

PROBLEMS OF REGULATION OF LEGISLATION

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Annotation:

This article discusses the needs of systematization of legislation, types and features of systematization, as well as its importance today.

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Codification lies in the fact that it is a form of root processing of existing regulations in a certain area of relations, a way of qualitative streamlining of legislation, ensuring its consistency and compactness, as well as "clearing" the normative "array", freeing it from obsolete, unjustified norms. In the process of codification, the compiler seeks combine and systematize the existing norms, as well as rework their content, state the normative prescriptions clearly and internally in a consistent manner, taking into account realities of the time to ensure the maximum completeness of the regulation of the corresponding areas of relationships.

Codification of legislation on administrative responsibility should be aimed at critically rethinking the current norms we eliminate contradictions and inconsistencies between them. Codified acts traditionally occupy a central place in the legislation system. Their features and value are in several planes. On the one hand, they should serve as the foundation, the bases of legislation. Based on their norms current laws and regulations arise. On the other hand, codification is a specific type of lawmaking, respectively, the code is the result of this systematizing activities.

Codified form is used for an integral regulation of the area of law, comprehensive legislative regulation of public relations in a separate area. Codification reflects a higher measure of concentration of normative material in a particular area of public relations. The rules expressed in the codified Act secure the legal aspects of the industry, Law Institute, that gives special legal force to codified



acts. Systematization means bringing a certain set of elements into a system, the key point of which will be the establishment of systemic links between its elements.

Two possible ways of systematizing the legislation on administrative responsibility are considered. The first one is "solid codification", in which system communications are created by providing a set of norms of a single form in the form of a code, which will include all relevant norms. Codified acts are central to an industry or legal institution. The a codified act fulfills this role as it contains all or most of the relevant regulations (Criminal Code of Uzbekistan). The code covers large areas of law basis, grounds for other actions arising only on the basis of his permission or instructions, for example, the Civil Code of Uzbekistan. This requires high quality of codes.

Acts and codified laws differ in their purpose. Under the flow law-making, the legislature aims to solve political and economic urgent issues and cultural life. The purpose of the codification is to order the previously published regulatory documents on all issues of a certain area of legislation. Important The condition for codification is the readiness of legal documents for codification, obviously the level of its development.

This means that acts to be codified must be expressed a certain developed group with the characteristics of the field of law. Codified acts are drawn up using specific rules of legislative technique. Codified acts consist of a large number of articles and have a complex internal character structure. They are divided into departments, sections and other structural elements. The encoding process is more capacious and longer than usual legislative process. Work on codification includes a revision of this area current legislation to identify provisions requiring repeal or amendment. Thus, two processes are carried out at the same time: adoption of a new act and coordination of other acts according to the new one. Because of its compatibility the specified conditions ensure that the result of codification lasts for a long time stability of public relations. As a rule, the period of validity of the codification about 30 years. Thus, codified documents stand out in the system of regulatory legal documents substantive and procedural grounds.

Types of codified acts. The types of codified acts are very diverse: regulations, statutes, model laws, basics (main principles), codes.

A) Regulation is an act regulating the legal status of authorities and institutions; similar organizations, systems of offices. These documents are provided by



voluminous, these are complex structured movements. Rules have an important place in the system of regulatory legal documents. This form normative legal documents are used to regulate the main issues of society. There are documents issued in the form of very narrow regulatory rules special issues - allowances for the salary of a particular institution. That's the deal adopted as a result of codification, which is a type of systematization. Right our knowledge about the system should be detailed for the concept of "legal system". it is also appropriate to consider. "Legal system" and "legislative system" are scientific categories whose concepts are interrelated but different from each other. They reflect two aspects of law and help to understand its essence more deeply. "Legal system" and "legislative system" concepts appear in the form of a reciprocal relationship between content and form. To be more precise, the legal system defines the essence of law, represents the content, the legal system represents the form of expression of the right.

B) Law-making bodies use the form of codification, such as a statute. The difficulty in accepting this type of behavior comes from the fact that they do not exist Consensus on the meaning and limits of use of the term "regulation". The majority annual practice has made the meaning very vague. Of course there is terms have many meanings, but the term "statute" is unique the different aspects of its application cannot be compared, they arise through diversity has different methods and fields of application. The term "design" is understood It defines the following as a statute: a) the legal status of the state or municipality; b) the legal status of the international organization;

c) specific legal status legal entities, charter document);

d) organization of certain activities (military regulations, transport regulations). The meaning and essence of any event, phenomenon and object is social its form embodies its task and function. That is, the form is the phenomenon and is a means of ensuring the existence of subject content. Accordingly, "legislation" means the existence of law, and "legal system" means the system of law ensures its existence. Legal norms are strengthened and formalized in legislative documents.

