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NEW REGULATIONS AND MECHANISMS FOR EFFECTIVE ORGANIZATION OF LEGISLATIVE DOCUMENTS EXECUTION IN UZBEKISTAN

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Abstract: The article deals with new regulations and mechanisms for effective organization of legislative documents execution in Uzbekistan. In particular, this article contains the content and essence of the reforms carried out on the basis of the godsend principle of “For the dignity of human” in the practice of law enforcement. Additionally, the organizational and legal foundations of ensuring the implementation of legislative documents, public participation in the organization of the implementation of adopted documents, new mechanisms of implementation of the systematic monitoring and control over the activities of state authorities, the rights and obligations of public control subjects and state bodies have been outlined.

Keywords: the priority of Constitution and the rule of law, legislative documents, law, legislation, modern mechanisms for implementation of legislative documents, executive discipline, public participation, public control, public hearing, legal monitoring, state administration bodies, local executive authorities.

In the current globalization conditions, guaranteed protection of human rights and freedoms, legal interests, maintaining peace and tranquility in society, achieving the rule of law in all spheres of social life requires effective enforcement of laws. If the laws are actually applied to the life of the society, the legislative authority and the will of the people in general are realized, and the intended purpose of adopting the laws is thus achieved [8].

In one of the speeches of the President of the Republic of Uzbekistan, stating that **“The priority of Constitution and the rule of law are the most important criteria of a legal democratic state and civil society”** as the main goal of achieving a deep place in the minds and hearts of our citizens and becoming a social need [1].

In order to achieve this goal, it is necessary to solve the following topical tasks: *firstly*, it is necessary to effectively organize the enforcement of laws, *secondly*, to foresee systemic problems, *thirdly*, to fight against the negative consequences of law violations, *fourthly*, to solve the urgent tasks of forming a system aimed at ensuring early prevention of such cases.

The reforms being carried out on the implementation of the idea in state administration bodies: **“The people should not serve the state bodies, but the state bodies should serve our people”** put forward by the President of the Republic of Uzbekistan [2] is very harmonious with the Article 2 of the Constitution of the Republic of Uzbekistan stipulates that **“The state expresses the will of the people and serves its interests”**. It enables the introduction of new prevalent and modern mechanisms that ensure the practical implementation of the rule that **“State bodies and officials are responsible to society and citizens”**.

There is a great philosophical meaning in the words of law scientist Z. Islamov: He notes that "...there are three main conditions for the implementation of legal reform: a) quality legislation; b) a specific mechanism for implementing the law; c) it depends on the existence of law-enforcement institutions [9].

Comprehensive works have been carried out to implement modern management methods, to improve the forms of control and inspection of execution, and to strengthen demand in the last five years. For instance, about 300 laws and more than 4,000 decrees of the President of the Republic of Uzbekistan aimed at radical reform of all spheres of state and community life were adopted during the past period within the framework of the Strategy of actions [3].

In addition, systematic works in the context of to ensure human rights, strengthen the accountability and transparency of state bodies, and increase the role of civil society institutions, mass media, and political activity of population and public associations have been carried out.

The research shows that the introduction of prevalent and modern mechanisms for ensuring the enforcement of legislative acts:

firstly, the creation and further improvement of modern mechanisms for ensuring the execution of legislative documents are determined by: a) the interests of the Uzbek people; b) national values; c) the needs of the modernizing society; d) Constitution and laws of Uzbekistan; e) decrees and resolutions of the President of the Republic of Uzbekistan; f) ideas, views and opinions of the President of the Republic of Uzbekistan; g) international legal documents ratified by the Republic of Uzbekistan; h) requirements of legal theory [10].

secondly, the improvement of the mechanisms of the implementation of legislative documents in society is required by the following: a) the existence of the need that the internal affairs bodies are always ready to ensure the security of Uzbekistan, the peaceful and tranquil life of our people, stable development in society, and to adequately respond to existing threats and dangers in the context of globalization processes in the world, rapidly changing turbulent and complex situations, war and conflicts; b) crimes of a new type in the society, their causes and conditions have the characteristics of sudden appearance and rapid increase; c) the increasing need for democratic changes in society, for the activity of state authorities and administrative bodies to be open and transparent, and for strengthening public control; d) increasing the need for laws that work directly in society;

thirdly, first of all, the initiative of the President of Uzbekistan, the decrees and resolutions adopted on their implementation, people-friendly and modern procedures and methods, new effective mechanisms for ensuring the execution of legislative documents are being put into practice in order to ensure the rule of law and the Constitution in the society, in the process of administrative reforms carried out in accordance with the Strategy of Actions and the Development Strategy of New Uzbekistan.

fourthly, implementation of prevalent and modern mechanisms of organizing the implementation of legislative documents in the country is carried out through systematic measures developed by the President of the Republic of Uzbekistan: a) personal visits to the places to get acquainted with the activities of the entities responsible for the execution, dialogues with the population; b) study of the actual situation by working groups and

commissions established by his initiative and task; c) the results of the analysis of appeals of individuals and legal entities to People`s reception centers and other state bodies; d) to the ideas put forward in the speeches at the solemn event held every year in connection with the adoption of the Constitution, at the meetings held with representatives of different strata of the population, as well as in the appeal to the Oliy Majlis; e) systematic measures developed based on mass media and public opinion analysis.

