the Constitutions and cannot contradict its norms and principles [1].

At the same time, along with government bodies that carry out rule-making activities, justice bodies ensure the supremacy of the Constitution and laws of the Republic of Uzbekistan, legal examination of draft laws and regulations that are currently being developed, complies with these higher laws.

In state and legal theory, the creation of normative legal acts of authorized state bodies, activities aimed at making changes to them and their cancellation are expressed as lawmaking.

Also, as the types of lawmaking, the following can be shown: direct lawmaking (national referendum), lawmaking of state bodies (Oliy Majlis, Cabinet of Ministers, ministry, etc.), lawmaking of individual officials (President, ministers, khakims, etc.), lawmaking of local self-government bodies.

Main Part

In the process of lawmaking, new legal norms are developed and approved. At the same time, first of all, the outlined tasks of state activity find their expression in law. Of course, when it comes to public functions, primarily, it is appropriate to mention the forms of their implementation, and, as one of them, right tvorcheskuyu or laws creatively th activity, which is a form of public leadership in society. Therefore, regardless of the function, type of state, forms of government and organization, lawmaking is carried out by the state [2].

And therefore, rule-making is a process that embraces the identification and assessment of the legal needs of society and the state, the formation and adoption of legal documents of midnight subjects in the prescribed manner. In this description, the following important aspects are emphasized: awareness, study and analysis of the state or process requiring legal regulation, determination of the body (subject) with the authority to adopt a particular legal act, the choice of the form planned for adoption of the act, preparation, adoption and amendment of the legal act within the framework of the corresponding procedure. Of course, these parties listed are interrelated and is an integral process.

According to the Decree and the President of Uzbekistan from August 8, 2018 No. UP-5505 "On approval of the concept of improving the n ormotvorcheskoy activities" in key areas of improvement of standards-related activities identified the following in particular:

- systematization of the legislative framework, ensuring the stability of legal regulation of public relations;

- improving the quality of the processes for the development and adoption of regulatory legal acts, as well as improving the monitoring of their implementation;
- introduction of modern information and communication technologies into the rule-making process;
- application of the elements of the "smart regulation" model in rule-making;
- improving the institutional foundations of rule-making [3].

As an example of the lawmaking of state bodies, it is appropriate to cite the activities of the justice bodies in this area. In particular, according to the approved ordinance m P resident R of the Republic have zbekistan from 13.04.2018, the # PP -3666 " On measures to further improve the activities of the Ministry of Justice of the Republic of Uzbekistan " of the Charter of the Ministry of Justice, identified a number of areas of activity of judicial authorities, including in the field of pursuing a unified state legal policy, coordinating and improving the rights of creative activities, the Ministry of Justice performs the following functions. Also, according to the decree of the President of the Republic of Uzbekistan dated April 13, 2018 No.UP-5415 " On measures to radically improve the activities of justice bodies and institutions in the implementation of state legal policy", the main tasks of the justice departments of districts (cities) are to conduct a legal examination of decisions of khokims and Kengashes of the people deputies of districts (cities) to determine their compliance with the legislation, goals and objectives of the reforms carried out in the country [4].

According to Article 7 of the Law "On Normative Legal Acts" of the Republic of Uzbekistan dated December 24, 2012, the Republic of Uzbekistan recognizes the unconditional supremacy of the Constitution and the laws of the Republic of Uzbekistan. The Constitution of the Republic of Uzbekistan has supreme legal force and is applied throughout the territory of the Republic of Uzbekistan. The laws of the Republic of Uzbekistan and other regulatory legal acts are adopted on the basis of and in pursuance of the Constitution of the Republic of Uzbekistan and cannot contradict its norms and principles.

Here, ensure ivaya supremacy of the Constitution and laws of the Republic of Uzbekistan judicial authorities together with public authorities engaged in norm-setting activities, carried out legal examination of draft laws and regulations that are currently being developed for compliance with a higher-ranking law.

According to Article 22 of the Law " On Normative Legal Acts" of the Republic of Uzbekistan, in the course of legal examination, the compliance of the draft normative legal act with the Constitution and the laws of the Republic of Uzbekistan, other normative legal acts that have a higher legal force in comparison with it, the rules of legislative technique, is checked, as well as the validity and appropriateness of the application of the reference rules.

