

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

BOYMURODOV BOTIR PANJI O'G'LI

**NORMA IJODKORLIGI JARAYONIDA FUQAROLAR ISHTIROKINING
NAZARIY-HUQUQIY ASOSLARINI TAKOMILLASHTIRISH
MASALALARI**

12.00.01 – Davlat va huquq nazariyasi va tarixi.
Huquqiy ta'limotlar tarixi

**yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2023

Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi

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Toshkent – 2023

Falsafa doktori (PhD) dissertatsiyasi mavzusi O‘zbekiston Respublikasi Vazirlar Mahkamasi huzuridagi Oliy attestatsiya komissiyasida B2021.4.PhD/Yu623 raqam bilan ro‘yxatga olingan.

Dissertatsiya Toshkent davlat yuridik universitetida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o‘zbek, ingliz, rus) Ilmiy kengashning veb sahifasida (<https://tsul.uz/uz/fan/avtoreferatlar>) va “ZiyoNET” Axborot ta’lim portalida (www.ziynet.uz) joylashtirilgan.

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Dissertatsiya himoyasi Toshkent davlat yuridik universiteti huzuridagi Ilmiy darajalar beruvchi Dsc.07/30.12.2019.Yu.22.02 raqamli ilmiy kengashning 2023-yil 16-may kuni soat 14.00 dagi majlisida bo‘lib o‘tadi (Manzil: 100047, Toshkent shahar, Sayilgoh ko‘chasi, 35-uy. Tel.: (99871) 233-66-36; faks: (99871) 233-37-48, e-mail:info@tsul.uz.)

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Dissertatsiya avtoreferati 2023-yil 2-mayda tarqatildi.

(2023-yil 2-maydagi 8-raqamli reestr bayonnomasi).

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KIRISH (Falsafa doktori (PhD) dissertatsiya annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda fuqarolarning siyosiy, iqtisodiy, ijtimoiy va huquqiy faolligi hamda ularga bo‘lgan hukumatlarning munosabati nufuzli xalqaro tashkilotlar tomonidan turli reytinglarda doimiy ravishda o‘rganib borilmoqda. Jumladan, Jahon banki tomonidan har yili e‘lon qilinadigan “Aholining fikrini inobatga olish va hisobdorlik” (Voice and Accountability) reytingida aholining davlat hokimiyati faoliyatida ishtirok etishi, axborotlardan erkin foydalanishi, parlamentga nisbatan ishonch, ochiq byudjet, hukumat faoliyatining shaffofligi va hisobdorligi kabi mezonlarga alohida urg‘u beriladi. 2021-yilda e‘lon qilingan “Aholining fikrini inobatga olish va hisobdorlik” (Voice and Accountability) reytingida O‘zbekiston 2020-yilga qaraganda 12 pog‘onaga o‘sib, 193 davlat orasida 169-o‘rinni egallagan¹. Ushbu ko‘rsatkichlar davlat va jamiyat hayotining turli sohalarida, xususan, norma ijodkorligi faoliyatida fuqarolarning ishtiroki dolzarb ahamiyat kasb etayotganligidan guvohlik beradi.

Jahonning eng taraqqiy etgan davlatlari parlamentlari o‘z faoliyatlarida jamoatchilik, jumladan fuqarolar bilan maslahatlashuv amaliyotiga ahamiyat berayotganligi fuqarolarning norma ijodkorligi jarayonida ishtirok etishlariga oid masalalarni ilmiy-nazariy tadqiq etishni, amaliyotda uchraydigan muammo va kamchiliklarga huquqiy jihatdan baho berishni talab etmoqda. Xususan, norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslarini tadqiq etish va takomillashtirish, shakllarini aniqlash, asosiy prinsiplarni belgilash bilan bog‘liq masalalar dolzarb ahamiyat kasb etmoqda.

Mamlakatimizda amalga oshirilayotgan iqtisodiy-siyosiy islohotlar va modernizatsiyalash jarayonlarida fuqarolarni norma ijodkorligi jarayoniga jalb qilishga konseptual va strategik ahamiyatga ega masala sifatida e‘tibor qaratilmoqda. Xususan, “Norma ijodkorligi faoliyatini takomillashtirish konsepsiyasi”da fuqarolar, fuqarolik jamiyati institutlari, ommaviy axborot vositalari, tadbirkorlik subyektlari va ilm-fan vakillarini jalb etish ishlarini samarali tashkil etish orqali norma ijodkorligi jarayoniga jamoatchilik muhokamalarining ta‘sir darajasini oshirish ustuvor vazifa sifatida belgilab berilgan bo‘lsa², “2022 – 2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi”da norma ijodkorligi jarayonini modernizatsiya qilish maqsadi doirasida qonun ijodkorligi jarayonida fuqarolik jamiyati institutlari bilan maslahatlashuvlar o‘tkazish amaliyotini takomillashtirish vazifalari belgilandi³. Xususan, huquqiy normalarni ishlab chiqish va qabul qilish jarayonida fuqarolar ishtiroki nechog‘li muhim o‘rinda ekanligini O‘zbekiston Respublikasining Konstitutsiyasiga o‘zgartirish va qo‘shimchalar kiritish masalasiga nisbatan yondashuv ham ko‘rsatib berdi. Xususan, qonun loyihasini

¹ <https://www.theglobaleconomy.com>

² O‘zbekiston Respublikasi Prezidentining “Norma ijodkorligi faoliyatini takomillashtirish konsepsiyasini tasdiqlash to‘g‘risida”gi Farmoni // Qonun hujjatlari ma‘lumotlari milliy bazasi, 08.08.2018-y., 06/18/5505/1639-son; 09.11.2019-y., 06/19/5870/4010-son; Qonunchilik ma‘lumotlari milliy bazasi, 30.04.2021-y., 06/21/6218/0398-son.

³ O‘zbekiston Respublikasi Prezidentining “2022 — 2026-yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”gi Farmoni // Qonunchilik ma‘lumotlari milliy bazasi, 29.01.2022-y., 06/22/60/0082-son, 18.03.2022-y., 06/22/89/0227-son, 21.04.2022-y., 06/22/113/0330-son

shakllantirishning dastlabki bosqichlaridan boshlab fuqarolarning taklif va mulohazalariga katta e'tibor qaratilgan bo'lsa, keyingi bosqichda loyiha umumxalq muhokamasiga qo'yildi va muhokamadan so'ng referendum orqali qabul qilinishi qayd etildi.

O'zbekiston Respublikasining Konstitutsiyasi (1992), "Qonun loyihalarining umumxalq muhokamasi to'g'risida"gi, "Qonunlar loyihalarini tayyorlash va O'zbekiston Respublikasi Oliy Majlisining Qonunchilik palatasiga kiritish tartibi to'g'risida"gi (2006), "Normativ-huquqiy hujjatlar to'g'risida"gi (2021) O'zbekiston Respublikasi qonunlari, O'zbekiston Respublikasi Prezidentining "Norma ijodkorligi faoliyatini takomillashtirish konsepsiyasini tasdiqlash to'g'risida"gi Farmoni (2018) va boshqa normativ-huquqiy hujjatlarda belgilangan vazifalarni amalga oshirishga ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi. Mazkur tadqiqot ishi respublika fan va texnologiyalar rivojlanishining "Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishiga mos keladi.

Muammoning o'rganilganlik darajasi. Mamlakatimizda norma ijodkorligida fuqarolar ishtirokining nazariy-huquqiy asoslarini takomillashtirish bilan bog'liq ilmiy tadqiqotlar quyidagi yo'nalishlarda olib borilgan:

Birinchi yo'nalish, tadqiqot ishining prinsiplar tomonlari O'zbekiston Respublikasi Prezidenti Sh.Mirziyoyevning ma'ruzalarida ko'tarilgan bo'lib, ularda norma ijodkorligi jarayoniga fuqarolik jamiyati institutlari, jumladan fuqarolarni keng jalb qilishning eng muhim jihatlari ochib berilgan.

Ikkinchi yo'nalish, norma ijodkorligi jarayonida fuqarolar ishtiroki masalasi nisbatan yangi tadqiqot obyektlaridan bo'lganligi sababli, yuridik fanda ushbu mavzu doirasidagi masalalar to'liq o'rganib chiqilmagan bo'lsa-da A.Akilov, M.Axmedshayeva, I.Bekov, Sh.Berdiyarov, Z.Islamov, M.Najimov, O'.Muxamedov, M.Mirakulov, X.Odilqoriyev, Sh.Saydullayev, A.Sodikov, S.Sultonova, R.Xakimov, X.Ruzmetov, A.Xudoyberdiyev, O.Xusanov, A.Xo'janazarov, Sh.Yakubov kabi huquqshunos olimlarning ushbu sohani u yoki bu jihatlarni ochib berishga qaratilgan tadqiqotlari e'lon qilingan¹.

Uchinchi yo'nalish, MDH olimlaridan A.J.Bastaubayeva, S.G.Guseva, N.N.Dimitrov, S.I.Dobosh, T.Y.Konyaxina, V.S.Nersesyans, N.V.Nikishova, M.A.Matveeva, Y.M.Muxametkaliyeva, R.V.Shagiyeva, Y.N.Yarmonovalar norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslari borasida tupli xil tadqiqot ishlarini amalga oshirgan².

To'rtinchi yo'nalish, boshqa xorijiy mamlakatlarda norma ijodkorligi jarayonida fuqarolar ishtiroki masalasi bilan B.S.Noveck, T.M.Chapurko, J.Mendes, J.Bryson, J.L.Marti, S.Kathryn, O.O.Quick, R.Onufreiciuc, O.N.Ryaboshapko,

¹ Mazkur mualliflarning ilmiy ishlari dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida keltirilgan.

² Mazkur mualliflarning ilmiy ishlari dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida keltirilgan.

V.Alsina kabi olimlar shugʻullangan va fuqarolar ishtirokining nazariy asoslari va yuridik tabiatini ochib bergan¹.

Yuqorida sanab oʻtilgan ilmiy-tadqiqot natijalarini tahlil qilish orqali shunday xulosa qilish mumkinki, mamlakatimizda norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy va huquqiy asoslari chuqurroq tadqiq etilishi hamda qonunchilikda tizimli hamda toʻliq ifodalanishi kerak.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy taʼlim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bogʻliqligi. Tadqiqot ishi Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasining “Demokratik islohotlarni chuqurlashtirish sharoitida davlat boshqaruvini yanada erkinlashtirishning asosiy yoʻnalishlari” mavzusidagi fundamental loyihasi doirasida bajarilgan.

