

REGULATORY-LEGAL DOCUMENTS IMPLEMENTATION ORGANIZATION AND PROVISION OF THE CONSTITUTIONAL-LEGAL BASIS

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Abstract: The article analyzes the constitutional-legal bases of organizing and ensuring the execution of normative-legal documents from a scientific, theoretical and legal point of view. In this article, based on the analysis of legislative documents, the issue of invalid and unenforceable normative legal documents in our country and their mutual relationship has been clarified.

Key words: normative legal document, organization of the execution of normative legal documents, ensuring the execution of normative legal documents, constitutional legal bases of the execution of normative legal documents

In connection with the active implementation of reforms in our country, the number and scope of adopted normative legal documents related to the development of the state and society have increased. At the same time, along with the adoption of normative legal documents, it is also important to organize its implementation. After all, as long as the implementation of regulatory legal documents is not ensured, its adoption will not have any effect on social relations. As a result, the normative legal document and the state power in general are discredited among the population. In this regard, as experts have pointed out, an unenforced law is more harmful than an unenacted law. Because, no matter how many relevant laws, decrees and decisions are adopted, if they are not implemented on time, reforms to improve the quality and level of the population's life will remain ineffective.

In this regard, as experts have pointed out, an unenforced law is more harmful than an unenacted law. Because, no matter how many relevant laws, decrees and decisions are adopted, if they are not implemented on time, reforms to improve the quality and level of the population's life will remain ineffective. This calls into question the work being done to ensure the rule of law.¹

In fact, by adopting a normative legal document, the state determines the rules of the game common to all members of society, and its non-implementation causes serious negative economic, social, political and other consequences for the state.

From this point of view, special importance is attached to ensuring the implementation of regulatory legal documents in all countries. In our country, Chapter 7² of the Law on Regulatory Legal Documents regulates the issue of organizing and ensuring the implementation of regulatory legal documents.

The mechanism of enforcement of regulatory legal documents is an important factor in establishing the rule of law and ensuring the rule of law in the country.

¹ Saidov R. Issues of improving the legal monitoring of the execution of regulatory and legal documents. Society and innovations. Society and innovation. Society and innovations. 2021. №1. B.131

² Law of the Republic of Uzbekistan No. DRU-682 on Regulatory Legal Documents of April 20, 2021 National database of legislative information, 04/20/2021, No. 03/ 21/ 682/ 0354

Through the execution of normative-legal documents, the will of the people embodied in it is implemented, and the effectiveness of legal regulation is ensured. The stage of implementation of regulatory legal documents is a natural, logical continuation of the stages of creation of norms and is considered as important as them.

The quality of the process of law creation and the regulatory legal document is reflected in its execution. The implementation of the regulatory legal document indicates how effective it is and how it was able to achieve the regulatory goal set for itself. If the regulatory legal document is not fully implemented in two parts, this indicates that it is ineffective.

One of the important features of a normative-legal document is its ability to effectively influence social relations. As noted by legal scholars, the regulatory effect of legal norms consists of their influence on social relations. A legal norm that does not affect social relations is fruitless and ineffective, and it is considered unfulfilled.³

At the same time, it is necessary to understand that the regulatory legal document cannot have the same legal effect on all people. After all, people are considered different according to their psychology, mind, intellect, physical, biological, social and other abilities. Because of this, it will not be possible to apply normative legal documents in the same way, on an equal scale, to an absolute extent. As noted in the literature, legal norms influence the behavior of some people, while others ignore them.⁴

Legal consciousness, legal culture, psychology, social consciousness, mentality, level of legal nihilism, corruption factors, deficiencies in legal consciousness and other socio-psychological factors influence the implementation of the legal document.⁵ In this regard, in order to ensure the implementation of normative legal documents, the issue of increasing the legal consciousness and legal culture of the population, increasing the effectiveness of the legal education system is of urgent importance. By solving these tasks, the goal of effective implementation of regulatory legal documents can be achieved. The implementation of regulatory legal documents is carried out in each country taking into account the level of its socio-economic development, the characteristics of the political system, and the moral and spiritual environment in the society. It is possible for these two countries to adopt a specific regulatory legal document based on the experience of advanced foreign countries, or even to directly copy a document that has recorded high efficiency in other countries. However, it cannot be said that such regulatory legal documents will have the same high effect in this country. Because the adoption of this regulatory legal document did not take into account the local characteristics, economic, social, social, political and other factors and conditions of this country.⁶

