

THE MAIN PROBLEMS OF NORM MAKING IN MODERN UZBEKISTAN

Abstract. In the article the author examines the main problems of norm making activities in the Republic of Uzbekistan to improve legal system. The theoretical and practical essence and importance of information supply in the process of norm making is analyzed. The author not only points out main issues in this sphere but also puts forward several suggestions to solve the problems in this context.

Key words: norm making law making, competence, regulation, normative legal acts, “Smart regulations”, support with information.

I. Introduction

Today, no one will argue with the fact that the system of law in Uzbekistan is undergoing a period of profound changes. There are several reasons and factors for this. Technical progress also plays a role, its development contributes to qualitative changes in the structure of government, leading it to a new, informational form. In a rapidly evolving world, law cannot remain “static”; it must respond as quickly as possible to the challenges of the modern world. However, there are some issues that should be resolved in the process of norm making of the country. Such as: a) theoretically, it is challenging to differentiate the spheres of law regarding the law making in the Republic (norm-making, law making, legal writing); b) practically, non-sanctioned norms which can regulate support with necessary information; c) main laws do not define responsibilities for the law breakings in the sphere of norm making; d) lack of practical use of information technologies in the process of norm making.

The topic of norm making is as relevant and necessary as ever today, when the state is faced with the task of strengthening its legal basis. Incompetence, haste of the legislator, non-compliance with scientific foundations of legislative process can adversely affect the entire legal system. One of the important conditions for improving legislation is to master the system of certain requirements for the process of creating laws and other normative legal acts.

The correct and rational organization of law making activity is also determined by the level of interaction of all governmental and representative bodies. It cannot be defined that close cooperation has been established between them. All bodies which has right to make law should ensure the quality and effectiveness of the adopted legal acts, are sufficiently reflected in the current legislation.

The practice of the development of law making made it possible to identify and formulate some aspects that should be paid special attention to improving the

mechanisms of norm making activity. When developing and adopting laws, it is necessary to reduce the number of reference norms, repetitions, and duplication; the use of ambiguous terms and a narrow departmental approach are unacceptable. Particular attention should be paid to forecasting activities, give preference to the adoption of laws in the new edition, avoiding the repeated introduction of amendments, and additions to them.

II. The concept of notions

Firstly, the main similarities and differentiations of three notions (law making, norm making, legal writing) should be analyzed. Legal writing is included as a separate topic in textbooks and manuals published in the field of “Theory of State and Law” and at the same time Legal writing is taught students of LLB as a branch of legal disciplines in Uzbekistan. A.V. Malko: “legal writing is one of the most controversial branches of the Theory of law”.⁸ And, indeed, the main areas of discussion related to the delimitation of legal writing, law making and legal writing will be reflected. In some universities of the Commonwealth of Independent States, this course is taught under the names “Legal techniques”, “Legislative techniques”, and “Techniques of legal creativity”.

M.L. Davydova, being the representative of a broad approach, believes that the legal writing is a system of professional legal means, techniques and rules used in the preparation of legal acts and the implementation of other legal activities in the areas of lawmaking, interpretation (by governmental and non-governmental bodies), implementation of the laws, ensuring the perfection of its form and content.⁹

However, the concept of “legal writing” was used by some researchers, including S.S. Alekseev, M.I. Kovalev, A.A. Ushakov, M.K. Yukov, while only S.S. Alekseev insisted on the ambiguity of law making and legal writing.¹⁰

The study shows that most researchers currently adhere to a broad approach in defining the concept of legal writing. The vast majority of definitions are based

⁸ Малько А.В., Костенко М.А. Правовая политика и юридическая техника: взаимодействие и взаимообусловленность // Юридическая техника 2010 № 4 С.352. (352-355)

⁹ Давыдова М.Л. Теоретические проблемы определения понятия юридической техники в

отечественной теории права // Вестн. ВолГУ. Сер. 5, Юриспруденция. 2007. № 9. С.30. (23-32)

¹⁰ Колесник И.В. Теоретическая модель правоприменительной технологии: диссертация доктора юридических наук: / Колесник Ирина Валентиновна; [Место защиты: Нижегородская академия МВД].- Нижний, 2015. С.47.

on the enumeration of those elements that are highlighted by researchers. These days lawyers and researchers are adherent to use of word norm making in the territories of the Commonwealth of Independent States.

In our view, norm-making is considered as an activity aimed at developing, adopting, amending or supplementing all types normative-legal acts. However, law making is confined within developing, adopting, amending or supplementing of laws only. Therefore, the process of preparation and formalization of certain acts in the field of norm making studied in these disciplines is directly related to the creation, amending and termination of norms.

If we take into account that today the range of these issues is expanding and its object of study and methodology are being formed, it can be seen that norm making is emerging as a separate science. Thus, the subject of norm making emerges not only as a methodological and theoretical problem, but also as a discipline that studies practical issues aimed at the formalization of drafts of normative legal documents.