Tadqiqotning maqsadi Oʻzbekiston Respublikasida norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslarini takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari. Tadqiqot ishining oldiga qoʻyilgan maqsadga erishishda quyidagi vazifalar belgilab olindi:

fuqarolarning norma ijodkorligi jarayonida ishtiroki nazariy asoslarini tahlil qilish;

norma ijodkorligi jarayonida fuqarolar ishtirokining yuridik tabiatini ochib berish;

norma ijodkorligi jarayonida fuqarolar ishtirokining prinsiplarini yoritib berish;

norma ijodkorligi jarayonida fuqarolar ishtirokini turli mezonlar asosida tasniflash;

fuqarolar norma ijodkorligi jarayonida ishtirokining huquqiy asoslariga ilmiy-nazariy baho berish;

norma ijodkorligi jarayonida fuqarolar ishtirokining asosiy shakllarini ajratish va ilmiy-nazariy jihatdan asoslash;

fuqarolarning norma ijodkorligi jarayonida samarali ishtirokini belgilovchi omillarni koʻrsatib berish;

norma ijodkorligi jarayonida fuqarolar ishtiroki borasida xorij tajribasini oʻrganish va uni milliy qonunchilikka tatbiq qilish masalalarini tadqiq qilish;

norma ijodkorligi jarayonida fuqarolar ishtirokiga oid qonunchilikni takomillashtirishning asosiy yoʻnalishlarini koʻrsatib berish;

Oʻzbekistonda norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslarini takomillashtirishga qaratilgan taklif va tavsiyalar ishlab chiqish.

Tadqiqotning obykti norma ijodkorligi jarayonida fuqarolar ishtiroki bilan bogʻliq huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqotning predmeti Oʻzbekiston Respublikasida norma ijodkorligi jarayonida fuqarolar ishtirokini tartibga soluvchi normativ-huquqiy hujjatlar, huquqni qoʻllash amaliyoti, xorijiy mamlakatlar qonunchiligi va amaliyoti hamda Davlat va

¹ Mazkur mualliflarning ilmiy ishlari dissertatsiyaning foydalanilgan adabiyotlar roʻyxatida keltirilgan.

huquq nazariyasida mavjud bo'lgan konseptual yondashuvlar, ilmiy-nazariy qarashlar va huquqiy kategoriyalar hisoblanadi.

Tadqiqotning usullari. Tadqiqot olib borishda tarixiy, tizimli, qiyosiy-huquqiy, mantiqiy, tasniflash, ilmiy manbalarni kompleks tadqiq etish, induksiya va deduksiya kabi usullar qo'llanilgan.

Tadqiqotning ilmiy yangiligi quyidagilar bilan belgilanadi:

fuqarolar referendum shaklida norma ijodkorligi jarayonida ishtirok etganda unda bevosita normativ-huquqiy hujjat qabul qiluvchi subyektga aylanishi zarurligi asoslab berilgan;

vakolatli davlat organlari faoliyatining ochiqligi va shaffofligi norma ijodkorligi faoliyatida fuqarolar ishtirokining samaradorligiga bevosita ta'sir etuvchi omillar ekanligi asoslangan;

normativ-huquqiy hujjat qabul qilish huquqiga ega bo'lgan organ, zarur bo'lganda, normativ-huquqiy hujjat loyihasini tayyorlashni davlat organlariga, ilmiy va boshqa tashkilotlarga, ayrim fuqarolarga belgilangan tartibda, o'z vakolatlari doirasida topshirishga yoki ularga shartnoma asosida buyurtma berishga haqli ekanligi asoslab berilgan;

normativ-huquqiy hujjatlar loyihalarining jamoatchilik muhokamasi natijalarida kelib tushgan fikr-mulohazalar va (yoki) takliflar rad etilgan taqdirda, ishlab chiquvchi ularni rad etish sababini ko'rsatib berishi shartligi asoslangan;

fuqarolar jamoatchilik nazorati shaklida norma ijodkorligi jarayonida ishtirok etishlari mumkinligi asoslab berilgan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

Regulation.gov.uz – normativ-huquqiy hujjatlar loyihalari muhokamasi portalini takomillashtirish bo'yicha takliflar ishlab chiqilgan;

Advice.uz – huquqiy axborot portalida norma ijodkorligi faoliyati bo'yicha alohida bo'lim tashkil etish tavsiya etilgan;

parlament tomonidan fuqarolar uchun qonun ijodkorligi jarayoni haqida sodda va tushunarli tilda ma'lumot beruvchi elektron qo'llanmalar turkumini yaratish maqsadga muvofiqligi asoslab berilgan;

ijtimoiy sheriklik munosabatlarining subyektlari sifatida O'zbekiston Respublikasi fuqarolarini ham belgilash bo'yicha qonunchilikka takliflar bildirilgan;

qabul qilinishi rejalashtirilgan yoki loyihasi muhokama qilinayotgan normativ-huquqiy hujjatlar to'g'risida ma'lumotlarni belgilangan tartibda e'lon qilmaganlik uchun ma'muriy ta'sir chorasini ko'rish to'g'risida qonunchilikka taklif bildirilgan;

huquq ijodkorligi va norma ijodkorligi tushunchalari o'zaro farqlangan holda milliy huquqshunoslikda huquqiy norma ijodkorligi tushunchasining nazariya va amaliyotga tadbiiq etilishining maqsadga muvofiqligi asoslab berildi;

norma ijodkorligi jarayonida fuqarolar ishtirokining shakllari va ularning bir-biri bilan uzviy aloqadorligi yuzasidan nazariy-huquqiy asoslar keltirildi;

norma ijodkorligi jarayonida fuqarolar ishtirokining yuridik tabiati ochib berildi;

norma ijodkorligi jarayonida fuqarolar ishtiroki tushunchasiga mualliflik ta'rifi ishlab chiqildi;

O‘zbekiston Respublikasi Adliya vazirligi tomonidan norma ijodkorligiga oid qonunchilik hujjatlarini inkorporatsiya ko‘rinishida tizimlashtirish taklif etildi.

Tadqiqot natijalarining ishonchliligi. Tadqiqot natijalarining ishonchliligi tadqiqot davomida foydalanilgan usullar, murojaat qilingan ilmiy-nazariy yondashuvlar rasmiy manbalardan olingani, rivojlangan davlatlar tajribasi va milliy qonunchilik normalarining o‘zaro tahlili asosida xulosa, taklif va tavsiyalarning amaliyotda joriy etilgani, natijalarning yetakchi milliy va xorijiy nashrlarda e‘lon qilingani, vakolatli tuzilmalar tomonidan tasdiqlangani bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan O‘zbekiston norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslarini takomillashtirish bo‘yicha ilmiy izlanishlar olib borish, qonun hujjatlarining tegishli normalarini sharhlash, milliy qonunchilikni takomillashtirish hamda “Davlat va huquq nazariyasi”, “Norma ijodkorligi” kabi o‘quv modullarni takomillashtirish va metodik tavsiyalar tayyorlashda foydalanish mumkin.

Tadqiqot natijalarining amaliy ahamiyati O‘zbekiston Respublikasida fuqarolarning norma ijodkorligi jarayonida ishtirokini tartibga soluvchi qonunchilik hujjatlarini takomillashtirishda, shuningdek norma ijodkorligi sohasida tadqiqotlarni o‘tkazishda foydalanish mumkinligi bilan belgilanadi.

Tadqiqot natijalarining joriy qilinishi. Tadqiqot ishi bo‘yicha olingan ilmiy natijalar quyidagilarda foydalanilgan:

fuqarolar referendum shaklida norma ijodkorligi jarayonida ishtirok etganda bevosita normativ-huquqiy hujjat qabul qiluvchi subyektga aylanishi to‘g‘risidagi taklif O‘zbekiston Respublikasining “Normativ-huquqiy hujjatlar to‘g‘risida”gi Qonunining 4-moddasi ikkinchi qismini ishlab chiqishda e‘tiborga olingan (Oliy Majlis Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2022-yil 18-noyabrdagi 04/10-10-189-son dalolatnomasi). Ushbu taklifning amalga oshirilishi normativ-huquqiy hujjatlar qabul qilish huquqiga ega bo‘lgan subyektlar doirasini belgilashga xizmat qilgan;

norma ijodkorligi faoliyatining samaradorligiga bevosita ta’sir etuvchi omillar sifatida vakolatli davlat organlari faoliyatining ochiqligi va shaffofligi ekanligi to‘g‘risidagi taklif O‘zbekiston Respublikasining “Normativ-huquqiy hujjatlar to‘g‘risida”gi Qonunining asosiy prinsiplarini ishlab chiqishda e‘tiborga olingan (Oliy Majlis Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2022-yil 18-noyabrdagi 04/10-10-189-son dalolatnomasi). Ushbu taklifning amalga oshirilishi oshkoralik prinsipining norma ijodkorligi faoliyatiga kirib kelishiga xizmat qilgan;

normativ-huquqiy hujjat qabul qilish huquqiga ega bo‘lgan organ, zarur bo‘lganda, normativ-huquqiy hujjat loyahasini tayyorlashni davlat organlariga, ilmiy va boshqa tashkilotlarga, ayrim fuqarolarga belgilangan tartibda, o‘z vakolatlari doirasida topshirishga yoki ularga shartnoma asosida buyurtma berishga haqli ekanligi haqidagi fikrlari O‘zbekiston Respublikasining “Normativ-huquqiy hujjatlar to‘g‘risida”gi Qonunining 22-moddasini takomillashtirishda inobatga olingan (Oliy

Majlis Senatining Sud-huquq masalalari va korrupsiyaga qarshi kurashish qo‘mitasining 2022-yil 11-oktyabrdagi 06-13/52-son dalolatnomasi). Ushbu taklifni amalga oshirilishi normativ-huquqiy hujjatni ishlab chiqish jarayoniga fuqarolarni jalb qilish imkoniyatini yaratgan;

normativ-huquqiy hujjatlar loyihalarining jamoatchilik muhokamasi natijalarisida kelib tushgan fikr-mulohazalar va (yoki) takliflar rad etilgan taqdirda, ishlab chiquvchi ularni rad etish sababini asoslashi shartligi haqidagi takliflar O‘zbekiston Respublikasining “Normativ-huquqiy hujjatlar to‘g‘risida”gi Qonunining 24-moddasini shakllantirishda e‘tiborga olingan (Oliy Majlis Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2022-yil 18-noyabrdagi 04/10-10-189-son dalolatnomasi). Ushbu taklifning amalga oshirilishi normativ-huquqiy hujjatlar loyihalari jamoatchilik muhokamasining eng muhim o‘ziga xos xususiyatlarini belgilashga xizmat qilgan;

fuqarolar jamoatchilik nazorati shaklida norma ijodkorligi jarayonida ishtirok etishlari mumkinligi haqidagi takliflardan O‘zbekiston Respublikasining “Normativ-huquqiy hujjatlar to‘g‘risida”gi Qonunining 53-moddasi to‘rtinchi qismini takomillashtirishda e‘tiborga olingan (Oliy Majlis Qonunchilik palatasi Demokratik institutlar, nodavlat tashkilotlar va fuqarolarning o‘zini o‘zi boshqarish organlari qo‘mitasining 2022-yil 18-noyabrdagi 04/10-10-189-son dalolatnomasi). Ushbu taklifning amalga oshirilishi normativ-huquqiy hujjatlar ijrosining jamoatchilik monitoringi va nazoratining o‘rnatilishiga xizmat qilgan.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 5 ta ilmiy anjumanda, jumladan 3 ta xalqaro va 2 ta respublika miqyosida o‘tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o‘tgan.

