



## Concept And Significance Of Expert-Analytical Provision Of Law Creativity

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### ABSTRACT

The article deals with concept and purpose of examination, official and unofficial examination of draft of laws, legal bases of passing the draft of laws through examination, legal aspects of expert provision of law creativity process.

### KEYWORDS

State power, right creativity, law creativity, examination, expert provision of law creativity.

### INTRODUCTION

Expert examination of draft laws is complicated process and it has many aspects. Previously if the novelties in science and technic aspects are required to test through expert examinations, now these have entered into all aspects of the society.

The word “examination” originates from latin “expertus” meaning to tess through examination, analyse and investigation of definite problem by professional specialist.

Examination is an analyse conducted by the specialist who has special knowledge at science, technic, art spheres. Sometimes “examination” is defined as an analyse to take the specialists’ conclusion by the definite problem. For example, the content of examination is explored as “mentioned in the valid conclusions, more clearly in the conclusions of expert”.

Literatures of law shows that conduction of examination in legislature is divided into two types:

1. Unofficial examination. Issues of primary draft of law and analyses of need for definite draft of law are initially made by the subjects of legislature or by the specialists, scientific institutions, ministries and other organizations according to the outlined task. This activity is done by the beginning of law creativity process. This period may also include the participation of scientists in draft of laws and initial project may pass through analyses of experts.

**2. Official examination.** For the acknowledgement of official examinations, firstly the draft of law must be entered to the Legislative Chamber of the Oliy Majlis by the subject of legislative initiation right, and then examination must be conducted by the relative organization and specialists assigned by the Responsible committee (or responsible committee).

Both types of examinations are aimed to produce the laws faultlessly. It should be noted that unofficial examination are carried even after the adoption of laws. The organ, organization, person and others carrying the implementation of law norms or working with this norm can identify the mistakes and disadvantages during their activity.

It is recommended to put some attention to the following aspects relating to the legal examination for the maintenance of requirements of legislation technic:

1) To allow for the examinations of draft of laws after the completion of project works of chambers of the Oliy Majlis and committees;

2) Involvement of scientists, probationers and highly qualified specialists for the examination of draft laws;

3) Discussion of prepared conclusions over the results of examinations in committee sessions.

Today legal foundations of examinations of draft of laws have been developed. Followings can be listed as a normal bases of examination of draft laws: Constitution of the Republic of Uzbekistan, Laws “On regulative-legal acts”, “On procedure of production of draft laws and introduction to the Legislation Chamber of the Oliy Majlis of the Republic of Uzbekistan” (11.10.2006 й.), “On public control” (13.04.2018 й.), Resolutions of the President of the Republic of Uzbekistan “On measures of radically improvement the activity of legal maintenance of realizing reforms” (03.04.2018.) PR-5395, “On adoption of concept of improving the law creation activity” (08.08.2018) PR-5505, “Regulation of the Legislation Chamber of the Oliy Majlis of the Republic of Uzbekistan” (new edition) adopted by the Legislation Chamber of the Oliy Majlis of the Republic of Uzbekistan by 29.01.2016, “On organizational measures of implementation of single digital system of production and approval of regulative-legal acts drafts” (08.04.2018) Resolution №284.

The President of the Republic of Uzbekistan Shavkat Mirziyoyev states about the effective influence of the laws into society life in this form: “The purpose from renovation of laws should not only include the adoption of them but also thorough thinking on how the laws

will help people tomorrow, how laws will relief people's lives.”<sup>1</sup>

As the meaning of above mentioned constitutional acts shows that people can participate in all aspects of law making procedure such as in preparation stage, discussion of draft laws, adoption and even active participation in the next stage after their adoption through political parties, public associations, nongovernment-noncommercial organizations, mass media and other institutions of civils society. Participation in the after adoption stage means to review critically or positively to the effectiveness of the current laws and their role in the regulation of definite aspect of society.

It is known that, the Constitution of the Republic of Uzbekistan is the base of legal system of society. Constitution defines priority direction of the society development, concept of state policy. The law creation procedure and it's stages, constitutional mechanisms of law makings are set in the Constitution. The rules, principles and norms in this clauses consist the constitutional bases of law creation activity.