Norm making is a process that becomes self-sufficient only thanks to law, in connection with law and through law. Norm making does not exist outside of law.¹¹

Professor Y.G. Arzamasov in his works proposes to understand norm making as the officially formulated process of activity of the state, officials, local authorities in the creation, amending and termination of the norms of law¹².

In this regard, if we turn our attention to the views of Uzbek lawyers, we will focus on the following views of M.K. Najimov: "Norm making is an integral part of legal writing, which must be followed in the process of adoption, registration and promulgation of normative legal acts, as well as in the process of making changes and additions to them, repealing old ones¹³.

In order to make clear it would be better to take into account certain features of norm making, namely:

1. Norm making is a form of activity of authorized bodies of state power and local governmental bodies;
2. Norm making is an active, creative activity aimed at creating, amending and repealing legal norms;
3. The result of norm making is a normative legal act;
4. Norm making is a strictly regulated activity. This activity is regulated by a significant number of normative legal acts, fixing subjects of norm making, norm making competence, the procedure and rules for the adoption of normative legal acts, the order, the procedure for conducting various types of examinations, etc. ;

5. Norm making is aimed at transforming social needs and interests of generally binding, formally defined rules;

6. Norm making is the most important means of managing society, in the process of which the legal basis of state and public life is created, the legal statuses of various entities are fixed, and legal regimes of the life of society and the state are determined¹⁴.

In this regard, we believe that it would be advisable to normatively consolidate the concept of legal writing, norm making, which would also contribute to some consolidation in the theoretical field and, possibly, would give a new impetus to the development of law making, including leading to a deeper analysis of industry features of legal technology and ultimately will have a positive impact on the quality of normative acts in Uzbekistan. It is concluded that the legal writing is the set of the techniques of preparation of normative-legal acts and acts of realization of laws, in addition legal writing, includes interpretation, as well as the technique of systematizing of normative-legal acts. Law making and norm making modules are essential attributes of legal writing.

III. Main problems of norm making in terms of support with information

There are a broad range of problems in this sphere regarding support legislators, officials and local authorities, who are entitled to adopt, amend and abolish norms, with information in Uzbekistan such as: a) nonexistence of data processing platforms that allows citizens to freely receive information on the process of consideration and adoption of norms at all forms and stages; b) undefined legal status of analytical information, conclusions of institutions of civil society, the media, specialists and experts; c) unsanctioned norms for failure to provide information; d) not unique methodology for the legal drafting of normative legal acts, as well as information and analytical materials attached to them; e) nonexistence of online broadcasting of norm making processes of all types in the media, as well as through the web resources of the officials with the ability to send suggestions and comments in real time; f) poor quality of mechanisms of interdepartmental information exchange of the results of statistical accounting and analysis of judicial, law enforcement and supervisory practice in order to assess the regulatory impact of normative legal acts; g) poor quality of attraction of the results of scientific and analytical activities of representatives of the scientific and experts, students of higher educational institutions and applicants for academic degrees containing proposals for improving normative legal acts, including

¹¹ Москолькова Т.Н., Черников В.В. *Нормотворчество: научно-практическое пособие.* – 2-е из., доп. и испр. – Москва: Проспект, 2019. – С.7. (448 с.)

¹² Арзамасов Ю.Г. *Введение в нормаграфию: теорию и методологию нормотворчества: учеб. пособие.* – Москва. Юрайт, 2009 С.28-29. Арзамасов Ю.Г. *Теория и практика ведомственного*

нормотворчества в России: монография. – Москва.: Юрлитинформ, 2013. С.50-51

¹³ Нажимов М.К. *Норма и жодкорлиги. Дарслик.* – Тошкент: ТДЮУ, 2018. –Б.9 (181 б.)

¹⁴ Миронов А.Н., Ушаков С.Н. *Нормотворчества органов государственного и муниципального управления: Уч. пособие.* ИНФРА. – Москва, 2019. С. 9-10, (201 с.)

through the creation of online information systems containing these proposals.

a) *Support citizens with information about norm making process at all forms and stages.*

It seems that it is more appropriate to call the incoming information support of a particular type of activity, and therefore we will consider information resources in the essential sense – as documents that form the outgoing information flow. At the same time, their main form now is the official sites of the considered category of entities.

There is no doubt that the volume of accumulated information on almost any issue today is large enough, therefore, it is necessary to speak not about its formation, but about optimization. The study of the information array that we have chosen is appropriate to carry out using the method we tested earlier: determining the current state of the system under study – setting the desired state of the system under study – assessing the difference between “what is needed” and “what is” as optimization directions¹⁵.

In accordance with Professor A.V.Malko, by informational resources we mean documents or their information flow, which is a source of information or a means for individuals and organizations to obtain knowledge generated in the result of the activities of various structures of society¹⁶.

Firstly, all people have right to get information. It is stipulated in several international documents. The basis in this area is the Universal Declaration of Human Rights, according to which everyone has the right to freedom of thought (Article 18), the right to freedom of opinion and expression. This right includes freedom to adhere freely to one’s beliefs and freedom to seek, receive and disseminate information and ideas by any means and regardless of state borders (Article 19).

