

THE ROLE OF THE MINISTRY OF JUSTICE OF THE REPUBLIC OF UZBEKISTAN IN THE RULE-MAKING PROCESS

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Abstract:

This scientific article is aimed at analyzing the role and significance of the Ministry of Justice of the Republic of Uzbekistan in the rule-making process, which brings every state an undoubted benefit in ensuring the rule of law and the implementation of guarantees and rights of citizens and organizations.

Keywords:

Rule-making, ministry, justice, state body, departmental level, normative act.

The role and purpose of the Ministry of Justice of the Republic of Uzbekistan is explained by the need to create a strong legal system, where it will be obvious to apply the standards of foreign practice in building an effective model of the state mechanism.

Among the powers of the Ministry of Justice are such powers as coordinating and directing the work of State bodies in the field of rule-making. In this role, the Ministry of Justice acts as a methodological body. The Ministry also determines the most important ways to improve legislative activity, develops draft regulations on the instructions of the President and the Cabinet of Ministers. But the Ministry is not deprived of the right to independently take the initiative in their development, generalization of proposals for the development of regulations from other state bodies[1].

We know that in their work, ministries and departments are authorized to adopt regulations, which in theory are called departmental. Very often this happens because of the need to regulate a particular social process. This procedure for the work of ministries and departments also allows the Ministry of Justice to make submissions to these bodies, in which it will be obvious that certain departmental regulations are in demand[2], or to cancel or revoke these acts from execution. The latter is possible if these acts have not passed the established procedure for state registration.

An equally important and fairly common function of the Ministry is to conduct a legal examination of draft regulations, during which the latter are found to be in compliance with the Constitution and current legislation. Such expertise is also aimed at checking the draft act for compliance with the rules of legal technology, including the validity and expediency of the application of reference norms.

We consider it necessary to highlight such a special authority of the Ministry as the analysis of draft regulations, which reveals the prerequisites for corruption or other illegal actions in the work of state bodies. The check is also carried out for the presence of unnecessary administrative procedures or other restrictions for citizens and organizations, which leads to conflicts[3].

In its activities, the Ministry also carries out preliminary coordination of the need for the preparation of draft laws by state and economic management bodies[4].

In rule-making, the Ministry of Justice plays a crucial role, since it is responsible for the work of the state apparatus in the field of departmental rule-making. It is very important to ensure unity in the implementation of the rule-making policy and its implementation in practice.

The development of proposals for the consistent improvement of the regulatory framework of social and legal reforms, the study of the risk of "white spots" in the current legislation [5] is also

assigned to the Ministry as a special practical task, which contains a variety of legal enforcement mechanisms, departments, offices and services in which employees actively work. We can say that a particular regulatory act, and there are a lot of them in practice, which falls into the Ministry, is determined by the appropriate Department, service, whose employees carry out analysis and expertise. These employees, on behalf of the Minister of Justice, can also work on the development of a regulatory act.

Taking into account such important functions of the ministry, first of all, as a rule-making body of state power, we can confidently speak of the Ministry as a coordinator for further deepening and implementing reforms to improve legal awareness and legal culture in society.

All measures for the implementation of these reforms are to ensure the effectiveness of all state and public work to improve the legal awareness and legal culture of citizens.

In view of the implementation of modern reforms in the Republic of Uzbekistan, the Ministry of Justice is also responsible for the implementation of the following tasks and functions:

- continuous work on priority areas of legal policy to strengthen the rule of law and the role of the law in life;
- ensuring continuous improvement of the work on systematization and codification of legislation in all areas where the revision of non-current regulations is also carried out;
- coordination of activities to assess the regulatory impact of the public administration system;
- As an important function, constant legal research of factors from practice that negatively affect the status of the Republic of Uzbekistan in international ratings and indices is identified;
- launch of the "virtual justice" system through the widespread introduction of digital technologies in the activities of justice bodies and institutions and the digitalization of public services[6].

The practice demonstrates the active proposal of the Ministry of Justice to introduce the use of the regulatory guillotine into the rule-making practice[7], as well as the tools with which the analysis of the assessment of the regulatory and actual impact of the regulatory act will be effectively carried out. The latter will also be examined in the course of gender-legal and scientific-linguistic expertise.

Each piece of legislation is expected to pass through the filters and subsequently fall into one of three categories: "retain", "simplify", or "cancel". According to the categories "simplify" and "cancel", the authorized body will make appropriate proposals to the higher body[8].

In the republic, the order was introduced, according to which the Ministry:

- ✓ examines the effectiveness of the tasks and functions assigned to the formed (transformed) ministries and departments, including their individual organizations (agencies, inspections, centers, and others) after at least 6 months from the date of their formation (transformation);
- ✓ attracts specialists from other ministries and departments on issues related to their competence, according to these areas of research. Upon completion of their work, the Ministry provides analytical materials to the Administration of the President and the Cabinet of Ministers, where proposals for amendments to the current legislation are justified;
- ✓ reviews new initiatives developed by ministries and departments within the framework of administrative reforms, and issues binding conclusions on them;
- ✓ assesses the performance indicators (indicators) of the tasks and functions of ministries and departments, including their individual organizations (agencies, inspections, centers, and others), and, based on the results, makes a summary report for discussion at a meeting of the Presidium of the Cabinet of Ministers of the Republic of Uzbekistan, as well as proposals for the application of appropriate measures of responsibility against officials of state bodies who have not achieved performance indicators (indicators).

The Commission on the implementation of the Concept of improvement of the regulatory activities formed by the decree of the President of the Republic of Uzbekistan dated August 8, 2018

n up-5505, the Cabinet of Ministers of the Republic of Uzbekistan and the Ministry on the implementation from 1 July 2020 to practice order, suggested the following improvements in law enforcement by working with the community:

- the establishment of legal norms providing for liability for physical and legal persons by the laws;
- preventing the inclusion of legal norms in normative acts in the field of technical regulation;
- conducting a mandatory legal examination of regulations in the field of technical regulation and their entry into force after receiving a positive conclusion and registering with the Ministry [9].

In order to systematize legislation and reduce excessive legal regulation, the adoption of departmental normative legal acts (with the exception of the adoption of departmental normative legal acts on amendments and additions and invalidation, as well as providing for their unification) is suspended in the period from July 1, 2020 to January 1, 2021 [10].

We consider it necessary to introduce into the practice of the work of the departments of the Ministry of Justice a mechanism consisting of the application of the principles of ensuring legal clarity and forecasting the regulatory impact on public relations. Here, this mechanism will be able to manifest itself in the work of a separate official authorized to analyze and evaluate the activities of state bodies and their officials of state bodies. This means that this issue can be implemented by reviewing the existing personnel in some departments of the Ministry of Justice.

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7. The regulatory guillotine is the reduction of the administrative burden on business entities. To implement the regulatory guillotine, it is necessary to appoint an authorized body for its implementation, which, together with ministries and departments, will inventory the legislation affecting business.

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