The Law of the Republic of Uzbekistan “On Regulatory-legal documents” on the effective organization of the implementation of legislative documents was adopted on April 20, 2021. The goal of this Law is to define the concept and types of regulatory legislative documents, the mutual legal force and ratio of these documents, as well as to regulate relations in the field of planning, initiation, preparation, examination, agreement, adoption, announcement, and ensuring the organization of their execution.

A normative-legal document is an official document adopted in accordance with the law, aimed at determining, amending or canceling legal norms as universally binding state instructions [6].

Normative-legal documents are legal documents adopted by an authorized state body in a prescribed manner, aimed at regulating social relations, establishing, amending or canceling general rules.

A normative-legal document includes mandatory rules of conduct and is distinguished from other types of social norms by its following three features:

a) normative-legal documents are created by competent state bodies and establish, amend (improve) or cancel general binding rules for everyone;

b) normative-legal documents describe the content of the legal provision, that is, the rights and duties of the participants in the legal relationship;

c) certain legal consequences arise, as a rule, the coercive power of the state is used in case of non-fulfillment or violation of the provisions established in normative legal documents.

Normative-legal documents are divided into the following categories according to the status of the state bodies and officials issuing them, and the legal force of the acts:

1) laws (Constitution, constitutional laws and current laws);

2) Presidential resolutions, decrees and orders;

3) government decrees and orders;

4) normative documents of ministries, state committees and management bodies;

5) decisions and orders of local representation and executive bodies.

The Article 17 of the Law “On regulatory-legal documents” defined the administrative regulation for the first time. According to this law: the regulation - the working order of state bodies and organizations, as well as the procedure for implementation of administrative procedures by state bodies and organizations has been established respectively.

In addition, new procedures and mechanisms for the monitoring and control mechanism were established in the Article 53 of the chapter on the organization and enforcement of regulatory legal acts of the Law. These are:

1. Organs and other organizations with the right to adopt and modify normative-legal documents carry out control over the execution of relevant

normative-legal documents, as well as monitoring of the practice of law enforcement on issues related to their execution, and analysis of appeals of individuals and legal entities [4].

The legal monitoring introduced in the theory and practice of jurisprudence in recent years, has a special role in the mechanism of organizing the execution of legislative documents. Currently, certain researches have been conducted on the concept, functions, signs, principles, structure, and importance of legal monitoring [11].

Nevertheless, there is no unanimous thought among researchers about the concept of legal monitoring. At the same time, the concept of “monitoring” is used in various fields of scientific knowledge - technical sciences, ecology, pedagogy, sociology, economics, medicine, psychology, etc.

The term “monitoring” was officially introduced to the science in 1972 at the Stockholm Conference of the UN on the environment. Two years later, the first intergovernmental monitoring meeting was held in Nairobi, the capital of Kenya.

The resolution to give priority to environmental pollution monitoring at three levels - local, regional and global has been decided at the meeting. Since 1974, the concept of “observation” was introduced into Russian literature by Yu. A. Israel [12].

According to the Russian researcher T.A.Zheldybina, monitoring is usually understood as systematic monitoring, process monitoring, collecting and processing information about something, as well as preparing recommendations for making corrections [13]. Furthermore, D.B.Gorokhov, E.I.Spektor, M.E.Glazkova [14] depicted the monitoring as a system of observing, evaluating, and predicting the state and dynamics of any event, process, or other object in order to control, protect, and determine compliance with the desired result or initial expectations.

Some aspects of legal monitoring have also been studied by scientists of foreign countries. In particular, the issues of citizen participation, satisfaction with public services and mutual trust in evaluating the activities of state bodies were researched by G.Greg [15], the issues of developing criteria for evaluating the activities of state bodies, P. Harry [16] researched collecting information and setting indicators to be achieved in the future. Yu.A.Tikhomirov [17] characterizes legal monitoring as a dynamic organizational-legal institution that manifests itself at all stages of the emergence and implementation of law, from all stages of management, supervision, etc.