Later, these rights and freedoms were reinforced by a number of international documents, for example, in Art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which additionally states that freedoms refer to all kinds of information, ideas and methods of their dissemination.

Basing on this rights governments developed their constitution and normative legal acts. Take in example of Germany, In the Basic Law of the Federal Republic of Germany, information freedoms are fixed in article 5:

“Everyone has the right to freely express and disseminate his opinion orally, in writing and through images and draw knowledge from publicly available sources without hindrance. Freedom of print and information is guaranteed. Censorship does not exist.

The boundaries of these rights are indicated prescriptions of general laws, legislative provisions on the protection of people the right to honor an individual.

When it comes to Uzbek Constitution, article 29 stipulates that everyone shall have the right to seek, obtain and disseminate any information, except that which is directed against the existing constitutional system and in some other instances specified by law¹⁷.

However, in the Republic of Uzbekistan there is no data processing platforms that allows citizens to freely receive information on the process of consideration and adoption of norms at all forms and stages. Few web sites inform about norm making process such as the official web site of parliament (<http://parliament.gov.uz>) gives information only about results of discussions. The next, online platform for citizens to discuss drafts of normative legal acts (<https://regulation.gov.uz>) which holds undefined status of comments.

b) *undefined legal status of analytical information, conclusions of institutions of civil society, the media, specialists and experts.*

Norm making is one of the key instruments of the state’s influence on society as a whole, governing the activities of business and citizens.

With the development of the information society and the emergence of an increasing number of digital instruments of interaction between the state and citizens, the need for citizens to exercise control over the activities of state bodies that develop laws and other normative legal acts comes to the fore. As well as for governmental bodies, the possibility of obtaining feedback on prepared and current normative legal acts is becoming increasingly relevant.

Such social changes require the appearance of a number of new tools for publicity of norm making, disclosure of information on the activities of representative bodies of state power, expert and anti-corruption opinions, and civil discussion of draft normative legal acts.

The creation of such tools and their widespread dissemination at all levels of decision-making from central and regional state authorities to local governments, self-governing organizations and other public institutions.

However, before discussion of such sort of tools, theoretically, it is essential to find out the definition and types of information in norm making process.

Information and its properties are the object of study of a number of scientific disciplines, such as theory of information (mathematical theory of information transmission systems), cybernetics (the science of communication and control in machines and animals, as well as in society and human beings), semiotics (the science of signs and sign systems), the

¹⁵Солдаткина О.Л. Информационные ресурсы российской правовой политики [InformationResourcesoftheRussianLegalPolicy]. Moscow, Yurlitinform Publ., 2012. С. 77. (77-82 p)

¹⁶ Малько А.В. Правотворческая политика в современной России: курс лекций. Под ред.

А.В.Малько. 2-е изд., перераб. И.доп. –Москва: Проспект, 2016. С.361 (456 С.)

¹⁷ Available from: <https://www.un.int/uzbekistan/uzbekistan/constitution-republic-uzbekistan>

theory of Mass media (the study of the media and their impact on society), computer science (the study of the processes of collecting, transforming, storing, protecting, searching and transmitting all types of information and their automated processing) and several others.

Information is the conscious data about the world that is the object of storage, transformation, transmission and use. Before giving definition of information, it would be comprehensive to analyze the types of information in norm making. According to T.N.Moskolkova, V.V.Chernikov, the sources of information can include the following types.

- 1) international agreements;
- 2) legislation and other normative legal acts;
- 3) resolutions of collegial and operative meetings;
- 4) official speeches of the head of state and heads of state bodies;
- 5) documents on legal monitoring (monitoring of law enforcement acts);
- 6) suggestions submitted by government officials;
- 7) reports of territorial bodies, educational and research organizations;
- 8) reports and references prepared as a result of business trips of heads of governmental bodies;
- 9) information on the generalization of the application of legislative acts, other normative legal acts;
- 10) scientific literature and materials of periodicals;
- 11) dissertation works;
- 12) criminological and sociological research data;
- 13) official statistics;
- 14) documents and materials showing the state of business activity¹⁸.

Additionally, R.F.Azizov subdivides legal information into several groups: "Historical-theoretical information; instrumental information of the branch theory of law; information obtained in the process of law-making and law enforcement¹⁹".

E.A.Kretova believes that legal information can be systematized by normative and non-normative attributes²⁰. In narrow sense, Normative legal information is information that is directly related to the norms of law, that is, normative legal acts of different levels and varieties. Such information includes international legal documents, central and regional normative legal acts, normative legal acts of local authorities. Non-normative information – these are official documents and communications adopted by authorities during the exercise of their enforcement functions. To this type of legal information can include non-normative decisions and orders of executive authorities, based on which realize the rights and interests of legal and physical entities; acts of justice;

unofficial legal information of the judiciary; documents on the results of legal law enforcement activities that are of legal significance in this or future tense; as well as doctrinal conclusions, official reports of scientists and scientific institutions on various issues of public life.

