



Efficiency Of Implementation Of Rights And Factors Affecting It

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ABSTRACT

The article analyzes the effectiveness of implementation of law, the assessment of the effectiveness of rights implementation, the factors influencing the effectiveness of implementation.

KEYWORDS

"Effectiveness", implementation of law, the effectiveness of implementation of law, the evaluation of effectiveness of implementation, the factors influencing the effectiveness of implementation.

INTRODUCTION

In the theory of jurisprudence, researchers have studied issues such as the effectiveness of law, the effectiveness and ways of legal regulation, the effectiveness of lawmaking, the effectiveness of rights implementation and its types, and this process continues.

At this point, let's focus on the meaning of the word "efficiency" in the scientific and educational literature. An explanatory dictionary of the Uzbek language states that the word "efficiency" means to be effective, to be useful, useful [5]. We often apply the term "efficiency" to the field of material production,

such as “production efficiency”, “efficiency of new technologies”. Herein, efficiency is approached from the point of view of producing as many products as possible, at the lowest possible cost. The term efficiency can also be used in jurisprudence in various areas, such as the effectiveness of legal regulation, the effectiveness of legislation, the effectiveness of legal norms [1, P. 202–203], the effectiveness of rights implementation.

Advances in modern science and technology make it possible to evaluate the effectiveness of man-made tools. Many concepts and categories in industrial production are gradually being applied in the field of law, especially in the field of social life. Today, researchers are faced with the problem of assessing the effectiveness of rights implementation, the development of its criteria.

By assessing the effectiveness of implementation of rights, we will be able to determine the extent to which the rule of law benefits the interests of the individual, society and the state, and as a result make an objective assessment of the country's legal system.

To assess the effectiveness of rights implementation, it is necessary, first of all, to consider the essence of rights implementation. The realization of the law means the realization of legally strengthened and guaranteed opportunities by the state, their implementation in the activities of people and

their organizations [3, P. 363]. However, the most important element of human activity is the achievement of a goal, which is accomplished through a particular activity of the individual. Therefore, before considering the effectiveness of the right implementation, it is necessary to determine the purpose of right implementation.

In our view, such a goal is in the interests of the subjects of law, but to satisfy the legitimate interests of the subjects of law, not any. What is the category of legitimate interests of legal entities and how do they differ from the ordinary interests of legal entities? Legitimate interests are the interests of the subjects of law that do not contradict the law, and these interests cannot be exercised without the exercise of the right.

Lawyer M.Yu. Osipov divides the effectiveness of right implementation into such types as the effectiveness of compliance with rights, the effectiveness of the rights implementation and the effectiveness of use of rights. Having studied their formal and social effectiveness separately, the scientist concludes that some forms of implementation of legal norms have not only formal effectiveness, but also social effectiveness, and the following table shows the relationship between formal and social effectiveness of implementation rights methods [1, P. 4-5].

№	Type of efficiency	Adherence	Fulfillment	Using
1.	Formal	yes	yes	No
2.	Social	yes	yes	yes (indirectly)

The analysis of the table above shows that it is not possible to determine the formal effectiveness of a form of application of legal norms of right implementation because it is not mandatory, which does not allow a formal assessment of how effective its implementation is. On the contrary, since the form of enforcement and rights enforcement is mandatory, their formal effectiveness can be assessed.

How can the formal effectiveness of right implementation be assessed? To do this, first consider the number of cases in which the rule of law is not implemented, then divide the number of cases in which the rule of law is not implemented in the total number of cases considered, the result is the official effectiveness of law.

As for the social effectiveness of right implementation, the methodology is more complex because it involves the analysis of the benefits and advantages of right implementation to society, as well as the harm caused by the absence of this or that law. It is then compared with the maximum result that can be achieved when the right is exercised.

It should be noted that a number of factors affect the effectiveness of right implementation in society. But before considering the factors that affect the effectiveness of right implementation, it is necessary to define the concept of factors that affect the effectiveness of right implementation. In our opinion, the factor influencing the effectiveness of the implementation of legal norms should be understood as a specific situation or event of legal reality that leads to an increase or

decrease in the effectiveness of right implementation (formal or social). Thus, all the factors that affect the effectiveness of right implementation can be divided into two major groups: factors that have a positive effect on efficiency and factors that have a negative effect. Among the positive factors influencing the effectiveness of right implementation are:

- Compliance of existing legal norms with the legitimate interests of legal entities;
- Compliance of existing legal norms with the legal consciousness of legal entities;
- The absence or the minimum amount of damage incurred as a result of the exercise of the right;
- Directing laws taking into account the common interests of legal entities.
- That the norms of law take into account the real possibilities of the implementation of its requirements by the subjects of law.

Among the negative factors that reduce the effectiveness of right implementation are:

- Inconsistency of existing legal norms with the legitimate interests of legal entities;
- Inconsistency of existing legal norms with the legal consciousness of legal entities;
- Directing existing laws for the benefit of the people, without taking into account their common interests;
- Adoption of legal norms by a legal entity without taking into account the possibility of implementing existing legal requirements;
- The existence of administrative procedures that make it difficult to enforce the law;
- The suffocation of legal norms by by-laws.

In addition, the factors influencing the effectiveness of right implementation can be divided into objective and subjective types. Objective factors that affect the effectiveness of right implementation are factors that do not depend on the consciousness and will of the subjects of law. For example, there may be natural disasters, earthquakes, floods, epidemics, pandemics. Because these circumstances may limit the ability of legal entities to implement the rule of law or lead to its complete cessation.

Subjective factors include factors that depend on the identity of the subjects of law. For example, the level of legal awareness of subjects of lawmaking, in particular, the course of certain legal processes in the legal system of the country, knowledge of the specifics of the law, and so on.

Factors affecting the effectiveness of right implementation can be divided into information and legal incentives (value - motivational).

The information factors that affect the effectiveness of right implementation are: the knowledge of subjects of law about their rights, obligations, methods and deadlines for the right implementation, the need to comply with the rule of law. In fact, if a legal entity is not informed of what its subjective rights and obligations consist of, the legal entity will not have a guiding basis in its activities. According to psychologists, goal-orientation is a necessary stage of any human activity [2]. Since the exercise of right is carried out in the form of psychologically complex voluntary actions, informing the subjects of law about their rights and obligations is the most important basis of goal-directed activities. Legal incentives (value-motivational) factors

that affect the effectiveness of right implementation include:

- 1) Knowledge of the law as a value;
- 2) The known attitude of the subject of law to the instructions he carries out;
- 3) The need to comply with legal requirements established by law;
- 4) The existence of a known positive or negative attitude towards the existing law.

It is impossible to exercise a law without a positive legal incentive (motivation), which is formed under the influence of a number of factors related to the mechanism of legal influence. Thus, it can be unequivocally acknowledged that the factors influencing the effectiveness of right implementation depend in many respects on the mechanisms of information and value-motivated legal influence.

Thus, the concept of effectiveness of right implementation allows for an in-depth analysis of types, factors affecting efficiency, to have the necessary information about the existing problems in the field of right implementation and to identify the necessary measures in a timely manner. This creates a solid foundation for the effectiveness of right implementation.

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