Tadqiqot natijalarining e‘lon qilinganligi. Mazkur tadqiqot natijalari bo‘yicha jami 15 ga yaqin ilmiy ish, jumladan, ilmiy jurnallarda 8 ta (3 ta xorijiy nashrlarda) va ilmiy to‘plamlarda 5 ta ilmiy maqolalar chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, 8 paragrafdan iborat uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati va ilovalardan iborat. Dissertatsiyaning hajmi 156 betni tashkil etgan.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida tadqiqot mavzusining dolzarbligi va zarurati, uning respublika fan va texnologiyalari rivojlanishining asosiy ustuvor yo‘nalishlariga bog‘liqligi, mavzu bo‘yicha xorijiy ilmiy-tadqiqotlar sharhi, muammoning o‘rganilganlik darajasi, mavzuning dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari bilan aloqasi, uning maqsad va vazifalari, obyekti va predmeti, usullari, ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, ilmiy va amaliy ahamiyati, joriy qilinishi, aprobatsiyasi, natijalarning e‘lon qilinganligi, dissertatsiyaning tuzilishi va hajmi haqida ma‘lumotlar keltirilgan.

Dissertatsiyaning birinchi bobi «**Norma ijodkorligi jarayonida fuqarolar**

ishtirokining nazariy-huquqiy tahlili» deb nomlanib, ushbu bobda norma ijodkorligi jarayonida fuqarolar ishtirokiga oid tushunchalar tahlili, norma ijodkorligi jarayonida fuqarolar ishtirokining yuridik tabiati va fuqarolarning norma ijodkorligi jarayonida ishtirokining tasnifi va asosiy prinsiplari tadqiq etilgan.

Tadqiqotchi huquqshunos olimlarning (I.Bekov, M.Axmedshayeva, X.Odilqoriyev, Z.Islamov, Sh.Saydullayev, A.Sodikov, S.Sultonova, A.Xo‘janazarov, Y.Yarmonova, L.Morozova, V.Nersesyans) yondashuvlari tahlili asosida norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslarini takomillashtirishda muhim fundamental tushunchalar va prinsiplar, ularning yuridik tabiatini tahlil qilgan. Shu bois, dissertatsiyaning ushbu bobi doirasida norma ijodkorligi va huquq ijodkorligi qiyosiy o‘rganilgan holda ushbu tushunchalarning o‘ziga xos xususiyatlari ko‘rsatib berilgan.

Dissertatsiyada norma ijodkorligi tushunchasiga nisbatan nazariy va rasmiy huquqiy yondashuvlar bir-biridan farq qilishini qayd etilgan holda, norma ijodkorligi barcha turdagi normalar, jumladan texnik va ijtimoiy normalarning barchasini o‘z ichiga olishi asoslangan, ushbu holat yuridik texnikaning umumiy qoidalariga zid kelishi ko‘rsatib berilgan. Tadqiqotchining fikricha, qonunchilikda qo‘llanilayotgan har bir tushuncha yagona ma‘noga ega bo‘lishi zarur va turli xil talqin qilinishi mumkin emas. Mazkur muammoning ilmiy yechimi sifatida dissertant yangi – “huquqiy norma ijodkorligi” tushunchasini nazariya va rasmiy qonunchilik hujjatlariga kiritishni asoslab bergan.

Tadqiqotchi tomonidan muallif ta‘rifi sifatida “huquqiy norma ijodkorligi bu – vakolatli davlat organlari yoki mansabdor shaxslar, shuningdek fuqarolar tomonidan bevosita (referendum orqali) huquqning muayyan sohasi doirasida huquqiy normalarni o‘rnatish, o‘zgartirish, shuningdek ularni bekor qilishga qaratilgan faoliyatdir” tushunchasi taklif qilingan. Dissertantning fikricha, mazkur ta‘rifda “huquqiy norma ijodkorligi” tushunchasidan foydalanilishi yuridik texnika umumiy qoidalari nuqtayi nazaridan to‘g‘ri hisoblanadi.

Dissertant tadqiqot predmetini aniqlashtirish maqsadida fuqarolar tushunchasi mazmunini aniqlashga urunib, norma ijodkorligi jarayonida fuqarolar ishtiroki masalasi haqida gapirilganda aniq yondashuvni shakllantirib olish lozimligini ko‘rsatib bergan. Norma ijodkorligi jarayonida fuqarolar ishtiroki masalasida faqat O‘zbekiston Respublikasining fuqarolari tushunilishi maqsadga muvofiq ekanligi, norma ijodkorligi davlat hokimiyatini amalga oshirishning eng asosiy shakllaridan biri bo‘lganligi sababli ushbu munosabatlarda xorijiy fuqarolar, shuningdek fuqaroligi bo‘lmagan shaxslarning ishtirok etishi, davlat suverenitetiga muayyan ma‘noda salbiy ta‘sir ko‘rsatishi mumkinligi ilmiy va amaliy jihatdan asoslab berilgan.

Tadqiqotchi norma ijodkorligi jarayonida fuqarolar ishtiroki serqirra yuridik tabiatga ega ekanligini tahlil qiladi va o‘ziga xos bir qancha jihatlarini ajratib ko‘rsatadi. Fuqarolarning norma ijodkorligi jarayonida ishtirok etishi o‘zida sifatli qonunchilik bazasini shakllantirish usuli, bevosita demokratiyaning bir ko‘rinishi, shaxsiy-siyosiy huquq, jamoatchilik nazoratining shakli, fuqarolik jamiyatining zaruriy sharti, “crowdsourcing” tendensiyasining bir yo‘nalishi kabi xususiyatlarni

aks ettirishi konseptual jihatdan asoslab berilgan.

Yuqorida keltirilgan tahlillar umumlashtirilgan holda norma ijodkorligi jarayonida fuqarolar ishtiroki tushunchasiga quyidagi mualliflik ta'rifi ishlab chiqilgan: "Norma ijodkorligida fuqarolar ishtiroki – bu qabul qilinayotgan normativ-huquqiy hujjatlarning yuqori sifat va xalqchilligini ta'minlash maqsadida fuqarolarni eshitish imkonini beruvchi, ularning fikr, istak va manfaatlarini aks ettirishga xizmat qiluvchi taklif, tashabbus, muhokama va boshqa turli shakllarda norma ijodkorligi jarayonida ishtirokiga qaratilgan demokratik jarayon hisoblanadi".

Dissertant doktrinal qarashlar (K.Czapanskiy, R.Manjoo, M.L.Flear, A.Vakulenko) va xalqaro huquqiy hujjatlar tahlili asosida normativ-huquqiy hujjatlar loyihalarini tayyorlash va qabul qilish jarayonida fuqarolarning ishtirok etish shakllari va kafolatlarini yagona huquqiy hujjat – Norma ijodkorligi kodeksini ishlab chiqish orqali yaratishni taklif qilgan.

Tadqiqotchining qayd etishicha, fuqarolarning norma ijodkorligi jarayonida doimiy va faol ishtirok etishlari normativ-huquqiy hujjatlar qabul qilishga vakolatli davlat organlari faoliyatining qonuniy va samarali yo'lga qo'yilishiga xizmat qiladi. Ushbu nuqtai-nazarga kelishga sabab fuqarolar norma ijodkorligi jarayonida ishtirok etish jarayonida nafaqat normativ-huquqiy hujjatlar loyihalari bo'yicha o'z takliflarini bildirishlari bilan birga, vakolatli davlat organlari faoliyati va ularning kelgusi ustuvor vazifalarini ham belgilashga turtki beradi.

Doktrinal qarashlar (V.Bagdasarov, K.Pearson, Y.Melody, A.Kiang, D.Steiger va boshq.) tahlili asosida dissertant jamoatchilik nazorati shaklida raqamli texnologiyalar asosida fuqarolar qabul qilinayotgan normativ-huquqiy hujjatlarda jamoatchilik manfaatlarini, jamoatchilik fikrini hisobga olinish jarayoni bugungi kunda eng samarali, degan xulosaga kelgan.

Tadqiqotchi fuqarolarning norma ijodkorligi jarayonidagi ishtirokini tasniflash orqali quyidagi shakllarini ajratib ko'rsatgan: "axborot olish"; "qonunchilik tashabbusi"; "huquqiy munosabatlar ishtirokchisi"; "umumxalq muhokamasi"; "jamoatchilik muhokamasi"; "jamoatchilik nazorati"; "referendum" va boshqalar.

Dissertatsiyada fuqarolarning norma ijodkorligi jarayonidagi ishtiroki tasniflash metodi orqali bir necha mezonlarga ko'ra tasniflangan va mazkur yondashuv tadqiqot predmeti haqida yanada aniq va kengroq xulosa chiqarish imkonini bergan. Tadqiqotchi tomonidan norma ijodkorligi jarayonida fuqarolar ishtirokining qonuniylik, demokratizm, ochiqlik va shaffoflik, tenglik, fuqarolar ishtirokining ixtiyoriyligi kabi prinsiplari muhokama qilingan holda o'zaro hamkorlik va axborotdan erkin foydalanish kabi yangi fundamental prinsiplarni qonunchilikka joriy etish taklifi asoslantirib berilgan.

Dissertatsiyaning ikkinchi bobi «**Fuqarolarning norma ijodkorligi jarayonida ishtirokining huquqiy mexanizmlari**»ga bag'ishlangan bo'lib, uch paragrafni o'z ichiga olgan. Ushbu bobda norma ijodkorligi jarayonida fuqarolar ishtirokining huquqiy asoslari tahlili, fuqarolarning norma ijodkorligi jarayonida ishtiroki asosiy shakllari hamda norma ijodkorligi jarayonida fuqarolarning samarali ishtirokini belgilovchi omillar tadqiq etilgan.

Tadqiqotchi norma ijodkorligi jarayonida fuqarolar ishtirokining xalqaro huquqiy asoslarini tahlil qilgan holda, xalqaro huquqiy hujjatlar va milliy qonunchilik hujjatlarining o'zaro aloqadorligining mustahkamlanish tendensiyasi huquq rivojining muhim obyektiv qonuniyatlaridan biri deb hisoblaydi.

Dissertatsiyada so'nggi yillarda norma ijodkorligi tizimini takomillashtirishga qaratilgan 20 ta normativ-huquqiy hujjat, shu jumladan 2 ta qonun, Oliy Majlis palatalarining 1 ta qo'shma qarori, Prezidentimizning 1 ta qarori, Vazirlar Mahkamasining 3 ta qarori, 13 ta boshqa hujjatlarni qabul qilinganligi, ularda bosh g'oya huquqning bosh ijodkori xalq va uning manfaatlari etib belgilanganligini ko'rsatib berilgan.

Tadqiqotchi bugungi kunda tadqiqot predmetiga oid munosabatlar o'ndan ortiq qonun va qonunosti hujjatlaridan joy olganligini, mazkur munosabatlarning huquqiy asoslari bu kabi tarqoq holda ekanligi qonunchilikdagi bo'shliqlar bilan birga, norma ijodkorligi jarayonida fuqarolar ishtirokini to'laqonli amaliyotga joriy etishda qator qiyinchiliklar keltirib chiqarayotganligini ko'rsatib o'tgan. Xalqaro tajriba va doktrinal qarashlar tahlili asosida O'zbekiston Respublikasining "Normativ-huquqiy hujjatlar to'g'risida"gi Qonuni normativ-huquqiy hujjatlar loyihalarini tayyorlash va qabul qilish borasidagi asosiy huquqiy hujjat bo'lganligi sababli sohaga oid eng muhim tushunchalar aniq, tizimli va to'liq holda berilishi maqsadga muvofiq, deb hisoblaydi.