Any regulatory legal document is adopted based on specific historical conditions in a particular country, its level of socio-economic development, and a set of socio-cultural factors. As noted in the literature, economic, historical, social, political and other factors also have an important influence on the implementation of regulatory legal documents.⁷

One of the important aspects of the implementation of regulatory legal documents is its effectiveness. Legal scholars distinguish between legal and social efficiency, in particular, in their opinion, legal efficiency is the compliance of real relations with the measures provided for in a specific regulatory legal document, while social efficiency is understood as

³ Livshits R.Z. Theory of law. M., 1994. P. 129

⁴ Smirnova A.A. Regulatory legal acts of state authorities of the constituent entities of the Russian Federation: dis. ...cand. legal Sci. Vladivostok, 2006. pp. 108-112

⁵ Nasuridinov E.S. Legal culture. M.: Norma, 2014. 350 p.

⁶ Kamolzoda I.I. Regulatory legal acts in the system of sources of law of the Republic of Tajikistan: problems of theory and practice: Diss... doc. legal Sci. Dushanbe: TNU, 2023. pp. 275-276

⁷ Goiman V.I. Action of law State and law. M.: Nauka, 1993. 2. P. 143-145

the achievement of the intended goal of the administrative body, which is the subject of law creation, from the adoption of an administrative regulatory legal document.⁸

The legal effectiveness of regulatory legal documents is determined by their quality, that is, the content of the regulatory legal document depends on the effectiveness of the methods and means of legal regulation defined in this document to influence the consciousness and behavior of the participant of social relations, in other words, it expresses the effectiveness of legal regulatory documents in the legal regulation of social relations. The social effectiveness of regulatory legal documents is determined by the set of specific historical, economic, social, political and other conditions under which a specific regulatory legal document is implemented.

As we mentioned above, the social effectiveness of regulatory legal documents is largely influenced by existing historical conditions, socio-economic development typical of the period when the regulatory legal document was adopted, the level of social life, spiritual, moral and cultural values. At the same time, it is also possible to ensure the implementation of legal documents that were adopted without specifying economic resources and financial sources, but for the implementation of which such costs are required.

The level of social effectiveness of regulatory legal documents is closely related to social factors such as state weakening, financial and economic crisis, national currency exchange rate, socio-economic instability, level of socio-economic well-being of the population, unemployment rate. These factors create conditions for the emergence of various forms of legal nihilism and, as a result, reduce the effectiveness of the regulatory legal document.

Implementation of regulatory legal documents will largely depend on the goals of their adoption. Subjects of legal creativity develop and adopt normative legal documents for the purposes of two departments of the whole state. Of course, the implementation of normative and legal documents adopted for the purposes of the whole state, including the Constitution, legal documents, documents of the President of the Republic of Uzbekistan, especially the law and normative legal documents in the field of health care, ecology, education, and defense should be given priority.

It should be noted that the study of the practice of law creation shows that its goals are not clearly defined in the development of normative legal documents, and that the normative legal document is not connected with the indicators and indicators of achieving its goal. For example, the adopted laws indicate that the purpose of the law is the legal regulation of social relations in the relevant field. In the decrees and decisions of the President of the Republic of Uzbekistan, although the goals are clarified in relation to the laws, they still remain very abstract and abstract. As a result, it will not be possible to evaluate the implementation of regulatory legal acts, including the achievement of its purpose. That is why, in our opinion, it would be appropriate to clarify their purpose in the development of drafts of normative legal documents, as well as to develop specific indicators and indicators for achieving this goal, in the unified methodology of legal and technical formalization of the drafts of regulatory legal documents approved by the Law of the Republic of Uzbekistan on Regulatory Legal Documents, as well as the information and analytical materials attached to them.

As we have seen, the implementation of normative legal documents is the process of implementing the normative legal document related to certain objective and subjective factors and conditions, and exerting legal influence on social relations aimed at introducing it into society.

⁸ Nikitinsky V.N., Samoshchenko V.P., Glazyrin I.S. Efficiency of legal norms. M., 1980. P. 49

Therefore, objective and subjective factors and conditions influence the process of implementation of regulatory legal documents. In particular, the effective implementation of regulatory legal documents depends on a number of objective factors, such as, on the one hand, the level of economic development, the stability of economic and market institutions, the social situation, the political system of society, including the full formation of civil society institutions.