As we have seen above, the legal system is the internal structure of law, is an internal structural construction, and its content is self-regulating social determined by the nature of the relationship. Legislative system of the legal system structure of law sources as an external form, regulatory legal documents reflects the sum (combination). Law and legal norms cannot exist and apply outside of



legislation. Legal system means content and internal structure of law normative legal system that strengthens, formalizes, and materializes its structure a set of documents is understood.

The legislative system is created as a result of the creation of legal norms, consolidation and systematization (systematization) of legal norms through the activity of law (law) creation. As we have seen above, the legal system is the internal structure of law, is an internal structural construction, and its content is self-regulating social determined by the nature of the relationship.

Legislative system of the legal system as an external form, it reflects the structure of sources of law, the sum (association) of normative legal documents. Law and legal norms cannot exist and apply outside of legislation. Legislative documents have a complex structure. They can be classified as horizontal, vertical and complex legal systems based on different criteria. The horizontal structure of the legislative system is sectoral (network) classification is the subject of legal regulation, i.e. social relations based on its direction and content. In accordance with this criterion, legal branches corresponding to the branches of law are distinguished (for example, constitutional law - constitutional law, civil law - civil law, criminal law - criminal law, labor law - labor law, administrative law - administrative law).

To every network of rights a legal network is formed accordingly, for example, civil procedure to the right - the civil procedural legislation corresponds, to the right to land - land will be in accordance with the law. Vertical (step-by-step, hierarchical) of the legislative system its structure is step-by-step according to the authority of state authorities reflects the location and the location according to the legal force of normative legal documents. The Constitution is at the center of the system of regulatory legal documents, followed by constitutional laws, current laws, Presidential decrees, government decisions, normative documents of ministries and state committees, regulatory documents of local government bodies are placed. Count This location of the transferred documents also reflects their legal force makes.

All normative legal documents are the highest legal acts in our country must be consistent with the Constitution in force. Complex structures of the legal system are legal order due to the nature of the object of assessment and the content of state administration is formed. The legal system of the Republic of Uzbekistan, according to its internal logic, covers the following legislative structures. The first is legislation



spheres, and consists of a set of norms that regulate social relations considered the subject of a specific field of law.

This means that is, the internal structure of the legal system is based on the classification of objects of legal regulation, that is, according to the content of social relations comes out. For example, a person and the state (its executive authorities when we talk about the regulation of social relations between people, the rules (norms) of administrative law apply, and when we talk about the regulation of property relations, we refer to the field of civil law applicable norms and so on. The second is within the legislative sphere large structure, regulation of certain types of sectoral social relations represents a legal institution (for example, civil law authorship, inheritance, gift, sale, rental institutions included in the field). Constitutes a norm (article) of another regulatory legal document. Conditionally legislating this initial part of the legislative system can be called the norm.

Legislative norm means the Constitution norm, provision (article) of the law, norm of the decree, government it is necessary to understand the norms of decisions. The fourth is relatively independent of social life according to its content regulate the set of various social relations that make up its spheres which includes legal norms related to several areas of law normative structure is a complex area of legislation (for example, transport, legislation on fisheries, military, railway relations).

For example, military law as a complex area of law Combat training of the Armed Forces, order of military service, rights and legal interests of military personnel and their families state, administrative, land, finance, crime and related to provision and protection includes norms related to other areas of law. For the complex field of legislation to be fully formed and implemented there must be a system (summary) of complex normative documents.

Thus, a set of documents with a complex content creates a complex field of legislation. Different in one legislative document The consolidation of norms related to the fields of law gives the legislative body the opportunity to solve issues in a comprehensive, that is, in a comprehensive manner. For example, in one legislative document, civil law, administrative, criminal law and other aspects of a socially important issue are complex. is reflected. Among the complex (complex) structures of legislation, for example, environmental protection legislation, transport



legislation, capital construction legislation on the field, legislation on social protection of citizens, economic legislation can be included.

To the market economy of our country new branches of law are emerging in the current conditions. For example, corporate law, budget law, customs law, parliamentary law, business law, insurance law, information law, social security law, municipal law and others are among them. Legislation is the establishment, formalization and life of legal norms is an implementation tool. Legislative documents legal norms summarizes and formally expresses. However, the legal system is not a simple collection of normative legal acts, but the logic of such documents is a proportional and harmonized system.

System of legal documents characteristics and law of relations regulated in the formation the will and interest of the executive body play a decisive role. There are the following differences between a legislative system and a legal system: First, the primary, initial element of the legal system is legal constitutes a norm; the initial element of the legal system is the law constitutes an article or provision of a regulatory legal document; secondly, the legal system is sometimes law by its content may be wider than the system. For example, in legislative documents, software, the rules expressing the goal are also stated. These are legal norms or does not matter for the content of the institution; thirdly, on the basis of dividing the legal system into branches and institutions subject and method of legal regulation; legislative branches are explained by the directions of state life and the presence of their subject, however will not have a single regulatory method; fourthly, the content of the legal system and its branches will be different; and the legal system and branches are of different directions and nature regulates relationships; fifth, the internal structure of the legal system is the legal system does not exactly match the internal structure.