O'zbekiston Respublikasining "Normativ-huquqiy hujjatlar to'g'risida"gi Qonunning 4-moddasi birinchi qismida normativ-huquqiy hujjat qabul qilishga vakolatli davlat organlari mansabdor shaxslar sanalib qavs ichida "*bundan buyon matnda normativ-huquqiy hujjatlar qabul qilish huquqiga ega bo'lgan organlar deb yuritiladi*" deb belgilangan. Moddaning ikkinchi qismida esa referendum yo'li bilan fuqarolar normativ-huquqiy hujjat qabul qilishlari mumkinligi e'tirof etilgan. Moddaning ushbu tahrirda berilishi yuridik texnika nuqtayi nazaridan turli qiyinchiliklarni keltirib chiqarishi ko'rsatib o'tilib, "normativ-huquqiy hujjatlar qabul qilish huquqiga ega bo'lgan organlar" tushunchasini "normativ-huquqiy hujjatlar qabul qilish huquqiga ega bo'lgan subyektlar" jumlasiga o'zgartirish kerakligini asoslab bergan.

Tadqiqotchi tegishli huquqiy mexanizmlarning o'rnatilmaganligi fuqarolar ishtirokining ayrim shakllaridan to'laqonli foydalanishga imkon bermayotganligini ko'rsatib, O'zbekiston Respublikasining "Normativ-huquqiy hujjatlar to'g'risida"gi Qonunida fuqarolar tekinga yoki vakolatli davlat organi bilan tuzilgan shartnomalar asosida normativ-huquqiy hujjat loyihasini ishlab chiqishlari yoki normativ-huquqiy hujjatning eng yaxshi loyihasini tayyorlash bo'yicha o'tkaziladigan tanlovlar orqali norma ijodkorligi jarayonida ishtirok etishlari mumkinligi aytilsada, bu boradagi aniq tartib-taomillar belgilanmaganligi sababli amaliyotda fuqarolar ishtirokining mazkur shakli yo'qligini asoslab bergan. Muallifning fikricha, fuqarolar ishtirokining barcha shakllaridan samarali foydalanish uchun, avvalo, huquqiy asoslari tizimli va to'liq belgib berilishi maqsadga muvofiq sanaladi.

Dissertant huquqiy asoslar tahlili davomida normativ-huquqiy hujjatlar loyihalari muhokamasi portaliga joylashtirilish va uni o'tkazish tartib-taomillari

yetarli darajada belgilab berilmaganligini ko'rsatib o'tgan. Muallifning fikricha, jamaotchilik muhokamasiga oid eng muhim munosabatlar, jumladan, jamaotchilik muhokamasini o'tkazishga mas'ul subyektlar, muddatlar, jamaotchilik muhokamasini o'tkazildi, deb topish mezonlari (jamaotchilik muhokamasiga qo'yilgan normativ-huquqiy hujjat loyihasi bo'yicha birorta taklif va mulohaza kelib tushmagan hollar) alohida hujjat bilan belgilanishi maqsadga muvofiq sanaladi.

Tadqiqotchi norma ijodkorligi jarayonida fuqarolar ishtiroki bilan bog'liq qonunchilik hujjatlarini ko'rib chiqish va ayrimlariga bugungi kun islohotlari va yangilanishlaridan kelib chiqib ba'zi o'zgartirishlar kiritish maqsadga muvofiq ekanligini ko'rsatib o'tadi. Jumladan, eng muhim normativ-huquqiy hujjat turi hisoblangan qonun loyihalarining ishlab chiqilishi va qabul qilinish jarayonining protsessual tartibini belgilab beruvchi "O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining reqlamenti to'g'risida" va "O'zbekiston Respublikasi Oliy Majlisi Senatining reqlamenti to'g'risida"gi O'zbekiston Respublikasi Qonunlarida palatalar qarorlarini ishlab chiqishda fuqarolar ishtiroki masalalari belgilanmaganligini qayd etib, parlament palatalarining fuqarolar bilan norma ijodkorligi sohasidagi hamkorligini yangi bosqichga olib chiqishda ular ishtirokini kengaytirish zarurligini asoslab bergan.

Tadqiqotchi "Qonun loyihalarining umumxalq muhokamasi to'g'risida"gi O'zbekiston Respublikasining Qonunning 12-moddasida qonun loyihalarini umumxalq muhokamasiga qo'yish tashabbusi qonunchilik tashabbusi huquqiga ega bo'lgan organlar va shaxslarga, shuningdek O'zbekiston Respublikasi Oliy Majlisining Qonunchilik palatasi qo'mitalariga tegishli ekanligi aytilsada, Qonunchilik palatasidan boshqa birorta subyektning mazkur tashabbusni amalga oshirish tartibi belgilanmagan. Muallifning fikricha, qonun loyihalarini umumxalq muhokamasiga qo'yish tashabbusini amalga oshirish tartibining qonunchilik hujjatlaridan joy olishi umumxalq muhokamalari borasidagi amaliyotlarning ko'payishiga va pirovardida qabul qilinayotgan qonunlarning xalqchil bo'lishiga xizmat qiladi.

Tadqiqotchi norma ijodkorligi jarayonida fuqarolar ishtirokining huquqiy asoslaridan biri sifatida "O'zbekiston Respublikasining referendumini to'g'risida"gi O'zbekiston Respublikasi Qonunini tahlil qiladi hamda Qonunning 12-moddasi 6-qismida Fuqarolar tashabbuskor guruhini ro'yxatga olish rad etilgani taqdirda O'zbekiston Respublikasi Markaziy saylov komissiyasi asosli javob beradi mazmunidagi normaga e'tibor qaratadi. Muallifning fikricha, qonunda fuqarolar tashabbuskor guruhini ro'yxatga olishni rad etish asoslari aniq belgilab berilishi kerak.

Dissertant olimlar (M.Axmedshayeva, P.Mikuli, G.Kuca, T.Aitamurto, V.Androshuk, E.Tulyakov, Sh.Yakubov, M.M.Mamasiddiqov, A.A.Otajonov, C.Barnard, A.Reale, F.Hendriks) tadqiqotlarini tahlil qilgan holda norma ijodkorligi jarayonida fuqarolar ishtirokining axborot olish, normativ-huquqiy hujjat loyihasini tayyorlash bo'yicha takliflar bilan chiqish, fuqarolik-huquqiy munosabatlar asosida, umumxalq muhokamasi va jamaotchilik muhokamasi, jamaotchilik nazorati, referendum kabi asosiy shakllarini ajratib ko'rsatadi.

Tadqiqotchi norma ijodkorligi jarayonida fuqarolar ishtiroki shakllarini tahlil qilish asnosida mazkur shakllarni samarali amalga oshirish vositalariga e'tibor qaratadi. Jumladan, fuqarolar va vakolatli davlat organlari xodimlarining huquqiy ongi va huquqiy madaniyati, vakolatli davlat organlari faoliyatining ochiqligi, maxsus elektron platformalar va boshqa vositalar.

Muallifning fikriga ko'ra fuqarolarning norma ijodkorligi jarayonida ishtirok etishi ikki tomonlama xarakter kasb etar ekan, fuqarolar va davlat organlari mansabdor shaxslarining huquqiy ongi va madaniyatini yuksaltirish quyidagi jihatlarga yo'naltirilgan bo'lishi kerak:

normativ-huquqiy hujjatlar loyihalarini tayyorlash va qabul qilish jarayonining ko'p vaqt, qo'shimcha kadrlar shtati hamda moddiy texnik resurslar talab etishining oldini olish maqsadida fuqarolar norma ijodkorligi faoliyatiga oid to'liq va tizimli ma'lumotlarga ega bo'lishi kerak;

vakolatli davlat organlarining mansabdor shaxslarida, avvalo, fuqarolarning norma ijodkorligi jarayonida ishtirok etishi sifatli qonunchilik hujjatlari qabul qilinishining kafolati bo'lib xizmat qilishi to'g'risida sog'lom qarashlar shakllanishi kerak;

fuqarolarda normativ-huquqiy hujjat qabul qilishga vakolatli davlat organlariga nisbatan ishonch ruhi paydo bo'lishi kerak;

o'z navbatida vakolatli subyektlar norma ijodkorligi faoliyatida mas'uliyat bilan yondashishlari va fuqarolarning huquqlarini hurmat qilishlari kerak;

fuqarolar normativ-huquqiy hujjatlar loyihalari yuzasidan o'z fikr-mulohazalarini bildirayotganda taklif va tavsiyalarning asosli va maqsadga muvofiq bo'lishiga hamda nafaqat shaxsiy, balki jamiyat va davlat manfaatlari uchun ham foydali bo'lishiga e'tibor qaratishlari lozim;

vakolatli davlat organlari norma ijodkorligi faoliyatida samarali ishtirok etishlari uchun fuqarolarga doimiy ravishda qulayliklar yaratib borishni ustuvor vazifalardan biri sifatida o'z oldilariga qo'yishlari kerak.

Dissertant olimlar va xalqaro tajribani tadqiq qilgan holda norma ijodkorligi jarayonida fuqarolar ishtiroki mexanizmining samarali tarzda olib borilishiga ta'sir etuvchi omillardan biri – bu shubhasiz, vakolatli davlat organlari faoliyatining ochiqligi hisoblanadi degan qat'iy xulosaga kelgan.

Tadqiqotchi norma ijodkorligi jarayonida fuqarolar ishtirokida elektron platformalarning ahamiyatini tahlil qilgan holda Normativ-huquqiy hujjatlar loyihalari muhokamasi portali – regulation.gov.uz muhokamalarda g'ayriaxloqiy, maynavozchilik ko'rinishida taklif bildiradigan foydalanuvchilarga nisbatan ta'sir chorasi sifatida muayyan muddatga taklif qoldirish imkoniyatini bloklash maqsadga muvofiq ekanligini asoslab bergan.

Dissertant sun'iy intellekt texnologiyalarini qo'llagan holda shaxsiy kabinet yoki elektron pochta orqali har bir taklif bildiruvchiga javob xati yo'llash orqali munosabat bildirish amaliyotini joriy qilishni taklif qiladi.

Dissertatsiyaning uchinchi bobi «**Norma ijodkorligi jarayonida fuqarolar ishtirokining huquqiy asoslarini takomillashtirish tendensiyalari**» deb nomlanib, ushbu bobda norma ijodkorligi jarayonida fuqarolar ishtirokiga oid xorijiy davlatlar

tajribasi hamda tegishli qonunchilikni takomillashtirishning asosiy yoʻnalishlari tadqiq etilgan.