Nowadays, the principles of legal monitoring and its enforcement mechanisms have been formed. In particular, G.Abdukarimov highlights the main principles of legal monitoring as: detail and accuracy of collected data, their verification; confidentiality of information and its reference; objectivity and personal disinterest in data collection; attention (respect) to the respondents [18]. In this regard, G.A.Mashkurov distinguishes principles such as: “legality, independence, impartiality, transparency, studying and taking into account the opinion of the public in conducting legal monitoring, scientific basis and recommendability” [19].

At present, the comprehensive mechanism of monitoring the status of legislation in the Republic of Uzbekistan has not been established at the legal level. For instance; a) basic concepts of legal monitoring; b) its principles, forms and types and requirements for

them; c) directions of implementation of legal monitoring; d) subjects of legal monitoring and their powers in this regard.

2. In case of gaps in normative legal documents, conflicts with normative legal documents of higher legal force, as well as internal conflicts or other errors, the body having the right to adopt normative legal documents shall take measures to eliminate them.

3. Citizens, self-government bodies of citizens, as well as non-governmental non-profit organizations registered in accordance with the law, mass media shall carry out public monitoring and control in accordance with the Law of the Republic of Uzbekistan “On Public control” [5] and other legislative documents.

Significant document in terms of defining the new order and mechanism of effective organization of the execution of legislative documents in Uzbekistan is the Decree of the President of the Republic of Uzbekistan № DP-6166 “On additional measures to strengthen the personal responsibility of heads of state administration bodies and local executive power bodies for the effective organization of implementation of acts of legislation” dated on February 10, 2021 [7].

The following priority tasks for strengthening executive discipline were defined in accordance with this Decree:

first, to organize personal control over the preparation of legislative documents and projects of assignments, to ensure their thorough economic, financial and legal examination, their timely approval by the competent state administration bodies, as well as their protection in the departments of the Administration of the President of the Republic of Uzbekistan and in the presence of the Deputy Prime Ministers;

second, on the timely delivery of legislative documents and tasks to the executors, including the explanation of the nature and importance of the tasks set in them among the general public and the population, the timely development of “road maps” (action plans) on the determination of specific mechanisms, deadlines and responsibilities in control clauses and tasks provide personal control;

third, to personally organize the actual control of the implementation of legislative documents and tasks, in which critical study of the real state of affairs in the central apparatuses, middle and lower levels of the network and regional state administration bodies, the final results achieved, the causes of shortcomings and problems, unused reserves, as well as state administration paying particular attention to timely reporting in the unified electronic system of executive discipline “Ijro.gov.uz” based on the electronic database created by the state bodies and authorities (local government bodies);

fourth, in order to explain the essence and importance of legislative documents and tasks and the measures taken in connection with their implementation, to express personal opinions in the mass media, to hold meetings in public organizations and neighborhoods, as well as to introduce the practice of reporting at the sessions of the Councils of People`s Deputies of governors;

fifth, to ensure timely, complete and effective execution of legislative documents and assignments, to personally critically analyze the implementation of the tasks set forward and to achieve the intended goals. It is also important to develop

and introduce comprehensively based proposals on problematic issues that require the decisions of the President and Government of the Republic of Uzbekistan in the development of economic sectors and the social sphere, as well as the development of regions.

In addition, a seven-stage scheme for the organization of control and accountability on the implementation of resolutions, decrees, decisions, orders and assignments of the President of the Republic of Uzbekistan was separately defined for the “Ijro.gov.uz” interdepartmental electronic system of executive discipline.

The proposals and recommendations aimed at increasing the effectiveness of the enforcement of legislative documents based on the above opinions, are as follows:

1. The existence of problems related to enforcement of legislative documents – is related to ensuring the rule of law and further reforming the judicial system in Uzbekistan, as well as the level of legal consciousness and legal culture. This requires improvement of the theoretical, organizational-legal, financial and material-technical, spiritual-educational mechanisms that serve its effective provision, acceleration of the introduction of new innovative technologies and best practices in this sphere.

2. It is significant to put into practice the requirement and practice of clearly defining the enforcement mechanisms in the drafts of normative documents that define complex measures for organizing and ensuring their implementation in the process of preparation and acceptance of draft legislative documents, as well as the procedure for specifying in advance the sources of funds necessary for the implementation of legislation.

3. It is necessary to further improve the activities of the structures that implement legal monitoring based on the requirements of the Resolution of the President of the Republic of Uzbekistan No. RP-4505 “On measures to improve the efficiency of implementation of legislative acts on the basis of modern legal monitoring mechanisms” dated on November 2, 2019. This resolution is aimed at further increasing the effectiveness of enforcement of legislative documents, preventing the emergence of norms that lead to the practice of applying incorrect or conflicting law, identifying and eliminating them in time.

It can be concluded that organizing and ensuring the implementation of legislative documents is a multifaceted and complex process. It is affordable to achieve smooth application of legislation to life only when all elements and components of this mechanism work independently and harmoniously.

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