In broad sense, having totally agreed with opinion of T.N.Moskolkova, V.V.Chernikov we can give definition of information in norm making: "Information is data regardless of the form of their presentation and types, factor to develop, amend or abolish norms".

Despite its widespread use, the concept of information remains one of the most controversial in science, and the term may have different meanings in different branches of human activity.

Although the Decree of the President of the Republic of Uzbekistan "On approving the concept for the improvement of norm making activities" on August 8, 2018 defines tasks in such important areas as systematization of the legislative framework, improving the quality of the processes of development and adoption of normative legal acts, the introduction of information and communication technologies in this process, application in the norm making of the elements of the "smart regulation" model. Particular attention has been paid to a thorough study of the practice of applying legislation and the law of foreign states that are successful in these matters.

Nevertheless, over the last two years, responsible governmental bodies did not give legal status of information in norm making.

c) unsanctioned norms for failure to provide information.

Decree of the President of the Republic of Uzbekistan on August 8, 2018 No 5505 "On approving the concept for the improvement of norm making activities" paved the way for the transition to a new stage of the norm making process in the country.

However, as for the provision of information in the framework of the norm, the above-mentioned decree and the concept approved by it do not mention the concept of "support with information".

This, in turn, encourages the analysis and study of its organizational mechanisms, methodology and other important aspects, despite the fact that this issue is relevant in the process of norm making.

It should be noted that in the process of developing the norm, it is necessary to fully develop the mechanisms of information supply and information exchange in this activity in order to achieve its effective results in the future regulation of legal relations.

Therefore, in order to clarify this issue, it is expedient to pay attention to the normative legal acts of the Republic of Uzbekistan and analyze them.

¹⁸ Москолькова Т.Н., Черников В.В. *Нормотворчество: научно-практическое пособие*. – 2-е из., доп. и испр. – Москва: Проспект, 2019. – С.224-225. (448 с.)

¹⁹ Азизов Р.Ф. *Правовая информация: теоретические аспекты понимания и особенности*

законодательного закрепления // *История государства и права*. – 2007. – № 4. – С. 32 (31-35.)

²⁰ Кретова Е.А. *К вопросу об информации как объекте публичного права // Право и политика*. – 2007. – № 11. – С. 108 (107-109.)

According to the Law “On the Regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan” on August 29, 2003, the third part of Article 20 states that during the initial discussion of the draft state budget, factions (groups of deputies) and committees of the Legislative Chamber may request additional relevant information from the relevant authorities”.

It is obvious that this norm gives the Legislative Chamber the power to issue a request for relevant information. The practical reflection of this norm can be seen in the legal relationship between the Legislative Chamber and the Ministry of Finance of the Republic of Uzbekistan in the approval of the state budget.

It is known that the Legislative Chamber monitors the implementation of the state budget. The Ministry of Finance of the Republic of Uzbekistan quarterly sends to the Legislative Chamber information on the implementation of the state budget and the necessary materials.

Although it is determined that these relations are based on the norm established by the legislation, it confirms that the exact mechanism and methods and means of its implementation have not been fully scientifically analyzed.

Despite the fact that the Legislative Chamber has confirmed the right to send a request for information on the basis of the above norm, when and under what circumstances such a request will be implemented, the question of liability for failure to provide information remains open in practice.

Article 33⁵ of the Regulation also stipulates that committees of the Legislative Chamber may exercise control powers, committees of the Legislative Chamber, deputies of the Legislative Chamber may request documents, expert opinions, statistics and other information from government agencies and other organizations and officials.

According to the last part of this article, the information requested by the committees or deputies of the Legislative Chamber must be submitted by the relevant state body, other organization, official no later than ten days from the date of receipt of the application; however, the issue of liability for not provided information in the proper manner remains open in this norm as well.

In this regard, referring to the issue of providing the upper house of the Oliy Majlis – the Senate with relevant information, we can substantiate this issue in the following normative and legal terms.

Pursuant to article 32⁶ of the Law of the Republic of Uzbekistan “On the Regulation of the Senate of the Oliy Majlis of the Republic of Uzbekistan” on August 29, 2003 No. 523-ii, the information requested by the committees of the Senate or senators must be submitted

by the relevant state body, other organization, official no later than ten days from the date of receipt of the application.

In accordance with the work plans of the committees, decisions of the Senate and its Council, the committees of the Senate may hear at their meetings the heads of state bodies, economic management bodies on their compliance with the law, the decisions of the Senate and its Council²¹.

It is clear from the above norm that one of the forms of parliamentary control here is a parliamentary hearing. In addition, although it is stated that the responsibility for failure to provide relevant information will be determined after a certain period of time, the issue of appropriate liability is not clearly stated in this norm.