The Uzbek Parliament allows the subjects of law initiation rights, political parties (their fractions in the parliament), all institutions of civil society, especially mass media to participate in the law creativity process envisaged in the clause 88 of the Constitution. Provision of wide participation of public and citizens in the law creativity process is the main democratic constitutional principle for

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<sup>1</sup> Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis. // “Халқ сўзи” 2020. January 25, No. 19 (7521).

the parliament to follow. For this nationwide discussion of draft laws can be acknowledges as a public examination.

In addition, the subjects of law initiation rights can pass the preparation of law drafts to state organs, scientific institutions and other organizations, to citizens in the set order within the powers or may order within the contract. Besides it has been authorized to pass the rights to prepare alternative draft of laws to government organs, scientific institutions and other organizations, to some citizens or to make contracts with them, as well as to declare the competitions for the best draft of law.

One of the requirements for the draft of laws is their pass through the legal examination. Because only the legal examination prevents from appearing the aspects of rights which are against the law, as well as stops collision of rights. By giving a legal note to the law, it serves to supply with the realization mechanism. For this purpose, there was special attention paid to the legal examination of draft of laws in the legislature (clause 24 of the Law).

The law specifies the obligatory of legal examinations of draft of laws. In the examination of draft of laws there will be checked their correspondence to the Constitution of the Republic of Uzbekistan and laws, rules of legislation technics, as well as validity and reasonability of the use of reference norms. The legal examination of draft of law is conducted by the judicial service of subjects of law initiation rights and by the Justice Ministry of the Republic of Uzbekistan and other organizations. For this the Justice Ministry shall conduct the legal

examination of draft of laws after the completion of other type of examinations.

It is known that, each group, layer, association consisting the society has their own interests and needs. It is crucial to identify the interests, desires and needs of law creators timely and discuss the draft of laws. Main idea of realization of it is to involve widely these layer, groups and associations to the production of draft of laws relating to themselves. We consider that while in the discussion and examination of draft of laws relating to the form of state power of Uzbekistan the political parties play the significant role, the Public chamber and its organs in the regions, the Ministry of Makhalla and support of families, Republican center “Oila”, organization of “Yoshlar ittifoqi” and their organs in the regions, Republican council for labour union are participating active in the examination of draft of laws relating to the women and youth rights, freedoms, interests and family matters.

Methodological aspect of expert-analytical support of law creativity is in that the use of experiment and analyses shall enable on one hand to provide an expert assistance and qualified recommendations to the producer of draft of law, on the other to analyses of the draft. Application of methods and forms of expert-analytical support of law creativity is common practice, because they rely on the real experiments of specialists and legal analyses.

Nearly in all the stages of law creativity the data relating to topic of draft of law is analyzed, the results of previous stage analyses are studied, the results are taken and people are informed. This will assist law makers greatly. Results of examination and

analyses will help to show the people openly all the important data for appropriate adoption of laws and enriches the legal positions of law creativity subjects. This provides quality and high effectiveness to the law creativity.

**Expert support of law creativity** is thorough assumption of the future of draft of laws by the qualified specialists of law. Considering various factors and by the study of drafts the specialists will assume and provide conclusions. Their ideas will take the form of a definition and recommendation. The activity of specialists firstly will be directed to provision of narrow interests of the subject of the law creativity and to overcome the subjectivity as well as to the quality of a draft.

We consider that expert analyses means the analytical and scientific procedure conducted by individual or a group of people who has special knowledge, skills and mastery for defining and eliminating the standard mistakes in draft of laws. This approach enables to explain theoretical bases of expert activity concept in law creativity procedure and eliminate doctrinal variety when dealing with this concept.

Thus, today there has been created legal foundations for the examination of draft of laws, and ideal realization of them will enable significantly to improve the legislation process, raise the quality and effectiveness of the adopting laws, meet the people’s interests and become democratic.

## REFERENCES

1. Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis. // “Халқ сўзи” 2020. January 25, No. 19 (7521).