Dissertant tomonidan norma ijodkorligi jarayonida fuqarolar ishtirokiga oid xorijiy mamlakatlar (AQSH, Buyuk Britaniya, GFR, Ispaniya, Italiya, Portugaliya, Shveysariya)ning ijobiy tajribasi oʻrganilgan va qiyosiy-huquqiy tahlili etilgan.

Tadqiqotda AQSHda norma ijodkorligi jarayonida fuqarolar ishtiroki borasidagi tajribasi oʻrganilganda milliy amaliyotga joriy etish mumkin boʻlgan bir qancha ilgʻor yutuqlar aniqlangan. Jumladan, mamlakat parlamenti binosining tashrif buyuruvchilar uchun ochiqligi, qonun loyihalarining muhokamasini kuzatib borish imkonini beruvchi maxsus joylarning tashkil etilganligi, har yili fuqarolar ishtirokiga oid yoʻriqnomalarning chiqarilishi hamda qonun ijodkorligi jarayoni va bosqichlarini oson va sodda tilda tushuntirib beruvchi qoʻllanmalarning muntazam chop etib borilishi shular jumlasidandir.

Buyuk Britaniya tajribasidagi jamoatchilik maslahatlarini oʻtkazish vaqti, davomiyligi, maslahat predmetining aniqligi, ishtirokchilar uchun ochiqligi, olingan takliflarga munosabat bildirilishi, maslahat jarayonining yoʻriqnomasi kabi muhim masalalarni belgilab beruvchi alohida huquqiy hujjatning qabul qilinganligiga eʼtibor qaratilgan. Umuman olganda dissertatsiyaning “Fuqarolarning norma ijodkorligi jarayonida ishtiroki borasida xorij tajribasi” paragrafida norma ijodkorligi jarayonida fuqarolar ishtirokini tartibga solishga qaratilgan alohida qonun hujjati qabul qilingan Shveysariya, Portugaliya kabi davlatlar amaliyoti tadqiq etilgan.

Dissertant ilgʻor xorijiy tajriba sifatida Ispaniyada normativ-huquqiy hujjatlar qabul qilishga vakolatli davlat organlarining yillik xarajatlar smetasi tasdiqlanayotganda fuqarolar ishtiroki bilan bogʻliq xarajatlar ham hisobga olinishini alohida eʼtirof etadi va milliy amaliyotga joriy etish taklifini beradi.

Tadqiqotda GFRda jamoatchilik eshituvi birinchi navbatda axborot olish xususiyatiga ega hisoblanishi tadqiq qilingan. Ushbu davlatda axborot olish xarakteri bilan birga jamoatchilik eshituvi oʻzaro qarama-qarshi qarashlarni oʻzaro uygʻunlashtirish vazifasini ham bajarishi koʻrsatib berilgan. Germaniya amaliyoti koʻrsatadiki, jamoatchilik eshituvi iqtisodiy islohotlar, ijtimoiy masalalar, ilmiy tadqiqot faoliyati boʻyicha olib borilganda yanada samarali natijalar keltirishi asoslangan.

Dissertant Germaniyada normativ-huquqiy hujjatlar loyihalarini tayyorlash boʻyicha tender oʻtkazish amaliyotiga eʼtibor qaratib, ushbu tenderda ishtirok etuvchi shaxslar va guruhlar birorta siyosiy partiyaga mansub boʻlmasligi kerak, ishtirokchilardan tegishli sertifikatlar talab etilmasada kerakli bilim va malakaga ega ekanliklarini koʻrsata olishlari kerakligi kabi talablarni tahlil qilgan. Mazkur tajribani Oʻzbekiston milliy amaliyotiga joriy etgan holda normativ-huquqiy hujjat qabul qilish vakolatiga ega boʻlgan davlat organlari fuqarolar, fuqarolik jamiyati institutlarini jalb qilgan holda tegishli normativ-huquqiy hujjat loyihalarini ishlab chiqish boʻyicha tenderlar oʻtkazish maqsadga muvofiq, deb hisoblaydi.

Dissertant norma ijodkorligi jarayonida fuqarolar ishtirokining huquqiy asoslarini takomillashtirishda, avvalo, mavjud qonun va qonunosti hujjatlari tizimlashtirilishi zarurligini asoslab beradi. Muallifning fikricha, fuqarolarning norma

ijodkorligi jarayonidagi ishtirokini norma ijodkorligining bir metodidan alohida instituti darajasida belgilash vaqti yetgan. Qabul qilinishi kutilayotgan O‘zbekiston Respublikasi qonunchiligini rivojlantirish konsepsiyasida yuqori sifatli qonunchilik tizimini yaratishning muhim vositalaridan biri sifatida fuqarolar ishtirokiga alohida e‘tibor qaratilishi maqsadga muvofiq. Zero, konseptual xarakterga ega munosabatlar sifatida norma ijodkorligi jarayonida fuqarolar ishtiroki bosqichma-bosqich qonunchilikda o‘zining huquqiy asoslariga ega bo‘lib boradi.

Tadqiqotchining fikricha, huquqiy norma ijodkorligi, huquqiy norma ijodkorligi jarayonida fuqarolar ishtiroki, shakllari va turlari, ushbu jarayonda fuqarolar va vakolatli davlat organlarining huquq va majburiyatlari, fuqarolarning norma ijodkorligi jarayonida ishtiroki tartiblari kabi muhim munosabatlar qonun hujjatlari asosida o‘rnatilishi va aniq mexanizmlari bayon qilinishi maqsadga muvofiqdir.

XULOSA

“Norma ijodkorligi jarayonida fuqarolar ishtirokining nazariy-huquqiy asoslarini takomillashtirish masalalari” mavzusidagi tadqiqot ishi natijasida quyidagi ilmiy-amaliy taklif va tavsiyalar ishlab chiqildi:

I. Ilmiy-nazariy xulosalar

1. Norma ijodkorligi jarayonida fuqarolar ishtiroki tushunchasiga quyidagi mualliflik ta‘rifi ishlab chiqildi: “Norma ijodkorligida fuqarolar ishtiroki – bu qabul qilinayotgan normativ-huquqiy hujjatlarning yuqori sifat va xalqchilligini ta‘minlash maqsadida fuqarolarni eshitish imkonini beruvchi, ularning fikr, istak va manfaatlarini aks ettirishga xizmat qiluvchi hamda taklif, tashabbus, muhokama va boshqa turli shakllarda norma ijodkorligi jarayonida ishtirokiga qaratilgan demokratik jarayon hisoblanadi”.

2. Norma ijodkorligi jarayonida fuqarolar ishtirokiga uning quyidagi xususiyatlaridan kelib chiqib ilmiy-nazariy va huquqiy baho berish tavsiya etiladi:

O‘zbekiston Respublikasida xalqaro reyting va indekslardagi ko‘rsatkichlarini yaxshilash hozirgi vaqtda davlat siyosati darajasida ko‘rilmoqda. Jumladan, O‘zbekiston Respublikasi Prezidentining “O‘zbekiston Respublikasining xalqaro reyting va indekslardagi o‘rnini yaxshilash hamda davlat organlari va tashkilotlarida ular bilan tizimli ishlashning yangi mexanizmini joriy qilish to‘g‘risida”gi Qarorida “Aholining fikrini inobatga olish va hisobdorlik” (Voice and accountability) reytingida mavjud ko‘rsatkichlarni 2030-yilgacha yanada yaxshilash bo‘yicha vazifalar belgilandi. Norma ijodkorligi jarayonida fuqarolar ishtirokini mazkur reyting ko‘rsatkichlaridan biri sifatida baholash o‘rinli.

Bundan tashqari, norma ijodkorligi jarayonida fuqarolar ishtiroki tobora faollashib borayotgan bevosita demokratiya tendensiyasi chaqirig‘iga javob sifatida maydonga chiqadi. Shu sababli, fuqarolarning norma ijodkorligi jarayonida ishtirok etish masalasi yaqin kelajakda yuz berishi muqarrar bo‘lgan jamiyatdagi o‘zgarishlarga tayyorgarlik sifatida qaralishi lozim.

3. Ba‘zi tushunchalarga ilmiy-nazariy ta‘riflarning ishlab chiqilishi va qonunchilik hujjatlarida aks ettirilishi yuridik amaliyotda yagona va to‘g‘ri

yondashuvning shakllanishiga xizmat qiladi. Xususan, davlat hokimiyatini amalga oshirishning muhim yoʻnalishlaridan biri boʻlgan norma ijodkorligi faoliyatiga huquqiy hujjatlarda rasmiy taʼrif berilishi kerak. Bunda “huquqiy norma ijodkorligi” tushunchasini nazariya va rasmiy qonunchilikka olib kirish tavsiya etiladi. Zero, bugungi kunda amalda boʻlgan “norma ijodkorligi” tushunchasining nazariy va rasmiy-huquqiy maʼnolarida farqlar mavjud.

4. Norma ijodkorligi, jumladan qonun ijodkorligi davlat hokimiyatining ajralmas xususiyati hisoblanadi. Shu sababli referendumdan boshqa biror holatda bu vakolatni boshqa birorta subyektga oʻtkazilishi mumkin emas. Bu hokimiyatlar taqsimlanishi prinsipining qatʼiy talablaridan biri. Shu jihatdan fuqarolarning norma ijodkorligi borasidagi huquq va vakolatlarining chegarasi shu nuqtadan turib belgilanishi maqsadga muvofiq.

Shuningdek, fuqarolarning norma ijodkorligi jarayonida ishtirok etishi normativ-huquqiy hujjatlarni qabul qilishga vakolatli organlar masʼuliyatini kamaytirmaydi.

5. Fuqarolarning norma ijodkorligi jarayonidagi ishtirokini ilmiy-nazariy jihatdan tadqiq etish hamda qonunchilik hujjatlarida huquqiy asosini shakllantirishda tasniflash metodidan foydalanish maqsadga muvofiq. Ushbu metod murakkab va oʻz navbatida huquq nazariyasi va amaliyoti uchun yangi tendensiya hisoblangan norma ijodkorligida fuqarolar ishtirokiga atroflicha nazar solishga va bu boradagi ijtimoiy munosabatlarni atroflicha tahlil etishga va oqilona tartibga solishga yordam beradi.

6. Fuqarolarning norma ijodkorligi jarayonidagi ishtirokini tasniflash orqali quyidagi shakllarini ajratish mumkin: “axborot olish”; “qonunchilik tashabbusi”; “huquqiy munosabatlar ishtirokchisi”; “umumxalq muhokamasi”; “jamoatchilik muhokamasi”; “jamoatchilik nazorati”; “referendum”.

7. Huquqshunos olimlar va amaliyotchi mutaxassislardan huquq rivojining zamonaviy tendensiyalaridan kelib chiqib fuqarolarning norma ijodkorligi jarayonida ishtirokining yangi shakllari va koʻrinishlarini doimiy oʻrganish va ularga huquqiy baho berib borish talab etiladi. Jumladan, fuqarolarga oʻzlarining konstitutsiyaviy huquq va erkinliklariga zid huquq normalariga nisbatan veto huquqining berilishi va boshqalar.