Being one of the instruments adopted in the years of independence, having prevonachalnym and the importance of developing activities of judicial authorities and regulating this area in the Decree is, the President of the Republic of Uzbekistan № UP-314 on January 8, 1992 " On improvement of activity of M inisterstva Justice P of the Republic have zbekistan " outlined a number of directions for the system [5].

Abovementioned Decree adopted in order to enhance the role and responsibility of judicial authorities, strengthen zakonoproizvodstva activities Perfection I of legal services to

the population, the protection of constitutional rights and legitimate interests of citizens on the basis of the activities of law-making to the Ministry of Justice instructed on the task of legally and expertise's and registration regulations are mandatory for all adopted by ministries, government committees and departments within their jurisdiction.

In the structure of the central apparatus of the Ministry of Justice of the Republic of Uzbekistan, approved by the Decree "On the Issues of improvement of the activity of the Ministry of Justice of the Republic of Uzbekistan" of the Cabinet of Ministers dated November 12, 1992 # 523, created for the management W akonodatelstva also under the Charter of the Ministry of Justice defined this is managed by analysis of problems, participation in the preparation of legislative and other normative acts of the Republic, pegulirovanie, the codification of the laws of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan decisions .

On the basis of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 294 of June 17, 1993 "On Approval of the Regulation on Legal Expertise and State Registration of Normative Acts of Ministries, State Committees and Departments of a Generally Obligatory Nature", the Ministry of Justice conducts legal expertise and state registration of normative documents of ministries, state committees and departments of a general mandatory nature.

Resolution of the Cabinet of Ministers № 27 dated January 24, 1994 in the composition of the Central of the device and the Ministry of Justice established the Office for the preparation and legal examination of draft laws and regulations on economic reform , development and legal examination of draft laws and non-economic instruments for economic reform, in part in the preparation of legislative and other unofficial documents of the republic, the finding and coding of legislation, decrees of the President of the Republic of Uzbekistan, the Cabinet of Ministers are determined by the direction of the activity of this department.

Also, by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 257 "On some issues of improving the structure of the apparatus of the Ministry of Justice of the Republic of Uzbekistan" dated May 13, 1994, the Legislation Department of the Ministry's central office , which included a department for the preparation and legal examination of draft legislative and regulatory acts on economic reform and the Legal Information Center, was transformed into the General Directorate of Legislation of the Ministry of Justice.

In addition, in accordance with the Resolution of the Cabinet of Ministers No. 469 "On Measures to Ensure the Legality of Normative Acts of Ministries, State Committees and Agencies" dated October 9, 1997, on the basis of the Department of State Registration of Normative Acts of Ministries, State Committees and Directorates of the Central Office of the Ministry of Justice The Department of State Registration of Departmental Normative Acts and it was established that the Ministry of Justice conducts legal expertise and state registration of normative acts of ministries, state committees and departments, regardless of their validity (permanent or temporary) and the nature of the information they contain.

According to Decree I of the Cabinet of Ministers # 370 "On measures to further improve the activity of the Ministry of Justice of the Republic of Uzbekistan" on 27 August 2003 to develop and ensure the implementation of the priority directions of improvement of legislation and law enforcement practice identified as one of the most important tasks and activities of the Ministry of Justice.

Based on the mentioned activities, according to this decree, in the structure of the central apparatus of the Ministry of Justice established departments of the Main Directorate of legislation dealing directly with boiling camping rulemaking: "Administrative and social legislation", "Economic Law", "State registration of departmental regulations the Documentation Comrade" "Classification of legislation and legal information". Also, by this resolution, in the structure of the Ministry of Justice of the Republic of Karakalpakstan, the "Legislation" branch and in the structure of the justice departments of the Regions and the city of Tashkent established the activities of the "Classification of Legislation" branches.

The Ministry of Justice is one of the main objectives of a systematic analysis of the development and reform of the legislative and legal framework of the country, its compliance with the priority goals and objectives of democratization and renewal of society, reformation and modernization of the country by the Decree of the President of the Republic of Uzbekistan dated December 15, 2005 № UP -237 was created n Centralized to monitor the implementation of regulatory legal acts.

