

Prospects for Improving the Process of Considering Draft Laws in Parliament in the Context of the Updated Constitution

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Abstract. *This article analyzes the prospects for improving the lawmaking process in accordance with the updated Constitution. The new version of the Constitution creates the main legal and institutional foundations for the effective organization of lawmaking and the implementation of the state's legal policy. The article analyzes the legislative activity of the parliament and considers issues related to the tasks of its improvement. In particular, the main attention will be paid to the development of the sphere, the effective implementation of legal policy by studying new trends related to the digital transformation of the lawmaking process, as well as the expansion of the practice of adopting laws of direct action.*

Key words: *Constitution, legislation, digital transformation, laws of direct action, legal mechanisms, innovation factor, national experience, international experience.*

It should be emphasized that any reform can achieve its intended strategic goals and effective results only when based on a constitutional and legal foundation. Indeed, the newly revised Constitution has established the political and legal basis for implementing the New Uzbekistan Strategy, which addresses the challenges facing society and the state, and has defined priority directions for further development of the state and society. Examining its provisions one by one, we can see that it aims to build a strong parliament, a compact and responsible government, and an independent and fair judicial system in order to create a people-oriented state. The level of parliamentary development determines the degree of democratic progress, observance of citizens' rights and freedoms, and societal advancement.

From this perspective, one of the important functions of parliament - the legislative process - also requires continuous improvement. Analysis results show that today, nearly fifty regulatory legal acts are aimed at governing various aspects of the legislative process. Those adopted in recent years are significant because they have incorporated new democratic mechanisms for expressing the will of the people.

Action Strategy on five priority areas of development of the Republic of Uzbekistan in 2017-2021¹ and the Development Strategy of New Uzbekistan for 2022-2026² Based on modern trends and the tasks of sustainable development, organizational and legal measures aimed at increasing the role of parliament in the system of the state and society have been implemented, and democratic mechanisms for organizing the legislative process have been introduced. All stages of the development and adoption of laws that are people-oriented and vital, directly affecting the improvement of society's

¹“Ўзбекистон Республикаси қонун ҳужжатлари тўплами”, 2017 йил 13 февраль, 6-сон, 70-модда.

² Қонун ҳужжатлари маълумотлари миллий базаси (www.lex.uz), 2022 йил 29 январь.

life, were developed based on the analysis of national legislative experience and best practices of foreign countries.

In particular, priority was given to the development of regulatory legal acts and the introduction of democratic forms of adopting directly applicable laws, conducting discussions of draft laws with representatives of the general public, as well as studying their compliance with international treaties and ratings. This, in turn, has shown results, and over the past 6 years, Uzbekistan has risen 5 positions in the Rule of Law Index and 24 positions in the World Governance Indicators Index (WGI)³.

Important laws related to the development of this sphere have been adopted, such as the Law "On Anti-Corruption Expertise of Regulatory Legal Acts and Their Drafts," as well as the Law "On Regulatory Legal Acts" in a new edition.

Based on these documents, a procedure has been introduced into legislative practice for adopting a new legislative act instead of a new one and simultaneously recognizing the current one as invalid. This, in turn, serves to eliminate various confusions and misunderstandings in the application of law.

The practice of studying the compliance of draft laws with international treaties and recommendations for improving Uzbekistan's position in international ratings and indices has also been established. This serves the full implementation of our state's international rights and obligations in the international arena, increasing the investment attractiveness of our country, and further enhancing our country's international prestige.

It should be noted that there is a need to completely reorganize the work of the parliament in the legislative sphere, to enrich it with new content.

In particular, the issue of paying attention to the fact that the widespread introduction of the innovative factor in the legislative sphere is one of the important tasks of the parliament is becoming relevant today.

Clause 79 of the "Uzbekistan - 2030" Strategy, adopted by the Decree of the President of the Republic of Uzbekistan dated September 11, 2023 No. UP-158, also sets the task of digital transformation of the work processes of the Parliament and its bodies, including 100 percent digitalization of the processes of their decision-making and announcement⁴.

From this point of view, taking into account the requirements of today, it is necessary to ensure the effectiveness of lawmaking through the widespread introduction of innovative methods of activity into the legislative process using modern information and communication technologies, the effective use of artificial intelligence technologies, and increasing the efficiency of the Unified Electronic System for the Development and Approval of Draft Regulatory Legal Acts. This will ensure, firstly, the prompt generalization of proposals received regarding legal gaps in practice and the provision of appropriate responses to objections, and secondly, the simultaneous submission to the Legislative Chamber of the Oliy Majlis of draft laws planned for development by various entities on the same or interconnected issues subject to regulation. As a result, it will stimulate the introduction of democratic procedures for the adoption and consideration of draft laws necessary for the people.

Although in legal literature the legislative process is interpreted in the sense of the distribution of powers between the bodies participating in its various stages, although different subjects participate in legislative activity, this process remains mainly the legislative activity of the parliament⁵.

The lawmaking process consists of defining a system of interconnected institutions that ensure the substantive preparation of the law, strengthening strict democratic forms of expressing the will of the

³ Шарипов Ф. Қонун ижодкорлиги соҳасида янги қадамлар // <https://parliament.gov.uz/uz/articles/2019>

⁴ Қонунчилик маълумотлари миллий базаси, 12.09.2023 й., 06/23/158/0694-сон; 29.12.2023 й., 06/23/214/0984-сон

⁵ Хусанова М.А. Қонунчилик ташаббуси ҳуқуқи: муаммолар ва ечимлар // Юридик фанлар номзоди илмий даражасини олиш учун ёзилган диссертация иши. - УДК 34 (043.5)(575.1). – Тошкент, 2012. – Б. 26.

people and public opinion, and reflecting the application of various forms of activity of the highest representative body of state power in the process of creating and adopting the law.