II. Qonunchilik asoslarini takomillashtirishga qaratilgan taklif va tavsiyalar

8. Oʻzbekiston Respublikasining “Normativ-huquqiy hujjatlar toʻgʻrisida”gi Qonunida quyidagilar hisobga olinishi maqsadga muvofiq:

Qonunning 3-moddasida normativ-huquqiy hujjat tushunchasi bilan birga “yuridik texnika”, “idora”, “norma ijodkorligi”, “huquqni sharhlash” kabi norma ijodkorligiga oid boshqa asosiy tushunchalarga ham tizimli taʼriflar berilishi kerak;

Qonunning 5-moddasida prinsiplarning nomlari sanalishi bilan cheklanmasdan, ularning mohiyati ham rasmiy jihatdan yoritilishi va aniqlashtirilishi zarur;

Qonunning 20-moddasini quyidagi tahrirdagi 3-qism bilan toʻldirish maqsadga muvofiq: “Fuqarolar “Mening fikrim” – Jamoaviy murojaatlar veb-portali orqali elektron jamoaviy murojaatlar berish huquqiga ega”.

Qonunning 22-moddasini *“muayyan turdagi normativ-huquqiy hujjat loyihasini tayyorlash bo‘yicha fuqarolar normativ-huquqiy hujjat qabul qilishga vakolatli davlat organlari bilan shartnomaviy-huquqiy munosabatlarga kirishishlarida birorta siyosiy partiyaga a‘zo emasligi talab etiladi”* mazmunidagi yangi – 6-qism bilan to‘ldirish va 6-qismni 7-qism sifatida qabul qilish maqsadga muvofiq.

9. Normativ-huquqiy hujjat qabul qilishga vakolatli aksariyat davlat organlarining rasmiy saytlarida qabul qilinishi rejalashtirilgan yoki loyihasi muhokama qilinayotgan normativ-huquqiy hujjatlar to‘g‘risida ma‘lumotlar ko‘zga tashlanmaydi. Vaholanki, qonunchilikda bu kabi axborotlar doimiy tarzda e‘lon qilinib borilishi nazarda tutilgan. Mazkur normalar ishlamasligining asosiy faktorlaridan biri sifatida tegishli ta‘sir choralarining aniq belgilanmaganligi bilan izohlash mumkin. Amaldagi O‘zbekiston Respublikasining Ma‘muriy javobgarlik to‘g‘risidagi kodeksida *“Emitentlar va qimmatli qog‘ozlar to‘g‘risidagi axborotni, hisobotlarni e‘lon qilmaslik yoki o‘z vaqtida e‘lon qilmaslik”*, *“Tabiiy va texnogen xususiyatli favqulodda vaziyatlar to‘g‘risidagi axborotni yashirish, o‘z vaqtida taqdim etmaslik yoki ular haqida atayin soxta axborot taqdim etish”*, *“Bo‘sh ish o‘rinlarini (vakant lavozimlarni) yashirish, bo‘sh ish o‘rinlari (vakant lavozimlar) yoki har bir xodim bo‘shatib olinishi kutilayotganligi to‘g‘risidagi axborotni o‘z vaqtida taqdim etmaslik”* kabi huquqbuzarliklar alohida moddalardan o‘rin olgan. Shular qatorida O‘zbekiston Respublikasining Ma‘muriy javobgarlik to‘g‘risidagi kodeksiga normativ-huquqiy hujjatlarni qabul qilishga vakolatli subyektlarning qabul qilinishi kutilayotgan yoki muhokamasi o‘tkazilayotgan normativ-huquqiy hujjatlar loyihalari, ularga oid ma‘lumotlarni e‘lon qilmaslik kabi harakatlari ma‘muriy huquqbuzarlik sifatida baholanishi to‘g‘risida yangi 51¹⁰-moddani kiritish taklif etiladi.

10. *“Ijtimoiy sheriklik to‘g‘risida”*gi O‘zbekiston Respublikasi Qonunida belgilangan ijtimoiy sheriklik subyektlariga qatoriga fuqarolarni ham kiritish va Qonunning 3-moddasi 2-qismini *“davlat organlari, nodavlat notijorat tashkilotlari, fuqarolar va fuqarolik jamiyatining boshqa institutlari ijtimoiy sheriklik subyektlaridir”* deb o‘zgartirish maqsadga muvofiq.

11. O‘zbekiston Respublikasining *“Jamoatchilik nazorati to‘g‘risida”*gi Qonunining 12-moddasini jamoatchilik ekspertizasini nodavlat notijorat tashkilotlari, fuqarolarning o‘zini o‘zi boshqarish organlari, fuqarolar va ommaviy axborot vositalari qonunchilikda nazarda tutilgan hollarda o‘tkazishi mumkin mazmunida qayta tahrirlash tavsiya etiladi.

12. O‘zbekiston Respublikasining *“Qonun loyihalarining umumxalq muhokamasi to‘g‘risida”*gi Qonunining:

3-moddasini *“O‘zaro hamkorlik prinsipi”*, *“Axborotdan erkin foydalanish prinsipi”* kabilar bilan to‘ldirish;

12-moddasida qonunchilik tashabbusi huquqiga ega bo‘lgan organlar va shaxslar, shuningdek O‘zbekiston Respublikasi Oliy Majlisining Qonunchilik palatasi qo‘mitalari tomonidan qonun loyihalarini umumxalq muhokamasiga qo‘yish tashabbusini amalga oshirish tartibining belgilanishi maqsadga muvofiq;

19-moddasida qonun loyihasi bo‘yicha bildiriladigan takliflarga qo‘yilgan talablardan *“imzolanish”*ni chiqarib tashlash maqsadga muvofiq.

13. “O‘zbekiston Respublikasining referendumi to‘g‘risida”gi O‘zbekiston Respublikasi Qonunining 12-moddasi 7-qismi sifatida fuqarolar tashabbuskor guruhini ro‘yxatga olishni rad etish asoslari aniq sanalishi kerak.

14. Ma‘lumki, qonun loyhasi yuzasidan jamoatchilik yoki umumxalq muhokamasi o‘tkaziladi. “O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasining reglamenti to‘g‘risida”gi O‘zbekiston Respublikasi Qonunining 15-moddasi 7-qismi hamda 18-modda 2-qismida esa “keng muhokama” jumlasini qo‘llanilgan va unga ta‘rif berilmagan. Shu jihatdan, “keng muhokamalar” tushunchasiga quyidagicha ta‘rif berilishi maqsadga muvofiq: “Qonun loyihalarining keng muhokamasi – qonun loyihalarini sifatli va har tomonlama muhokamasini ta‘minlash maqsadida manfaatdor subyektlar, fuqarolik jamiyati institutlari, ommaviy axborot vositalari, mutaxassislar va fuqarolar ishtirokidan iborat jarayon”. Zero, yuridik texnika qoidalari bo‘yicha qonunchilik hujjatlarida har bir tushunchaning aniq va bir ma‘noni anglatuvchi ta‘rifi berilishi zarur.

III. Amaliy takliflar

15. Huquqiy norma ijodkorligi tushunchasining milliy huquq nazariyasi va amaliyotiga kirib kelish tendensiyasidan kelib chiqib, yurisprudensiya yo‘nalishi bo‘yicha magistratura bosqichiga o‘tilayotgan modul nomini ham “Huquqiy norma ijodkorligi” deb o‘zgartirish maqsadga muvofiq. Zero, mazkur modul doirasida o‘qitiladigan mavzular magistratura talabalarida aynan huquqiy normalarni ijod qilish bo‘yicha bilim va ko‘nikmalar shakllantirishga qaratilgan.

16. AQSHning federal qonunchilik organi joylashgan Kapitoliy binosi va ko‘plab shtatlari parlamenti binolari fuqarolar va mehmonlar tashrifi uchun ochiq. Tashrifchilar parlamentning quyi va yuqori palatalari xonalarini, ish jarayoni qanday tashkil etilganligini ko‘zdan kechirishi mumkin. Fikrimizcha, O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi binosini ham yozgi ta‘til vaqtida fuqarolar va mamlakatimiz mehmonlari uchun kirish, uni ko‘zdan kechirish imkonini yaratish lozim.

17. Olib borilgan tahlillar natijasida norma ijodkorligi jarayonida fuqarolar ishtirokining samarali tarzda amalga oshirilishida elektron platformalarga alohida e‘tibor qaratish lozimligi ayon bo‘lmoqda. Jumladan, Regulation.gov.uz – normativ-huquqiy hujjatlar loyihalari muhokamasi portalini quyidagi jihatlardan kelib chiqib takomillashtirish:

normativ-huquqiy hujjat loyhasi yuzasidan bildirilgan taklif va tavsiyalar yuzasidan munosabat bildirish funksiyasini joriy etish. Ya‘ni qabul qilingan takliflar bo‘yicha tegishli tartibda ma‘lumotnoma yoki rad etilgan takliflar bo‘yicha asoslantirilgan tushuntirish xati portaldan foydalanuvchiga taqdim etilishi kerak;

portalga faqat normativ-huquqiy hujjatlar loyihalari joylashtirilishini nazorat qilish;

foydalanuvchilarni chalg‘itmaslik uchun normativ-huquqiy hujjatlar bo‘yicha foydalaniladigan tushunchalardan aniq va to‘g‘ri foydalanish;

muntazam ravishda axloqqa zid, normativ-huquqiy hujjat loyhasiga umuman taalluqli bo‘lmagan takliflarni bildiruvchi foydalanuvchilarni portaldan foydalanish

imkoniyatlarini muayyan muddatga cheklashga qaratilgan ta'sir choralari ishlab chiqish;

portalga loyihalarni ishlab chiquvchi ishchi guruh tomonidan emas, balki qabul qiluvchi organ tomonidan joylashtirish tartibini joriy etish;

loyihalar yuzasidan axborot-tahliliy materiallarning joylashtirilishini majburiy qilib belgilash.

18. Advice.uz – huquqiy axborot portalida uy-joy, soliq, byudjet kabi sohalar qatorida norma ijodkorligi faoliyati bo'yicha ham alohida bo'lim tashkil etish tavsiya etiladi. Mazkur bo'limda qonun va qonunosti hujjatlari loyihalarini tayyorlash va qabul qilish jarayoniga oid muhim huquqiy axborotlar berib boriladi.

19. 1954-yildan beri AQSHda parlament tomonidan an'anaviy tarzda "Qonunlarimiz qanday tayyorlanadi" nomli qo'llanmalar chiqarib kelinadi. Mazkur qo'llanmalarda qonun ijodkorligi jarayoni, bosqichlari, asosiy tushunchalarning izohlari berib boriladi. Mazkur tajribani milliy amaliyotga ham qo'llagan holda parlamentimiz tomonidan fuqarolar uchun qonun ijodkorligi jarayoni haqida sodda va tushunarli tilda ma'lumot beruvchi qo'llanmalar chiqarib borish maqsadga muvofiq.

20. O'zbekiston Respublikasi Adliya vazirligi tomonidan norma ijodkorligiga oid qonunchilik hujjatlarini inkorporatsiya ko'rinishida tizimlashtirish taklif etiladi.