For example, the Code of Administrative Responsibility of the Republic of Uzbekistan does not clarify the issue of liability²², it is not difficult to see that it does not have the appropriate responsibility in this regard.

This, in turn, leads to delays in the provision of relevant information by public authorities.

In addition, if we pay attention to the Law of the Republic of Uzbekistan “On Parliamentary Control”, its article 6 states that during the preliminary discussion of the draft of state budget, the fractions and committees of the Legislative Chamber may request additional information on the parameters of the draft from the relevant authorities²³.

However, this norm has the same significance as the norms set out in the normative legal acts named above.

This law also does not specify the forms of liability for failure to provide information in an appropriate manner and time.

From the analysis of the above-mentioned normative-legal documents it can be concluded that in such cases the issues of disciplinary liability can be considered in due course. However, it should be borne in mind that the imposition of a disciplinary sanction is not directly considered by the Parliament or its chambers, and in such cases, it is enough to send a letter to the state administration or public authorities. In this case, the relevant state authority or administration has the right to impose or not to impose disciplinary sanctions, which does not lead to a mandatory nature. Therefore, it is important that the issue of specific disciplinary or administrative liability is determined by law. In this regard, the Code of Administrative Responsibility of the Republic of Uzbekistan, laws “On the Regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, “On the Regulation of the Senate of the Oliy Majlis of the Republic of Uzbekistan”, “Parliamentary Control”

²¹ Ўзбекистон Республикаси Олий Мажлисининг ахборотномаси, 2003. №9-10, 137-модда; Қонун ҳужжатлари маълумотлари миллий базаси, 28.08.2019., 03/19/557/3657-сон.

²² Ўзбекистон Республикаси Олий Кенгашининг Ахборотномаси, 1995. №3; Қонун ҳужжатлари

маълумотлари миллий базаси, 13.09.2019., 03/19/567/3737-сон.

²³ Ўзбекистон Республикаси қонун ҳужжатлари тўплами, 2016. 15-сон, 141-модда; Қонун ҳужжатлари маълумотлари миллий базаси, 05.09.2019., 03/19/563/3685-сон.

should include sanctions for failure to provide information in an appropriate manner and time.

This will serve to further improve and develop the process of norm making in our country.

d) not unique methodology for the legal drafting of normative legal acts, as well as information and analytical materials attached to them.

Thus, from the above definitions it follows that a characteristic feature of norm making is the specific scope of its application in norm making activity, which is accompanied by the publication of relevant normative legal acts.

A similar position is taken by some scholars treating norm making as a system of technical means and operations for the preparation of legal norms or acts, with the help of which the will of the state takes on its specific form.

Supporters of a systematic approach are also V.Y. Kartukhin, who understands norm making as a system of means and methods used in the creation (preparation and execution) of laws and by-laws²⁴. Another scholar, N.V. Ovchinnikov, in whose opinion, norm making is a system of tools, techniques, rules for the preparation, execution and implementation of normative legal acts²⁵. In our opinion, the most relevant in modern conditions is in a broad sense, using the term “norm making” as the application of scientifically substantiated rational legal methods, means and procedures of introducing law into the consciousness, behavior and activities of a particular type and social communities that have been proven by practice.

It, therefore, develops legal methods, means to prepare normative legal acts. That is why, there must be unique methodology for the legal drafting of normative legal acts, as well as information and analytical materials attached to them. However, in Uzbekistan, only unique methodology for the legal drafting of normative legal acts have been already established without unique rules and requirements for information and analytical materials attached to drafts of normative legal acts.

Normative legal acts such as

1. Law of the Republic of Uzbekistan “On the Regulation of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan” on August 29, 2003²⁶;

2. Law of the Republic of Uzbekistan “On the Regulation of the Senate of the Oliy Majlis of the Republic of Uzbekistan” on August 29, 2003²⁷;

3. Law of the Republic of Uzbekistan on October 11, 2006 “On the procedure for preparation of draft laws and their submission to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”²⁸;

4. Law of the Republic of Uzbekistan on December 24, 2012 “On normative legal acts”²⁹;

5. Joint Resolution No. 150-II of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and the Senate of the Oliy Majlis of the Republic of Uzbekistan “ On submit the draft laws to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and the Senate of the Oliy Majlis of the Republic of Uzbekistan”³⁰;

6. The order No. 39-mh of the Minister of Justice of the Republic of Uzbekistan on April 9, 2012 “On the procedure for preparation and registration of drafts of normative and legal documents submitted to the Cabinet of Ministers of the Republic of Uzbekistan by state and economic administration bodies, local authorities” (registration number 2352)³¹;

7. The order No. 29-mh of the Minister of Justice of the Republic of Uzbekistan on February 1, 2013 “On the procedure for preparation of drafts of normative legal acts accepted by local governmental bodies, legal and technical registration and carrying out legal examination” (registration number 2420)³²;

8. Order No. 53-mh of the Minister of Justice of the Republic of Uzbekistan on February 28, 2014 “On approval of the rules of preparation and adoption of administrative normative legal acts” (registration number 2565)³³.