Vertical of the legal system If the structure reflects the hierarchy of state bodies, the legal system is vertical structure - reflects its division into norms, institutions, sectors; sixth, if the legal system has an objective nature, legislation system to a subjective factor, that is, to the will of the legislative body depends. Thus, the relationship between the legal system and the legislative system, determining the relationship has both theoretical and practical importance. This is the task The successful solution of the legal system and the legislative system together brings it closer, has an effective effect on its use in life. Systematization of legislative



documents is a condition for the functioning and regular development of the legal system, as well as a form of regulation and logical summarization of current legislative documents.

Legislation systematization of documents - democratic legal state and free citizenship In order to form a society, the Constitution and the supremacy of the law, the mutual restraint and balancing mechanism of the distribution of powers serves to ensure and improve the legal culture of citizens. Documents regulating existing legal documents in the form of a code to replace with, to create a set of laws, to improve the legal classification of the country, as well as to use the system of legal resources with the capabilities of a modern global electronic information network is a comprehensive, continuous scientific-theoretical and practical activity aimed at providing.

Systematization of regulatory and legal documents is a state mechanism and legal it is a necessary condition for the system to work in a lively rhythm. This activity its rational implementation requires the development of its theoretical and methodological foundations and a perfect mechanism. It is necessary to actively involve state authorities, institutions and legal scholars in this work. To determine the real tasks of systematization of legislative documents, first First, deepen the relationship between the legal system and the legal system research is necessary.

Trends in the development of the legal system and legislative system research is relevant not only for theoretical, but also for practical relations. The scientific solution to such issues is, first of all, the registration and systematization of the current regulatory legal documents, in addition, Uzbekistan It is of primary importance to create a set of laws of the Republic. How much is the systematization of legislative documents into the current legal system if it matches, the expected results will be higher. Research the relationship between the legal system and the legal system during "systematicity of legislation", "systematization of legislation", "law the relationship between such concepts as "systematics of documents" and differences identification of aspects is one of the urgent problems. Systematization of legislation, first of all, of people and citizens enables effective use of laws. In this respect, the systematization of normative legal documents is based on the Constitution of the country organization should also be considered. Codification is the most systematization of legal documents is a higher form.



Due to this act, it is important legal from the legislative branch a complex document (codex) that logically combines norms will be created. Normative legal documents are simply collected in codification are not combined, but based on the general principles of the legal system, all the normative material in the network is presented in the form of a single and integrated document that is internally proportionate, integrated and scientifically systematized. Codification - deep and comprehensive processing of current legal norms and, if necessary, making serious changes to it is to create a new, complex, systematized regulatory legal document. An important feature of codification and its difference from incorporation is that it implemented only by the law-making body. In this respect it is is a type of creative law.

During codification, the content of the regulatory legal document changes; i.e the outdated legal norm is abolished, a new one is created; most norms are restated; contradictions and repetitions between norms and deficiencies in the law will be eliminated. Codex - priority norms in the field of certain law (legislation). is an expressive, embodying law. Although it covers a large number of different norms, it is a single whole with internal consistency is a document. Its constituent parts (norms, institutions) are interconnected and arranged in a certain system. Traditionally, legislation an active center that harmonizes and manages relevant codes in the fields plays the role.

The Code is distinguished by the perfection, refinement and stability of the law related to the same field of law. If there is a code and several legal documents in a certain legal field at the same time if there is, among them the code in terms of legal force and possibility of regulation prevails. The sophistication of the internal logic of the codes, the mutuality of norms is distinguished by coordination. Codified acts have their own legal regulatory influence and importance for a long period of time will keep. Statutes and regulations of codified documents other than the Code forms are available. They differ from each other according to their content and function. Charter - a specific office, ministry in one or another field of administration and reflecting the norms regulating the activities of organizations is a codified act. For example, the disciplinary code of the Armed Forces. Charter - the regulations of certain state structures (public associations) determining the order of organization, structure, function, functions and powers complex codified document. Incorporation is a type of systematization of legislation, in which laws, decrees, government



decisions, orders and other normative legal documents are incorporated without making any changes to the content, alphabet, It is published chronologically, by topic and in another way. Systematization of laws by incorporation is almost all is carried out in the states. They are published in multiple volumes, according to the time of issuance of the laws (chronological), in alphabetical order and other quality. and placed according to the signs.

In conclusion, compilation of a set of laws, collecting laws and other important normative legal documents and organizing them according to a strict order is the highest form of incorporation. Preparation and publication of a set of laws of the country based on the Constitution conveying the content of laws to the population, strengthening the protection of the rights and freedoms of citizens, the legal basis of state and community life service to strengthening and improving the legal culture of the masses does. Method of summarization (consolidation) of regulatory legal documents is close to the systematization of legislation. Compilation of legislation takes place as a preliminary stage before the systematization of normative legal documents. In this case, legal documents related to this or that issue are collected, are combined and summarized.

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