**SCIENTIFIC COUNCIL AWARDING OF THE SCIENTIFIC DEGREES
DSc.07/30.12.2019.Yu.22.02 AT TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

BOYMURODOV BOTIR PANJI UGLI

**ISSUES OF IMPROVING THE THEORETICAL AND LEGAL BASIS OF
CITIZENS' PARTICIPATION IN THE PROCESS OF NORM-MAKING**

12.00.01 – Theory and history of state and law. History of legal doctrine

ABSTRACT

of dissertation of the Doctor of Philosophy (PhD) on sciences in law

Tashkent – 2023

The theme of the dissertation of the Doctor of Philosophy (PhD) was registered at the Supreme Attestation Commission under the Cabinet of the Republic of Uzbekistan with number B2021.4.PhD/Yu623.

The dissertation has been prepared at the Tashkent State University of Law.

The abstract of the dissertation is posted in three languages (Uzbek, Russian and English) on the website of the Scientific Council (<https://tsul.uz/uz/fan/avtoreferatlar>) and Informational educational portal «ZiyoNET» (www.ziyo.net).

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The defense of the dissertation will be held on 16th May 2023 y. at 2.00 pm at the session of the Scientific Council Dsc.07/30.12.2019.Yu.22.02 at the Tashkent state university of law. (Address: 100047, Sayilgokh street, 35, Tashkent city. Phone: (99871) 233-66-36; faks: (99871) 233-37-48, e-mail:info@tsul.uz.)

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INTRODUCTION (abstract of PhD dissertation)

Relevance and necessity of the dissertation topic. The increasing political, economic, social and legal activity of citizens around the world, as well as the attitude of governments towards them, is constantly studied by prestigious international organizations in the form of various ratings. One of them is the Voice and Accountability rating published annually by the World Bank. This rating is based on a number of indicators, including public participation in government activities, free access to information, trust in parliament, open budget, transparency and accountability of government activities. In the “Voice and Accountability” rating published in 2021, Uzbekistan increased by 12 places compared to 2020 and took 169th place among 193 countries¹. These indicators prove that the participation of citizens in various spheres of state and community life, in particular, in the activity of norm-making, is becoming an urgent issue.

The fact that the parliaments of the most developed countries of the world attach importance to the practice of consultation with the public, including citizens, in their activities requires a scientific and theoretical study of issues related to the participation of citizens in the process of norm-making, and a legal assessment of the problems and shortcomings encountered in practice. In particular, issues related to research and improvement of the theoretical and legal bases, determination of forms, and basic principles of citizens' participation in the process of norm-making are becoming urgent importance.

Involvement of citizens in the process of norm-making is becoming conceptual and strategic importance in our country. In particular, in the "Concept of Improving the Activity of Norm-making", it is emphasized that the level of influence of public discussions on the process of norm-making should be increased by effectively organizing activities involving citizens, civil society institutions, mass media, business entities and representatives of science². In the "Development Strategy of New Uzbekistan for 2022 - 2026" within the framework of the goal of modernization of the norm-making process, the tasks of improving the practice of conducting consultations with civil society institutions in the process of norm-making were defined³.

The approach to the issue of amendments and additions to the Constitution of the Republic of Uzbekistan showed importance of the participation of citizens in the process of developing and adopting legal norms. In particular, from the initial stages of the drafting of the Law, great attention was paid to the suggestions and opinions of citizens, and at the next stage, the bill was put to public discussion, and after the discussion, it was noted that it would be adopted through a referendum.

In addition, to a certain extent, this research will serve to fulfill the tasks of the Constitution of the Republic of Uzbekistan (1992) and laws of the Republic of

¹ <https://www.theglobaleconomy.com>

² Decree of the President of the Republic of Uzbekistan No. PF-5505 of August 9, 2018 “On approval of the concept of improving the activity of norm-making” // Collection of national legislative acts, 2021, No. 06/21/6218/0398

³ Decree of the President of the Republic of Uzbekistan No. PF-60 of January 29, 2022 “On development strategy of new Uzbekistan for 2022-2026” // Collection of national legislative acts, 2022, No. 06/22/113/0330

Uzbekistan “On the public discussion of bills”, “On the preparation of bills and submission to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan” (2006), “On normative legal acts” (2021) and other normative legal documents.

The relevance of the research to the development of public science and technology. This study corresponds to the priority direction of the development of science and technology of the republic on I. “Formation of a system of innovative ideas and ways of their implementation in the social, economic, cultural, spiritual and educational development of the informed society and the democratic state”.

The extent of study of the problem. In our country, scientific research related to the improvement of the theoretical and legal foundations of citizens' participation in norm-making has been conducted in the following directions:

The first direction, the main aspect of the research work was raised in the speech of the President of the Republic of Uzbekistan, Sh. Mirziyoyev, and the most important aspect of the involvement of civil society institutions, including citizens, in the process of norm-making was revealed.

The second direction, since the question of citizens' participation in the process of the norm-making is one of the relatively new objects of research, although the issues related to this topic have not been fully studied in the field of science, research works of A.Akilov, M.Akhmedshaeva, I.Bekov, Sh.Berdiyarov, Z.Islamov, M.Najimov, O.Mukhamedov, M.Mirakulov, Kh.Odilgoriev, Sh.Saydullaev, A.Sodikov, S.Sultonova, R.Khakimov, Kh.Ruzmetov, A.Khudoyberdiev, O.Khusanov, A.Khojanazarov, Sh.Yakubov have been published¹.

The third direction, from CIS scientists A.J. Bastaubaeva, S.G. Guseva, N.N. Dimitrov, S.I.Dobosh, T.Y.Konyakhina, V.S.Nersesyants, N.V.Nikishova, M.A.Matveeva, E.M.Mukhametkaliyeva, R.V.Shagieva, E.N.Yarmonova have carried out a wide range of research work on the theoretical and legal basis of citizens' participation in the process of norm-making².

The fourth direction, In other countries, scientists such as Noveck B.S., T.M.Chapurko, J.Mendes, J.Bryson, J.L.Marty, S.Kathryn, O.O.Quick, R.Onufreiciuc, O.N.Ryaboshapko, V.Alsina were dealt with in the process of norm-making and revealed the fundamental and legal nature of citizen participation³.

Analyzing the results of the scientific research listed above, it can be concluded that in our country, there is a need for a thorough study of the theoretical and legal basis of citizens' participation in the process of norm-making in our country, and a systematic and complete representation in the legislation.

The relationship between the research of dissertation and the research activity of the institution of higher education where the dissertation was carried out. The research work was carried out in the framework of the fundamental project of the scientific-research work page of the Tashkent State University of law on the

¹ Scientific works of these scientists are given in the list of literature used in the dissertation.

² Scientific works of these scientists are given in the list of literature used in the dissertation.

³ Scientific works of these scientists are given in the list of literature used in the dissertation.

topic "The urgent direction of the development of the state administration in the context of deepening the democratic process".

The purpose of the research. It is based on the development of proposals and recommendations aimed at improving the theoretical and legal basis of citizens' participation in the process of norm-making in the Republic of Uzbekistan.

The tasks of the research. The following tasks were defined in order to achieve the goal of the research work:

to analyze the theoretical basis of citizens' participation in the process of norm-making;

to reveal the legal nature of citizens' participation in the process of norm-making;

to clarify the principles of citizen participation in the process of norm-making;

classification of citizens' participation in the process of norm-making based on various criteria;

to provide a scientific and theoretical assessment of the legal bases of citizens' participation in the process of norm-making;

separation of the main forms of citizen participation in the process of norm-making and scientific-theoretical justification;

to indicate the factors that determine the effective participation of citizens in the process of norm-making;

to study the foreign experience of citizens' participation in the process of norm-making and to research the issues of its application to national legislation;

to indicate the main directions of improvement of the legislation on the participation of citizens in the process of norm-making;

Development of proposals and recommendations aimed at improving the theoretical and legal basis of citizens' participation in the process of norm-making in Uzbekistan.

The object of the research is the system of legal relations related to the participation of citizens in the process of norm-making.

The subject of the research is to examine the normative legal documents that regulate the participation of citizens in the process of norm-making in the Republic of Uzbekistan, the practice of law enforcement, the legislation and practice of foreign countries, and the conceptual approaches, scientific-theoretical views and legal categories that exist in the theory of the State and law.

The methods of the research. Methods such as historical, systematic, comparative-legal, logical, classification, complex research of scientific sources, induction and deduction were used in the research.

The scientific novelty of the research is defined as follows:

when citizens participate in the process of norm-making in the form of a referendum, it is justified that they become the subject of adopting a normative legal act;

it is based on the fact that the openness and transparency of the activities of competent state bodies are the factors that directly affect the effectiveness of citizen participation in the activity of norm-making;

it is justified that the body with the right to adopt a normative legal act, when necessary, has the right to delegate the preparation of a draft normative legal act to state bodies, scientific and other organizations, individual citizens in accordance with the established procedure, within the scope of its powers, or to order them on the basis of a contract;

in case of rejection of comments and (or) suggestions received during the public discussion of draft normative legal documents, the developer must indicate the reason for their rejection.

it is justified that citizens can participate in the process of norm-making in the form of public control.

The practical results of the research are as follows:

suggestions for improvement of Regulation.gov.uz – the portal for discussion of draft normative legal acts have been developed;

it is recommended to establish a separate section in the legal information portal – Advice.uz on the activity of norm-making;

the expediency of creating a series of e-manuals by the parliament that provide information for citizens about the law-making process in a simple way has been justified;

proposals on marking the citizen of the Republic of Uzbekistan as a subject of social partnership relations have been offered to legislation;

a legislative proposal was made to take administrative measures for non-disclosure of information on normative legal acts planned to be adopted or the draft of which is being discussed;

the feasibility of applying the concept of legal norm-making to theory and practice in national jurisprudence was justified by distinguishing between the concepts of law making and norm-making;

in the process of norm-making, theoretical and legal grounds were presented regarding the forms of citizens' participation and their interrelationship;

the legal nature of citizens' participation in the process of norm-making was revealed;

an author's definition of the concept of citizen participation in the process of norm-making was developed;

it is proposed that systematization of legislative acts on the norm-making in the form of incorporation by The Ministry of Justice of the Republic of Uzbekistan.

The reability of research results. The reliability of the research result is determined by the methods used during the research, the applied scientific-theoretical approach and the facts that obtained from a reliable source. Furthermore the research reability is marked with the conclusions, suggestions and recommendations that implemented in practice based on the independent analysis of the developed state law and national legislation and the results that published in the leading national and regional publications which approved by the authorized body.

Scientifical and practical significance of research results. The scientific significance of the research results can be used to conduct research on the improvement of the theoretical and legal methods of citizens' participation in the

process of norm-making in Uzbekistan. It can be used to interpret relevant norms of legal acts, improve national legislation, improve educational modules such as “Theory of State and Law”, “Norm-making” and prepare methodical recommendations.

The practical importance of the research results is determined by the possibility of using them in the improvement of the legislative acts regulating the participation of citizen in the process of norm-making in the Republic of Uzbekistan, as well as in conducting research on norm-making.