Nevertheless, above mentioned normative legal acts of Uzbekistan set rules and requirements of drafts of normative legal acts without mentioning legal writing rules for informational documents attached to them.

e) nonexistence of online broadcasting of norm making processes of all types in the media, as well as through the web resources of the officials with the ability to send suggestions and comments in real time.

Recently, there has been a tendency for active discussion of drafts of normative legal acts not only by scientific and pedagogical staff and practitioners who will carry out these acts in their activities, but also the

²⁴ Картухин В.Ю. Техничко-юридическое качество законов субъектов Российской Федерации : автореф. дис. ... канд. юрид. наук. — М., 2005.

²⁵ Овчинников Н.В. Интерпретационная юридическая техника // Молодой ученый. — 2015. — №3.

²⁶ Available from: <https://lex.uz/ru/docs/40283> – official web-site of National database of legislation of the Republic of Uzbekistan.

²⁷ Available from: <https://lex.uz/ru/docs/60217> – official web-site of National database of legislation of the Republic of Uzbekistan.

²⁸ Available from: <https://lex.uz/ru/docs/1069264> – official web-site of National database of legislation of the Republic of Uzbekistan.

²⁹ Available from: <https://lex.uz/ru/docs/2105726>

³⁰ Available from: <https://lex.uz/ru/docs/1745453> – official web-site of National database of legislation of the Republic of Uzbekistan.

³¹ Available from: <https://lex.uz/ru/docs/1999246> – official web-site of National database of legislation of the Republic of Uzbekistan.

³² Available from: <https://lex.uz/ru/docs/2127711> – official web-site of National database of legislation of the Republic of Uzbekistan.

³³ Available from: <https://lex.uz/ru/docs/2349916> – official web-site of National database of legislation of the Republic of Uzbekistan.

public, which speaks of a new round in the development of elements in civil society. Direct public participation and funds mass media in the preparation and discussion of draft normative legal acts guarantee to prevent from corruption³⁴.

According to article 35 of the Constitution of the Republic of Uzbekistan, everyone has the right to make statements, proposals and complaints to the competent state bodies, institutions or to people's representatives. The President of the Republic of Uzbekistan on December 22, 2017 in the Address to the Chambers of the Oliy Majlis noted that in the process of adopting laws, it is necessary to effectively use the system of discussion by the population of draft laws by creating a special "platform" on the Internet. Based on the foregoing, in paragraph 34 of the State Program, approved by Presidential Decree No. 5308 on January 22, 2018, it is planned to develop a procedure for public appeal to the chambers of the Oliy Majlis of the Republic of Uzbekistan, regional, district and city Kengashes of people's deputies through the special web portal "Mening fikrim".

The "Mening fikrim" web portal is designed to increase citizen participation in managing the affairs of society and the state, to ensure transparency in the activities of government bodies, as well as the viability and effectiveness of laws.

Using this system, it is possible to send suggestions in the form of electronic collective appeal on current issues related to the life of society and the state.

After an examination by the moderator of the system, the Institute of Legislation and Parliamentary Studies under the Oliy Majlis of the Republic of Uzbekistan the electronic appeal is posted on the web portal.

If the electronic appeal receives 10.000 support from the public, the appeal will be considered on the basis of affiliation with the chambers of the Oliy Majlis of the Republic of Uzbekistan or local councils of people's deputies.

However, the main form of citizen participation in norm making is a referendum. It is held on especially important and significant issues of state and public life, based on the principle of freedom and volunteerism of participants.

But, in Uzbekistan, there is no way to directly address to issues of local importance by the population, local referendums have been never held. Referendums can be held only in the level of republic. Also there is no legal means to adopt a municipal act made by an initiative group of citizens who have the right to vote, in the manner established by the regulatory legal act of the representative body of the municipality.

f) poor quality of mechanisms of interdepartmental information exchange of the results of statistical accounting and analysis of judicial, law

enforcement and supervisory practice in order to assess the regulatory impact of normative legal acts.

If we focus on other countries such as Commonwealth of Independent States – in laws on normative legal acts the forms of using information technology in law making process, the search for the most acceptable terminology for adequate legal regulation process data are not well defined. To the greatest extent, the aspects of informatization and digitalization of law are reflected in the laws on normative legal acts of Belarus, Kazakhstan, Moldova, Tajikistan. We will continue to turn to them mainly, analysing the aspects of informatization of norm making activity and the system of legislation. In laws on normative acts of other CIS countries we are talking only about some aspects of the introduction of computer technology in norm making, as a rule, on the possibility of publishing the adopted normative legal acts on the official websites of state bodies, on the possibility of incorporating normative documents into electronic systems.

