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1. ВАКНРАМОВА Mokhinur LEGAL ANALYSIS OF METHODS OF REALIZATION OF PROPERTY RIGHTS BY AUTHORS AND PRACTICE OF LAW ENFORCEMENT IN THE REPUBLIC OF UZBEKISTAN.....	8
2. TURDIEV Bobir Sobirovich KORPORATIV SEKTORNING EKOLOGIK MAS'ULIYATINI OSHIRISHNING HUQUQIY MEKANIZMLARI	14
3. ҲАМДАМОВ Шаҳзод Мақсуд ўғли РАҚАМЛАШТИРИШ ТУШУНЧАСИ, МАЗМУН-МОҲИАТИ ВА УНИНГ ҲУҚУҚИЙ АСОСЛАРИ	23

СУД ҲОКИМИЯТИ. ПРОКУРОР НАЗОРАТИ. ҲУҚУҚНИ МУҲОҒАЗА ҚИЛИШ ФАОЛИЯТИНИ ТАШКИЛ ЭТИШ

4. ПАНАБЕРГЕНОВА Жамиля Таировна ПЕРСПЕКТИВЫ ПРИМЕНЕНИЯ ИСКУССТВЕННОГО ИНТЕЛЛЕКТА В СУДОПРОИЗВОДСТВЕ	30
5. JUMAYEV Shohjahon Begimqul o'g'li QONUNLAR IJROSI USTIDAN PROKUROR TEKSHIRUVLARINI O'TKAZISH ASOSLARI VA ULARNI QONUN HUIJATLARIDA TARTIBGA SOLISHNING DOLZARB MASALALARI.....	36

ЖИНОЯТ ҲУҚУҚИ, ҲУҚУҚБУЗАРЛИКЛАРНИНГ ОЛДИНИ ОЛИШ. КРИМИНОЛОГИЯ. ЖИНОЯТ-ИЖРОИЯ ҲУҚУҚИ

6. ОТАЖОНОВ Абдоржон Анварович, НОРМАНОВА Клара Эшназаровна ЖИНОЯТНИ ТАШКИЛ ЭТГАН ЁКИ РАҲБАРЛИК ҚИЛГАН ШАХС ҚИЛМИШИНИ КВАЛИФИКАЦИЯ ҚИЛИШНИНГ АЙРИМ МАСАЛАЛАРИ.....	43
7. КАРИМОВ Ифтихор Ибрагимович ЭКСТРЕМИЗМ ТУШУНЧАСИ, ШАКЛЛАРИ ВА МОҲИАТИ: ҚИЁСИЙ ҲУҚУҚИЙ ТАҲЛИЛ ..	52
8. SHUKUROVA Muhayyo Mukumjanovna НОКИМИЯТ НАРАКАТСИЗЛИГИ UCHUN JAVOBGARLIK MUAMMOLARIGA DOIR ILMIY TADQIQOTLARNING ZAMONAVIY HOLATI VA RIVOJLANISHI	61

ЖИНОЯТ ПРОЦЕССИ. КРИМИНАЛИСТИКА. ТЕЗКОР-ҚИДИРУВ ҲУҚУҚ ВА СУД ЭКСПЕРТИЗАСИ

9. БОЗОРОВ Мақсудали Махмудович ЖИНОЯТ ПРОЦЕССИДА ПРОЦЕССУАЛ ЧИҚИМЛАРНИ УНДИРИШ, ХОРИЖИЙ ДАВЛАТЛАР ТАЖРИБАСИ БИЛАН ҚИЁСИЙ ҲУҚУҚИЙ ТАҲЛИЛ.....	66
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ХАЛҚАРО ҲУҚУҚ ВА ИНСОН ҲУҚУҚЛАРИ

10. TILLABAYEV Mirzatillo

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS: HISTORICAL OVERVIEW AND IMPLEMENTATION IN UZBEKISTAN..... 74

11. ФАЙЗУЛЛАЕВА Нигорахон Равшановна

МЕЖДУНАРОДНО-ПРАВОВАЯ СИСТЕМА ПРЕДОТВРАЩЕНИЯ НЕЗАКОННОГО ОБОРОТА КУЛЬТУРНЫХ ЦЕННОСТЕЙ В МЕЖДУНАРОДНОМ КУЛЬТУРНОМ ПРАВЕ..... 80