In organizing parliamentary discussions of draft laws, along with national experts, it is also important to involve experts from foreign countries who have achieved effective results in the relevant field. In our opinion, it is advisable to organize round tables within the framework of the activities of inter-parliamentary friendship groups within the framework of specific draft laws. As Yu.A. Tikhomirov noted, "Lawmaking is a legislative process that represents the stages and actions related to the preparation, discussion, and adoption of draft laws"⁶. Therefore, by ensuring the thoroughness of the process directly related to lawmaking, the high role and value of law in society naturally increases.

In lawmaking, the programmatic reports and speeches of the President of Uzbekistan, as well as decrees and resolutions, national development strategies and state programs, are of great importance. From this point of view, the legislative activity initiated within the framework of the State Program for the Implementation of the "Uzbekistan - 2030" Strategy in the "Year of Environmental Protection and Green Economy" is a logical and consistent continuation of the policy of systemic reforms carried out in this area in recent years⁷.

Goal 79 of the State Program defines the further enhancement of the role of the chambers of the Oliy Majlis and political parties in building a New Uzbekistan. In this regard, the definition of the task of adopting a draft law on further expanding the guaranteed rights of the opposition in parliament is a necessary democratic mechanism ensuring parliamentary democracy. In particular, increasing the number of guaranteed rights of the opposition from 3 to 6; guaranteeing the right of opposition representatives to nominate candidates for the positions of 1 chairman of the committee and 2 deputy chairmen of the committee; granting the opposition the authority to introduce an alternative version of the draft law on the same issue, as well as the draft resolution of the Legislative Chamber, before consideration of the draft law in the second reading, will serve to increase the effectiveness of parliamentary work.

Analysis of the legislative activity of the national parliament shows that in recent years, attention has been paid to the adoption of directly applicable, codified legislative acts, the establishment in the law of executive mechanisms ensuring the improvement of the system of legal regulation, and the elimination of duplication and contradictions in legislation.

In this regard, the 80th goal of the "Uzbekistan - 2030" Strategy, entitled "Ensuring the Harmony of Lawmaking Activity with Reforms and the Development of the Institutional Foundations of State Legal Policy," provides for: "Expanding the practice of adopting laws of direct action, bringing their share to at least 60 percent"⁸ - indicates that this sphere is one of the important directions of state legal policy.

By order of the President of the Republic of Uzbekistan in 2024. Resolution No. PP-75 "On Additional Measures to Further Enhance the Role of Laws in the Regulation of Public Relations and the Quality of the Lawmaking Process," signed on February 19 there are also some issues that need to be implemented in this area, which requires a deeper analysis of its scientific and practical significance⁹.

In particular, firstly, from March 1, 2024, if a reference norm is applied in the draft law, it is established that the specific deadline for its implementation and the responsible executor must be indicated in the draft itself. In order to ensure its implementation, it is necessary to conduct an inventory of relations related to the preparation and submission of relevant draft laws to the

⁶ Тихомиров Ю.А. Правотворчество // Теория права. – Москва, 1998. – С. 164.

⁷ Қонунчилик маълумотлари миллий базаси, 09.02.2025 й., 06/25/16/0119-сон; 21.03.2025 й., 06/25/51/0261-сон

⁸ Қонунчилик маълумотлари миллий базаси, 12.09.2023 й., 06/23/158/0694-сон; 29.12.2023 й., 06/23/214/0984-сон

⁹ Қонунчилик маълумотлари миллий базаси, 20.02.2024 й., 07/24/75/0137-сон; 25.06.2024 й., 07/24/231/0445-сон

Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan and to make appropriate additions.

Secondly, it is determined that it is necessary to discuss the possibility of raising to the level of law the relations regulated by by-laws, which will be stated in the explanatory note to the draft law. At the same time, in discussions on raising by-laws to the level of laws, it is necessary to pay attention to assessing their impact on socio-economic life and ensuring the broad participation of civil society institutions in these processes.

Thirdly, to determine the effectiveness of the law, the achievement of its goals and expected results, it is proposed to introduce the practice of assessing its regulatory impact by the responsible state body and committees of the chambers of the Oliy Majlis five years after the entry into force of the law. At the same time, there is a need to ensure the specialization of deputies working within each committee by industry and the regularity of the activities of expert groups in the work of the committees.

Fourthly, in the process of developing the Constitution of the Republic of Uzbekistan in the new edition, the adoption of normative legal acts of the most important economic and socio-political significance is determined based on the experience of obtaining public opinion before preparing the draft, after which the draft is submitted for public discussion. In our opinion, it is necessary to clarify the procedure for which categories of normative legal acts should be adopted in this manner.

In conclusion, it should be noted that improving and refining the process of reviewing draft laws in parliament is a constant focus of legal science and the practice of the legal system. The study and implementation of new trends in ensuring the effectiveness of legislative activity in the context of the updated Constitution will serve the development of the sphere, the implementation of legal policy in accordance with national statehood and international standards.

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