In our opinion, use of information technology in law making process has generally defined context which doesn't support with specific ways to follow. Since the question of the use of information technology is a question general and fundamental, perhaps this sphere in all CIS countries should not be placed in the penultimate, before the final provisions, and at the beginning of the law on normative legal acts. For instance, such sort of generality and inaccuracy is given in the text of law "use" information technology in law making provides for a wide use of information technology in norm making: during its planning, project development". However, practice better than theory. In our experience, this statement (general norm fixing use of ITC) cannot make sense for great changes in norm making.

Modern information technologies are changing and gaining their distinctive features. So, if at the time of their appearance, information processing automation tools were applied to existing management procedures, today the situation has changed. They have become a catalyst for the dissemination of modern management technologies. Today, information technology is involved in optimizing business processes. Participating in the optimization of business processes, information technology helps to achieve a competitive advantage.

The widespread introduction of modern information technology contributes to the application of new approaches and methods to the processing of management information. The use of such technologies in the work of departments is a prerequisite for its effective functioning. Interest in information technology is caused by great technological capabilities for processing management information, which directly affect the economic efficiency of work, increasing

³⁴ Тогонидзе Н.В. Политическая коррупция в России (материалы «круглого стола») // Гос. и право. 2003. № 4. С. 108-109.

competitiveness and profitability in the norm making process.

At the same time, if we pay attention to the norm making process in the United States, we should focus on the information provided to Congress by the executive branch.

Special government agencies have been set up to provide the US Congress with the necessary information and to verify and evaluate the information. For example, the Library of Congress is one of the richest libraries in the world, and its main purpose is to serve both the US Congress and the American people. Library materials are made available to all members of Congress as public information.

The library has a special legal department, which has been assisting Congress in providing information for more than 50 years. This is the 1970 law on the establishment of the Congressional Research Service³⁵ basically renewed from the tube. The Congressional Research Service currently provides a number of other services, such as the study, analysis, evaluation, and reliability assessment of bills that are expected to be enacted in collaboration with the two state agencies. The Congressional Budget Office and The Government Accountability Office are responsible for analyzing budget-related information, finances, budgets and reports, instructional issues, budget policies, expenditures and results, and auditing and monitoring government activities. is engaged in the provision of information on the conduct of independent inspections, audits and assessments of federal programs. The total staff of the three state structures is more than 4,000 people³⁶.

In conclusion, followings should be followed by the legislators and bodies who have right to make norms to relieve the workload and cope with modern tendencies:

The development of the electronic norm making system, which includes automatization of initiation, development, coordination, introduction and monitoring of the implementation of normative legal acts) in electronic form.

Implementation of the mechanism of interdepartmental electronic approval of draft normative legal acts aimed at optimizing and de-bureaucratizing this procedure, which includes, inter alia, the approval procedure taking into account the scope of the draft, the complexity of the subject of its regulation.

Creation and implementation in the activities of the departments of an automated data processing system that allows citizens to freely receive information on the process of consideration and adoption of normative legal acts at all stages.

g) *poor quality of attraction of the results of scientific and analytical activities of representatives of*

the scientific and experts, students of higher educational institutions and applicants for academic degrees containing proposals for improving normative legal acts, including through the creation of online information systems containing these proposals.

In this regard, Professor V.M.Baranov reasonably raised the problem of absence in Russia a special kind of specialists who should be trained for norm making activity. He says "It is believed that anyone can participate in norm making: put forward legislative ideas, provide concepts of normative legal acts, prepare draft state decisions and promote them with more or less activity"³⁷.

We totally agree with Professor V.M.Baranov that not only in Russia and Uzbekistan but also in former Soviet Socialistic Republics norm making activity is not well developed with the results of scientific and analytical activities of representatives of the scientific and experts, students of higher educational institutions. It means without knowledge of norm making concepts officials are making norms.

However, this is a global trend that originates, most likely, from lawmaking in USA, where all known laws are called by the names of its developers. In this case, you do not need to go far for an example; on July 30, 2002, the US President signed the Sarbanes-Oxley Act,³⁸ which tightens the rules for the provision of financial statements by companies. Paul Spyros Sarbanes – Maryland Democratic Senator, Member of the Greek-American Progressive educational union and Michael Oxley is a Republican member of the House of Representatives.

We believe that in the near future laws with great publicity and socio-political significance, not only will be, but should also be personified in Uzbekistan.

Moreover, the personification of these laws, in our opinion, should be systematized: a) the law should be called by its own name either by the name of the initiator of its adoption, or by the circle of socially significant problems to which it is directed; b) laws on the official web-site of National database of legislation of the Republic of Uzbekistan should have developer's name been indicated.

Solution for this problem: First of all, these are the principles of legality and equality, with the development of which it is necessary to minimize the relevance of the institution of protection and tacit gender preferences. For example, in law enforcement agencies with norm making authority when selecting candidates for a position, the main requirement should be scientific degree (PhD or DS). Of course, the principle is necessary professionalism. Only worthy and legally competent specialists need to be promoted through the ranks. The level of knowledge is periodically checked by tests and certifications, as well as the results of ongoing work.