12. САФАРОВА Шахло Пулатовна

ИНСОН ҲУҚУҚЛАРИ БЎЙИЧА ТАЪЛИМНИ АМАЛГА ОШИРИШНИНГ ШАРТНОМАВИЙ-ҲУҚУҚИЙ МАНБАЛАРИ 89

13. ЕСЕМУРАТОВ Алишер Избасарович

ПРИЧИНЫ, ТЕНДЕНЦИИ И ПРОТИВОДЕЙСТВИЕ НЕЗАКОННОЙ МИГРАЦИИ НА СОВРЕМЕННОМ ЭТАПЕ..... 96

14. ХАМЗАЕВ Дилавер

РОЛЬ МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЙ В БОРЬБЕ С ТРАНСНАЦИОНАЛЬНЫМИ ФИНАНСОВЫМИ ПРЕСТУПЛЕНИЯМИ 102

ҲУҚУҚИЙ АМАЛИЁТ ВА ХОРИЖИЙ ТАЖРИБА

15. РАХМАНОВ Шухрат Наимович, ХАМДАМОВА Фируза Уразалиевна

МИГРАЦИОННЫЕ ПРОЦЕССЫ В УСЛОВИЯХ ПЕРЕХОДА НА ЦИФРОВУЮ ЭКОНОМИКУ 113

16. SUFIEVA Dilafruz

ABOUT QUALITATIVE CHANGES IN THE RULE-MAKING PROCESS.....120

17. САФАРОВ Темур Уктамович

АНАЛИЗ ВНЕШНЕГО И ВНУТРЕННЕГО КОНТЕКСТА ОПРЕДЕЛЯЮЩИЕ НАЛИЧИЯ УСЛОВИЙ ДЛЯ КОРРУПЦИИ В ГОСУДАРСТВЕННОМ СЕКТОРЕ125

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ANNOTATION

This article discusses the stages of improving normative activity. In particular, it provides information on the trends of rule-making activity, provides statistics on the adopted normative legal acts in recent years, reforms implemented by the Ministry of Justice in order to ensure timely and competent legal support of ongoing reforms. The improvement of normative activity is considered in such areas as the digitalization of this process, the use of the latest technologies of regulatory reform, the introduction of innovative mechanisms designed to improve the quality of the acts being developed. Special attention is paid to the consideration of new types of expertise (anti-corruption, gender-legal, linguistic). Information is also provided on updating the legal foundations of rule-making activities by adopting a new version of the Law of the Republic of Uzbekistan “On normative legal acts”.

Keywords: rulemaking, legal policy, digitalization, electronic databases, regulatory reform, “Regulatory guillotine”, systematization of legislation, regulatory impact assessment, moratorium, anti-corruption expertise, gender-legal expertise, linguistic expertise, legal experiment.

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АННОТАЦИЯ

В данной статье рассматриваются этапы совершенствования нормотворческой деятельности. В частности, приводятся сведения, касающиеся тенденций нормотворческой активности, статистики принятых нормативно-правовых актов за последние годы, задач, реализованных Министерством юстиции Республики Узбекистан с целью обеспечения своевременного и правового сопровождения проводимых реформ. Совершенствование нормотворческой деятельности рассматривается по таким направлениям, как цифровизация данного процесса, применение новейших технологий регуляторной реформы, введение инновационных механизмов, призванных способствовать повышению качества разрабатываемых актов. Отдельное внимание уделено рассмотрению новых видов экспертизы (антикоррупционная, гендерно-

правовая, лингвистическая). Также представлены сведения об обновлении правовых основ нормотворческой деятельности путем принятия новой редакции Закона Республики Узбекистан «О нормативно-правовых актах».

Ключевые слова: нормотворчество, правовая политика, цифровизация, электронные базы, регуляторная реформа, «Регуляторная гильотина», систематизация законодательства, оценка регуляторного воздействия, мораторий, антикоррупционная экспертиза, гендерно-правовая экспертиза, лингвистическая экспертиза, правовой эксперимент.

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NORMA IJODKORLIGIDAGI SIFAT O'ZGARISHLAR

ANNOTATSIYA

Ushbu maqolada norma ijodkorligi faoliyatini takomillashtirish bosqichlari ko'rib chiqiladi. Jumladan, norma ijodkorligi faoliyati tendensiyalari, so'nggi yillarda qabul qilingan normativ-huquqiy hujjatlar, amalga oshirilayotgan islohotlarni o'z vaqtida va malakali huquqiy ta'minlash maqsadida Adliya vazirligining tashabbuslari haqida statistik ma'lumotlar beriladi. Norma ijodkorligi bilan bog'liq faoliyatni takomillashtirish, shu jumladan ushbu jarayonni raqamlashtirish, normativ-huquqiy hujjatlarni qayta ko'rib chiqishda zamonaviy texnologiyalardan foydalanish, ishlab chiqilayotgan hujjatlar sifatini oshirishga qaratilgan innovatsion mexanizmlarni joriy etish kabi jihatlari ko'rib chiqiladi. Ekspertizalarning yangi turlarini (korrupsiyaga qarshi, gender-huquqiy, lingvistik) alohida ko'rib chiqiladi. Shuningdek, "Normativ-huquqiy hujjatlar to'g'risida"gi O'zbekiston Respublikasi Qonunining yangi tahririni qabul qilish orqali norma ijodkorligi faoliyatining huquqiy asoslarini takomillashtirish to'g'risida ham ma'lumot beriladi.