At the same time, on the other hand, the effective implementation of regulatory legal documents is related to the level of legal consciousness and culture of the population, the quality of legal education, the creativity of law and the level of professional competence of law enforcement officers, etc.

It should be noted that the quality of the norm creation process is also important for the effective organization of the implementation of normative legal documents. This requires the provision of important procedural mechanisms for their direct operation in the drafts of normative legal documents that have been developed, as well as the restriction of related norms. For example, on August 8, 2022, the Law of the Republic of Uzbekistan on State Civil Service No. (Decision of the Republic of Uzbekistan)DRU-788 was adopted. However, this Law stipulates that its validity applies to the activities of state civil servants in positions entered into the state register of state civil service positions. However, this register was adopted by the Decree of the President of the Republic of Uzbekistan dated June 19, 2025 (President's order) PO No. 95 on measures to organize the State Civil Service on the basis of new ideas and to form a corps of professional and performance-oriented civil servants. That is, this Law did not work from August 2022 to June 2025 and caused public protests. Therefore, it would be appropriate to approve the positions included in the state register of civil service positions in this Law as an appendix and expand this list in the future by the decision of the Chambers of the Oliy Majlis, according to the proposal of the Management Efficiency Agency (former State Service Development Agency).

Unfortunately, the necessary and effective control over the implementation of the relevant norms in the laws has not been established. In this regard, the decision of the President of the Republic of Uzbekistan No. 75 of February 19, 2024 on the role of laws in regulating social relations and additional measures to further improve the quality of the process of creating norms made it possible to regulate the situation to a certain extent. In particular, with this decision, the plan of measures to implement the relevant norms of 41 laws in the fields of state and community building, judiciary, economy and social spheres was approved. However, it is necessary to pay attention to the analysis of only comprehensive laws in the decision. However, in the past period in our country, many laws have been adopted that provide for amendments and additions to other laws, and many related norms have been included in them.

For example, on December 18, 2023, the Law of the Republic of Uzbekistan on amendments and additions aimed at further improving the procedure for elections and referendums of the Republic of Uzbekistan was adopted Law No. DRU-883 has been adopted. groups, representatives of mass media, other countries, international organizations, etc.

Based on the above, we believe that the Legislative Chamber of the Oliy Majlis should analyze the state of implementation of the relevant norms in all the laws adopted at the end of each year and approve the relevant program and focus on implementation.

At this point, it should be noted that the procedures for the enforcement of regulatory legal documents also affect its enforcement. In particular, in accordance with the Law on Regulatory Legal Documents, regulatory legal documents enter into force from the date of

their official publication, unless a later date is specified in the documents themselves (Article 40).

The validity of regulatory legal documents in terms of space, time and persons also affects its implementation. These issues are regulated in Articles 42-44 of the Law on Regulatory Legal Documents. In particular, according to it, the regulatory legal document is valid indefinitely, unless otherwise explained in its text. That is, the validity of the regulatory legal document begins from the time it enters into legal force and ends from the time it loses its legal force. Spatial validity of a regulatory legal document means that the legal force of a regulatory legal document is applied to a specific area.

Normative-legal documents may apply throughout Uzbekistan within the framework of two of its administrative-territorial units, the Republic of Karakalpakstan, regions, Tashkent city, district (cities). It depends on the jurisdiction of the body that adopted the regulatory legal document.

In other words, the nature of the legal norm (level, field of application) determines the legal force of the regulatory legal document. According to D.A. Kerimov, the legal force of a legal document is determined by the scope of powers of the body that adopted this document, as well as by the general two specific directions of the legal instructions contained in it.⁹

The validity of the normative legal act on the sphere of persons takes into account the sphere of subjects falling under its sphere of influence. The normative legal document can be applied to all citizens, certain categories of citizens, different social strata, foreign citizens, stateless persons, civil servants and others.