³⁵ Act of US Parliament. 91-510, title III, sec. 321(a), October 26, 1970, 84 Stat. 1181; 2 U.S.C. 166.

³⁶Frederick M. Kaiser CRS Report RL30349, GAO: Government Accountability Office and General Accounting Office

³⁷ Баранов В.М. Нормрайтер как профессия // Вестник Саратовской государственной юридической академии. 2017. № 6 (119). С. 18

³⁸<https://www.investopedia.com/terms/s/sarbanesoxleyact.asp>

IV. Conclusion

It is well known that the development of perfect laws aimed at serving as a solution to the problems that arise in social life contributes to the improvement of state activity.

Legislation is an important task of the state, and every state strives to implement it effectively. Today, the priority of the norm making system in the Republic of Uzbekistan is to ensure the high quality and stability of the adopted legislation. The more perfect, clear, and concise the laws, the easier it will be to enforce them. It should be noted that a large-scale work is being carried out in our country to improve the norm making process and norm making, and the necessary legal framework is being improved. Because the effective organization and implementation of each stage of the legislative process ensures the quality, popularity and viability of the adopted normative legal acts.

The results of research in the field of “norm making” and the solution of the tasks set for the study, in turn, lead to the following conceptual conclusions and the development of a number of practical proposals and recommendations to improve the relevant legislation and mechanisms to regulate activities in this area:

Firstly, the concept of “quality of normative legal acts” is a very broad and multifaceted concept. Therefore, it should be researched deeper by foreign experts.

Secondly, norm making is the methods, techniques used by state bodies authorized to adopt certain normative-legal acts to develop, adopt, formalize, amend and supplement existing ones, repeal the old ones. However, officials authorized to set, amend norms should have qualification in norm making activity.

Thirdly, it is necessary to develop in Uzbekistan appropriate liability issues for the failure to provide relevant information and data.

Fourthly, today in our country, the institute of linguistic expertise, along with other examinations in the examination of draft regulations, is not sufficiently developed. This sometimes leads to incomplete compliance with the rules of language in the law and methodological ambiguity, as well as different interpretations of the law. Therefore, it is advisable to introduce a mandatory linguistic examination of drafts of normative legal acts. Today, even on the Internet, platforms such as “Grammarly”, “Ginger”, “After The Deadline”, “Hemingway”, and “Language Tool Jetpack”³⁹ allow users to linguistically check written texts in English. The organization of such platforms in the Uzbek language would not only help the creation of norms, but also the activities of other professionals.

Fifthly, in the process of complicating social relations, the norm making process in our country plays an important role. One of the most pressing issues today is the regulation of any emerging processes with certain norms and the management of these processes through

them. Therefore, it is important to systematize the legal basis of norm making activities by merging them into a single normative-legal document, for example, a code or a set of normative legal acts, which is an effective regulation of norm making activities, as well as its further improvement. It also helps to eliminate complex situations in the process and facilitate its use.

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*Мухитдинова Фирюза Абдурашидовна
доктор юридических наук, профессор*

Ташкентского государственного юридического университета

СОЦИАЛЬНАЯ ЗАЩИТА УЧАЩИХСЯ И ЕЕ ОБЕСПЕЧЕНИЕ СОВРЕМЕННОЙ СИСТЕМЕ С ПРИМЕНЕНИЕМ ДИСТАНЦИОННОГО ОБРАЗОВАНИЯ

Аннотация. В статье рассматриваются изучение возможностей решения социальной проблемы защиты прав ребенка в сфере образования, а также определение места проблемы защиты прав ребенка в ряду современных глобальных проблем как период пандемии. Актуальность в том что, социальная адаптация детей к новым экономическим, политическим и культурным условиям, формирование у ребенка такого жизненного опыта, который мог бы стать барьером в период пандемии, вопрос, составляющих область проблем детства и его социальной защиты защита прав детей и реализация их интересов, Автором проанализированы вопросы и пути решения проблемы в сфере образования защиты прав ребенка с применениями дистанционного образования в социальной политике.

Ключевые слова: пандемия, образования, дистанционно, электронный дневник, медицина, семья, закон, права, ребенок

Введение

Актуальность статьи определяется тем, что современный период является веком информации и развития международных отношений и мировой политики осуществляется во многом цифровой дипломатии и в этом особое место уделяется системы защиты прав человека и отдельных групп людей, среди которых наиболее важное место занимают дети. Также, это исследования анализ последних событий, как период пандемии обуславливает реформировать и совершенствовать правовой базы необходимостью социальной

защиты прав ребенка. В целом, в условиях кризиса или период пандемии сфера защиты прав человека вошла в состав глобальных проблем современного цивилизационного развития наряду с вопросами здравоохранения, экономики и безопасности. История учит, что в условиях кризиса, или серьезных социальных потрясений больше всего страдают дети. Для них вольно или невольно начинается эпоха бесправия. Подобная ситуация характерна сегодня для Узбекистана и почти во всех странах мира. Семья как институт современного общества постепенно теряет свое