Kalit so'zlar: norma ijodkorligi, huquqiy siyosat, raqamlashtirish, elektron ma'lumotlar bazalari, normativ-huquqiy islohotlar, "Tartibga solish gilotinasi", qonunchilik hujjatlarini tizimlashtirish, tartibga solish ta'sirini baholash, moratoriy, korrupsiyaga qarshi ekspertiza, gender-huquqiy ekspertiza, lingvistik ekspertiza, huquqiy eksperiment.

The ongoing strategic reforms require competent legal support.

Any reform, as is known, is primarily formalized in the form of an action plan, a program of measures, a Roadmap and other documents that are approved by government decisions.

The main feature of the state decision is its regulatory security. Rulemaking is one of the main functions of State power.

With regard to the implementation of new reforms in the framework of the implementation of strategic program documents, there is a **tendency for the growth of normative activity**.

In particular, if more than 30 thousand acts were adopted during the years of independence in general, 8 thousand of them (30%) fall on 2017-2021 [1], i.e., the period of implementation of the Strategy of Actions for the Further Development of the Republic of Uzbekistan [2].

This process continues within the framework of the implementation of the Development Strategy of the New Uzbekistan, focused on 2022-2026 [3].

The activation of rulemaking requires a revision of existing approaches to its organization in order to ensure efficiency without loss of quality.

The Ministry of Justice, as the main authorized body for the implementation of a unified state policy in the field of rule-making, initiated a number of progressive innovations that created the necessary conditions for competent legal support of ongoing reforms [4].

I. Firstly, the rulemaking has been completely translated into an electronic format.

In terms of digitalization of rulemaking was created:

- Unified electronic system for the development and approval of draft regulatory legal acts – **“Project.gov.uz”**;

- A unified electronic system for the development, coordination and registration of resolutions adopted by local public authorities – **“E-qaror”**.

So, on July 1, 2020, for the first time in the history of Uzbekistan in electronic form on the basis of “Project.gov.uz” a departmental act has been adopted and registered with the Ministry of Justice.

And on February 18, 2021, the first electronic decision of the khokim was made through the electronic system “E-qaror”.

Within the framework of digitalization, conceptually modernized:

- National database of legislation of the Republic of Uzbekistan – **“Lex.uz”**;

- Portal for discussion of draft regulatory legal acts – **“Regulation.gov.uz”**.

The digital format implies, first of all, getting rid of bureaucracy, as well as the following advantages:

- openness and transparency of rulemaking and, accordingly, the possibility of public control over this process;

- a fast and convenient format for interdepartmental coordination of projects being developed, which allows real-time monitoring of each stage of rulemaking, which, in turn, contributes to improving executive discipline in government agencies;

- automatic collection of big data and statistics, which allows you to analyze the trends of rulemaking, draw conclusions and forecasts;

- saving time, labor, material and other resources. For example, after switching to systems “Project.gov.uz” and “E-qaror”, only in the Ministry of Justice the need for office paper has been reduced almost to a widow;

- technologies have created conditions for ensuring inclusiveness [involvement] in the norm-setting process of various stakeholders and increased public interest. For example, according to the rating of the national search engine TAS-IX “Lex.uz” it consistently holds a position in the TOP 5 most visited websites in the Uz domain [5].

II. Secondly, the latest technologies of regulatory reform have been applied.

For the first time in the rule-making practice, the Ministry of Justice has used the **“Regulatory Guillotine”** method in the systematization of legislation.

The “Regulatory guillotine” is one of the modern methods of systematization of legislation through a large-scale analysis and revision of existing regulatory legal acts and the cancellation of identified outdated acts.

Thus, **878** decrees and resolutions of the head of state, **2309** – government decisions, **1322** – departmental acts were declared invalid.

In general, the “Regulatory Guillotine” method managed to **optimize the current legal framework by almost 10%**. More than **4.5 thousand** by-laws have been canceled.

In addition, pursuant to the Decree of the President of the Republic of Uzbekistan dated February 3, 2021 №6155, **4339** outdated and outdated decisions of khakims were canceled [6].