On June 17, 2011, in accordance with the Decree of the President of the Republic of Uzbekistan No. PP-1555 "On measures to further enhance the role of the justice authorities in the field of ensuring the rule of law in the activities of state bodies", the Center for Control over the Execution of Normative Legal Acts under the Ministry of Justice was transformed into the Main Directorate on the observance of the law by the Ministry of Justice and its territorial divisions were created.

Later, by the Decree of the President of the Republic of Uzbekistan dated July 24, 2014 No. UP- 4636 "On measures to further improve the system for ensuring the enforcement of legislation", the Main Directorate for Supervision of Compliance with the Law of the Ministry of Justice and its territorial divisions was abolished.

In accordance with the Decree of the President of the Republic of Uzbekistan No. PP-1602 "On measures to further improve the activities of the Ministry of Justice of the Republic of Uzbekistan" dated August 23, 2011, a unified state policy was adopted aimed at ensuring reliable protection of constitutional rights and freedoms of citizens in the field of rule-making and law enforcement in the context of standard-setting activities, consistent implementation and development of proposals for the consistent improvement of the legal framework for democratic, socio-economic and socio-political reforms; about EFinitions "white spots" in the current legislation, as well as the rules and regulations that create conditions for corruption and other offenses in the system of state power and administration, is one of the main tasks and activities of the Ministry of Justice.

By the above resolution of the Cabinet of Ministers No. 370 of August 27, 2003, the administration of "Administrative and public legislation" in the structure of the central apparatus of the Ministry of Justice, the well-established activities were reorganized with a change in names and functional tasks into the administration of "Criminal, administrative and

public legislation", and the administration of "State registration of administrative normative documents "in the department of" State registration of administrative normative legal documents ".

As President of the Republic of Uzbekistan Decree of August 23, 2011 № PP-1602 in the structure of control of Justice regions and Tashkent city department of "Classification of legislation" was renamed "Legal expertise and lassifikation legislation."

Finally, based on the requirements of today and the experiences of developed countries in order to radically th IMPROVEMENT eniya operation of I justice authorities in our country and povy sheniya its role in the system of public administration on the basis of Presidential Decree No. UP-5415 "On measures on radical improvement the activities of the bodies and institutions of justice in the implementation of state legal policy " dated April 13, 2018, Resolution No. PP-3666 " On organizational measures to further improve the activities of the Ministry of Justice of the Republic of Uzbekistan" was adopted .

By the Decree of the President of the Republic of Uzbekistan No. PP-3666 dated April 13, 2018, in the structure of the central office of the Ministry of Justice regarding rule-making activities, the following were created: a department for legal examination of decisions of the Government protocol and departmental regulatory documents, a department for analysis and classification of legislation.

Currently, the function of legal expertise in the field of rule-making of justice bodies is carried out by the departments of "Criminal, administrative and public legislation", "for conducting legal expertise of decisions of the Government protocol and departmental normative documents" of the central apparatus of the ministry and departments of legal expertise of regional departments of justice, as well as departments of justice of the district (cities).

Based on the foregoing, it is advisable to make the following proposals to improve the work of the justice authorities on legal expertise of legislation to ensure the rule of law.

In particular, although the legislative departments that are part of the Ministry of Justice carry out mainly legal expertise of rule-making activities, the Ministry does not have a clear mechanism for methodological guidance of the law enforcement activities of state bodies and organizations.

Taking this into account, it would be advisable to create in the system of the Ministry of Justice a department for methodological support of normative creativity and scientific and technical expertise. This department is engaged in the implementation of "methodological guidance" of law enforcement activities of state bodies and organizations: together with the development of guidelines for this activity, to study the activities of law enforcement agencies and state bodies and organizations for the implementation of rule-making activities, to identify systemic shortcomings and problems in the industry and to develop proposals for improvement, improve the experience of employees and specialists in this field, provide them with methodological and practical assistance.

Conclusion

Also, theoretical scientists and experts in the relevant areas of management jurisprudence, as well as specialists in the field of linguistics and information technology, carry out an examination of draft laws only in scientific, linguistic and other technical aspects.

The organization of the above-mentioned rulemaking department in the justice system and state bodies as well as organizations is the basis for the high-quality and concrete functioning of the structures, the effective implementation of the “legal examination” of projects by the employees of the law enforcement bodies of the ministry exclusively from the legislative point of view.

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