For example, the Law of the Republic of Uzbekistan on State Civil Service dated August 8, 2022 No. 788 regulates the activities of state civil servants. The Decree of the President of the Republic of Uzbekistan No. 59 dated April 4, 2024 on additional measures to improve labor migration processes and support persons engaged in temporary work abroad determines the provisions applicable to persons engaged in temporary work abroad. Decision No. 190 of the Cabinet of Ministers of April 5, 2024 on the approval of the regulation on the procedure for determining whether persons have consumed alcoholic beverages using a breathalyzer in the duty units of internal affairs bodies is applied to drivers of motor vehicles and employees of internal affairs bodies. Also, a special procedure for the application of regulatory legal documents is used for employees of the diplomatic service. The work of a person, other criteria that determine his legal status also affect the execution of a regulatory legal document.

In this case, the principle of equality of all citizens regardless of gender, race, nationality, language, religion, belief, social origin, and social status (Article 19) established in the new version of the Constitution of the Republic of Uzbekistan should not be violated. When talking about the implementation of regulatory legal documents, it is necessary to dwell on the regulatory legal documents that have not been implemented. Normative-legal documents may be unenforceable according to legal grounds, i.e., due to the loss of its legal force, two normative signs, and according to social grounds, i.e., due to its obsolescence, loss of relevance, and changes in social relations. Such documents should be filled with new content, as stated in the literature, and should be considered invalid.¹⁰

In this regard, as A.V. Apyratkin noted, an invalid normative legal document is a document that is not used in the practice of law enforcement due to its inconsistency with

⁹ Kerimov D.A. Legislative technology: scientific, methodological and educational manual. M., 1998. P. 20-34

¹⁰ Apyratkin A.V. Termination of a normative legal act (theory, practice, technology): dis. ...cand. legal Sci. Nizhny Novgorod, 2011. P. 26

social reality and needs. In other words, although it has all the necessary means of execution, it is negated by its lack of need and uselessness.¹¹

Another issue related to the implementation of regulatory legal documents is their legality, legitimacy, and on the contrary, their invalidity. A normative legal document is an official normative legal document adopted by an authorized state body in compliance with the established procedures for the adoption of normative legal documents and all requirements for the type of normative legal document.

At the same time, the issue of invalidating a normative legal document is also of urgent importance. This issue is not adequately regulated in the current Law on Regulatory Legal Documents, only Article 45 of it stipulates that a regulatory legal document and a part of it shall terminate its validity if it is found to be invalid or not in accordance with the Constitution of the Republic of Uzbekistan in accordance with the procedure established by law.

However, the procedure and grounds for invalidating a regulatory legal document are not provided. In our opinion, if a normative legal document is adopted without following the procedures for the development and adoption of a normative legal document established by laws, if the Constitution contradicts two higher normative legal documents, if it is formalized contrary to the requirements of the uniform method of legal and technical formalization of normative legal documents, then the procedures for declaring it invalid should be reflected in the Law on Normative Legal Documents.

An unauthentic normative legal document is an illegal normative legal document and should be annulled. One of the manifestations of the invalidity of a normative-legal document is its conflict with the Constitution, and such normative-legal documents should be canceled in accordance with the decision of the Constitutional Court of the Republic of Uzbekistan. It should be noted that the invalidity of a normative legal document inevitably causes certain legal consequences.

In particular, when a regulatory legal document is considered invalid, it means that it has no legal force from the moment of its adoption, and all relations that have arisen as a result of the adoption of this normative legal document are considered to be completed from the moment of its adoption. This, in turn, raises questions about the fate of the rights and obligations of the participants of relevant social relations as a result of the adoption of a normative legal document.

A group of legal scholars note that as a result of the invalidity of a regulatory legal document, the legal facts that are the basis for two changes in social relations will be terminated, and the rights and obligations that existed before the adoption of this document will retain their legal significance.¹²

Another group of authors believes that invalidating a document of a state body is a measure to protect civil rights, since the regulatory legal document is intended for an indefinite number of persons and is intended to be used repeatedly¹³.

On the basis of the above, it can be concluded that the invalid and unenforceable normative legal documents do not mean the same thing. These concepts reflect the different consequences of the procedures for terminating the action of a regulatory legal document.

¹¹ Apryatkin A.V. Kurs. asar. B. 28

¹² Belkin A.A. Legal acts: possession of force and action Jurisprudence. 1993. 5. P. 5. 576

¹³ Dvigin M.A. Invalidation of an act of a state body or local government as a way to protect civil rights: abstract of thesis. dis... cand. legal Sci. Irkutsk, 2008. P. 7