Taking into account the fact that almost more than **90% of the national legal framework consists of by-laws**, their systematization is of key importance in increasing the share of laws in accordance with international requirements. So, the Universal Declaration of Human Rights requires that human rights be protected by the rule of law [7]. The same applies to the legal regulation of entrepreneurial activity. A relatively more complex procedure for passing laws involves additional stages of approval, for example in parliament, which acts as another barrier in promoting narrow departmental interests.

In addition, a new procedure has been introduced into standard-setting practice, which provides for:

- the introduction of the **“package” principle**, when developing a new project, reference norms aimed at its implementation are developed and come into force simultaneously with its adoption. Also, at the same time, appropriate amendments and additions are being made to previously adopted acts;

- prohibition of regulation of issues within the powers of economic management bodies and corporate relations through the adoption of by-laws or through administrative methods;
- establishment of legal norms providing for liability for individuals and legal entities exclusively by laws;
- preventing the inclusion in departmental regulatory legal acts of legal norms that establish additional payments and fees for individuals and legal entities, providing for excessive administrative and other restrictions that lead to the formation of unreasonable costs for them that have a permissive nature;
- preventing the inclusion of legal norms in regulatory acts in the field of technical regulation.

III. Thirdly, innovative mechanisms have been introduced into the rule-making process, designed to improve the quality of the acts being developed.

First of all, it should be noted the institute for **assessing the regulatory impact of legislative acts**, the purpose of which is to predict the consequences of regulatory decisions on the population, business, consumers, the economy and society as a whole, eliminating negative factors, in particular, overregulation, labor-intensive and costly regulations, bureaucratic barriers and paperwork [8].

This procedure serves to prevent the adoption of poor-quality and ineffective legislation.

Also, **the practice of a moratorium was applied for the first time in rulemaking**. In particular, in the period from July 1, 2020 to January 1, 2021, a temporary moratorium on departmental rulemaking was announced. Thus, the adoption of departmental acts has been suspended for the specified period (*with the exception of the adoption of departmental acts on amendments and additions and recognition as invalid, as well as providing for their unification*).

New types of expertise, such as anti-corruption, gender-legal, linguistic, have been introduced into the rule-making process.

Anti-corruption expertise is aimed at identifying corruption-causing factors that create the possibility of committing corruption offenses, a general assessment of the consequences of adopting a project that creates the possibility of committing corruption offenses, forecasting the possibility of corruption risks in law enforcement practice [9].

Gender-legal expertise involves the analysis of normative legal acts and their projects for compliance with the principles of ensuring guarantees of equal rights and opportunities for women and men [10].

Linguistic expertise is an expertise when the compliance of the draft text with the rules and requirements of the state language is checked [11].

IV. Taking into account the above-mentioned innovations, the legislative framework of normative activity has been revised.

The Law "On Normative Legal Acts" was adopted in the new edition [12].

The new law has a number of advantages in comparison with the previous one, so in it:

- the **basic principles** of the law are established;
(*legality, publicity, scientific character, as well as system, complexity and stability of legal regulation of public relations, etc.*)

- the **exact procedure and stages of planning and initiating** project development are opened;

(*the development of projects is planned for a **six-month, annual period and for a period of more than 1 year***)

- the concepts of "**legislation**", "**act of legislation**" and "**legislative act**" were introduced in accordance with the generally accepted meaning and theory of norm-making;

(*regulatory legal acts are legislative acts and form the legislation of the Republic of Uzbekistan*)

- it is determined which laws should be adopted in the form of **constitutional laws** in terms of content;

(*laws of the Republic of Uzbekistan providing for amendments and additions to the Constitution of the Republic of Uzbekistan*)

- **specific deadlines** have been set for **interdepartmental coordination** of projects;

(*decrees and resolutions of the **President of the Republic of Uzbekistan**, as well as*

Government resolutions must be approved within 3 working days, acts of **state bodies** – within 5 working days, laws - 7 working days)

– the responsibility of the heads of ministries and departments for the **qualitative** consideration and compliance with the established deadlines for the **approval** of projects has been strengthened;

– mechanisms have been laid for the adoption of normative legal acts in the order of **legal experiment**;

– the legal basis for **communicating the essence and meaning of legislative acts to performers, monitoring and monitoring their implementation, and assessing regulatory impact has been determined**;

– a unified methodology of legal and technical registration of draft normative legal acts, as well as information and analytical materials attached to them, has been approved.

In conclusion, **the systematization of various stages and procedures in this area should be noted as a promising direction for the development of rulemaking.**

For example, in Western countries, the institute for assessment and analysis of regulatory impact incorporates almost all components of the rule-making process.

Various types of expertise, including legal, public discussion of the projects being developed, consultations with interested parties are elements of regulatory impact assessment.

This approach makes it possible to provide a comprehensive institutional approach to standard-setting activities.

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