Implementation of research results. The scientific results of the research were used as follows:

the conclusion on the participation of citizens in the norm-making process in the form of a referendum, they become the subject of the adoption of a normative legal act was taken into account in the development of the second part of article 4 of the Law of the Republic of Uzbekistan “On normative legal acts” (Reference of the Committee on Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis dated November 18, 2022 No. 04/10-10-189). The implementation of this proposal served to determine the scope of subjects that have the right to adopt legal acts;

the proposal on the openness and transparency of the activities of the competent state bodies as factors directly affecting the effectiveness of norm-making was taken into account in the development of the basic principles of the Law of the Republic of Uzbekistan “On normative legal acts” (Reference of the Committee on Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis dated November 18, 2022 No. 04/10-10-189). The implementation of this proposal served to introduce the principle of transparency into the norm-making activity;

the opinions about the body with the right to adopt a normative legal act, when necessary, has the right to delegate the preparation of a draft normative legal act to state bodies, scientific and other organizations, and certain citizens in the prescribed manner, within the scope of its powers, or to order them on the basis of a contract was taken into account in the improvement of Article 22 of the Law On normative legal acts. (Reference of the Committee on Combating Corruption and Judicial and Legal Issues of the Legislative Chamber of the Oliy Majlis dated October 11, 2022 No. 06-13/52). The implementation of this proposal made it possible to involve citizens in the process of developing a normative legal act.

in the case of rejection of comments and (or) proposals received as a result of public discussion of draft normative legal acts, suggestions that the developer must justify the reason for their rejection were taken into account when forming Article 24 of the Law of the Republic of Uzbekistan "On normative legal acts". (Reference of the Committee on Combating Corruption and Judicial and Legal Issues of the Legislative Chamber of the Oliy Majlis dated October 11, 2022 No. 06-13/52). The implementation of this proposal served to determine the most important specific features of the public discussion of draft normative legal acts;

proposals that citizens can participate in the process of norm-making in the form of public control were taken into account in the improvement of the fourth part of Article 53 of the Law of the Republic of Uzbekistan "On normative-legal acts". (Reference of the Committee on Democratic Institutions, Non-Governmental Organizations and Self-Government Bodies of Citizens of the Legislative Chamber of the Oliy Majlis dated November 18, 2022 No. 04/10-10-189). The implementation of this proposal served to establish monitoring and public control over the implementation of legal documents. The implementation of this proposal served to establish public monitoring and control of the implementation of normative legal acts.

Approbation of research results. The results of this research were tested at 5 scientific conferences, including 3 international and 2 national scientific-practical conferences, roundtable discussions and seminars.

Publication of research results. A total of about 15 scientific works on the research topic, including 8 in scientific journals (3 in foreign editions) and 5 scientific articles in scientific collections, were published.

Structure and volume of the dissertation. The dissertation consists of an introduction, three chapters containing 8 paragraphs, a conclusion, a list of references and applications. The volume of the dissertation is 156 pages.

THE MAIN CONTENT OF THE DISSERTATION

In the introductory part of the dissertation, the relevance and necessity of the research topic, its dependence on the main priorities of the development of science and technology of the republic, a review of foreign scientific research on the topic, the level of research of the problem, the connection of the topic with the research work of the higher educational institution where the dissertation is being carried out, its goals and tasks, information about the object and subject, methods, scientific novelty and practical result, reliability of research results, scientific and practical significance, introduction, approval, announcement of results, structure and scope of the dissertation.

The first chapter of the dissertation is called "Theoretical-legal analysis of citizens' participation in the process of norm-making", in this chapter the analysis of the concepts of citizen participation in the process of norm-making, the legal nature of citizen participation in the process of norm-making, and the classification and basic principles of citizen participation in the process of norm-making are researched.

Based on the analysis of the approaches of legal scholars (I.Bekov, M.Akhmedshaeva, Kh.Odilgoriev, Z.Islamov, Sh.Saydullaev, A.Sodikov, S.Sultonova, A.Khojanazarov, E.Yarmonova, L.Morozova, V.Nersesyants), the researcher analyzed the fundamental concepts and principles important in improving the theoretical and legal bases of citizen participation in the process of norm-making, and analyzed their legal nature. Therefore, within the framework of this chapter of the dissertation, the concepts of norm-making and law making are comparatively studied and the specific features of these concepts are shown.

The dissertation notes that theoretical and official legal approaches to the concept of norm-making differ from each other, and based on the fact that norm-making includes all types of norms, including technical and social norms, it is shown that this situation contradicts the general rules of legal technique. According to the researcher, every concept used in the legislation must have a single meaning and cannot be interpreted differently. As a scientific solution to this problem, the dissertant justified the introduction of a new concept of "legal norm-making" into the theory and official legal acts.

The author's definition of "legal norm-making" is proposed by the researcher as an activity aimed at establishing, changing, and abolishing legal norms within a specific field of law by authorized state bodies or officials, as well as citizens directly (through a referendum). According to the dissertation, the use of the concept of "legal norm-making" in this definition is correct from the point of view of the general rules of legal technique.

In order to clarify the subject of research, the dissertation tried to determine the content of the concept of citizens, and showed the need to formulate a clear approach when talking about the issue of citizen participation in the process of norm-making. It is scientifically and practically justified that only the citizens of the Republic of Uzbekistan should understand the issue of citizens' participation in the process of norm-making. Since norm-making is one of the most basic forms of state power implementation, it is noted that the participation of foreign citizens and stateless persons in these relations may have a negative impact on state sovereignty in a certain sense.

The researcher analyzes that the participation of citizens in the process of norm making has a legal nature and highlights several of its unique aspects. It is conceptually justified that the participation of citizens in the process of norm making reflects such features as a method of forming a quality legislative base, a form of direct democracy, a personal-political right, a form of public control, a necessary condition of civil society, and a direction of the "crowdsourcing" trend.

Summarizing the above analyzes, the following author's definition of the concept of citizen participation in the process of norm making was developed: "Citizens' participation in norm-making is a democratic process aimed at the participation of citizens in the process of norm-making in the form of proposals, initiatives, discussions and other forms that allow citizens to be heard and serve to reflect their thoughts, wishes and interests in order to ensure the high quality and people-friendliness of the adopted normative legal acts".

Based on the analysis of doctrinal views (K.Czapanskiy, R.Manjoo, M.L. Flear, A.Vakulenko) and international legal documents, the dissertation proposed to create forms and guarantees of citizens' participation in the process of preparation and adoption of normative legal acts through the development of a single legal act - the Code of Norm Making.

According to the researcher, the constant and active participation of citizens in the process of norm-making serves the legal and effective implementation of the activities of state bodies authorized to adopt normative legal acts. The reason for

coming to this point of view is that in the process of participation in the process of norm-making, citizens not only express their suggestions on the drafts of normative legal acts, but also motivates them to determine the activities of competent state bodies and their future priority tasks.

Based on the analysis of doctrinal views (V.Bagdasarov, K.Pearson, Y.Melody, A.Kiang, D.Steiger), the researcher came to the conclusion that the process of taking public interests and public opinion into account in normative legal acts adopted by citizens on the basis of digital technologies in the form of public control is the most effective today.

By classifying the participation of citizens in the process of norm making, the researcher distinguished the following forms: "receiving information"; "legislative initiative"; "participant of legal relations"; "public discussion"; "public control"; "referendum" and others.

In the dissertation, the participation of citizens in the process of norm making was classified according to several criteria through the method of classification, and this approach made it possible to make a more accurate and comprehensive conclusion about the subject of research. The researcher discussed the principles of citizen participation in the process of norm making, such as legality, democracy, openness and transparency, equality, voluntariness of citizen participation, and justified the proposal to introduce new fundamental principles such as mutual cooperation and free access to information into the legislation.

The second chapter of the dissertation is devoted to "Legal mechanisms of participation of citizens in the process of norm making" and includes three paragraphs. In this chapter, the analysis of the legal bases of citizens' participation in the process of norm making, the main forms of citizens' participation in the process of norm making, and the factors determining the effective participation of citizens in the process of norm making are researched.

Analyzing the international legal basis of participation in the process of norm making, the researcher believes that the tendency of strengthening the interrelationship of international legal acts and national legislative acts is one of the important objective laws of the development of law.

In the dissertation, in recent years, 20 regulatory legal acts aimed at improving the system of norm making, including 2 laws, 1 joint decision of the chambers of the Oliy Majlis, 1 decision of the President, 3 decisions of the Cabinet of Ministers, and 13 other acts have been adopted. It is shown that the main creator of law is the people and its interests.

The researcher has shown that today the relations related to the subject of research are included in more than ten laws and legal acts, that the legal bases of these relations are scattered in such a way that together with the gaps in the legislation, it causes a number of difficulties in the implementation of citizens' participation in the process of norm-making. Based on the analysis of international experience and doctrinal views, the Law of the Republic of Uzbekistan "On Normative-Legal Acts" is the main legal act for the preparation and adoption of drafts of normative-legal acts.

In the first part of the fourth article of Law of the Republic of Uzbekistan "On Normative-Legal Acts" state bodies authorized to adopt normative-legal acts are listed in parentheses as "from now on in the text they will be referred to as bodies with the right to adopt normative-legal acts". In the second part of the article, it is recognized that citizens can adopt a regulatory legal act through a referendum. It has been shown that the provision of the article in this version causes various difficulties from the point of view of legal technique, and justified the need to change the concept of "bodies with the right to adopt normative-legal acts" to the sentence "subjects with the right to adopt normative-legal acts".

The researcher points out that the lack of appropriate legal mechanisms does not allow the full use of some forms of citizen participation, and the Law of the Republic of Uzbekistan "On Normative Legal Acts" states that citizens can draft a normative legal act free of charge or on the basis of contracts concluded with an authorized state body, or the best version of a normative legal act. While it is said that they can participate in the process of norm-making through the contests held for the preparation of the project, he justified the absence of this form of citizen participation in practice due to the fact that the specific procedures in this regard were not established. According to the author, in order to effectively use all forms of citizen participation, first of all, it is considered appropriate to systematically and completely determine the legal basis.

During the analysis of legal frameworks, the dissertation showed that the procedures for placing and transferring drafts of normative legal acts to the portal for discussion were not sufficiently determined. In the opinion of the author, it is considered appropriate that the most important relations regarding the public discussion, including the entities responsible for public discussion, deadlines, the criteria for finding that the public discussion has been held (cases in which no proposals and opinions have been received on the draft normative legal document submitted for public discussion) should be determined by a separate act.

The researcher shows that it is expedient to review the legislative acts related to citizen participation in the process of norm making and make some changes to some of them based on today's reforms and updates. In particular, it is noted that in the development of chamber decisions in the Laws of the Republic of Uzbekistan "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" and "On the Regulations of the Senate of the Oliy Majlis of the Republic of Uzbekistan", which determine the procedural order of the development and adoption of draft laws, which are considered the most important type of normative legal act the issues of citizens' participation have not been determined. Justified the need to expand the participation of citizens in bringing the cooperation of the parliament chambers with citizens to a new level in the field of norm making.

Although the researcher states in Article 12 of the Law of the Republic of Uzbekistan "On Public Discussion of Bills" that the initiative to put draft laws to public discussion belongs to the bodies and individuals with the right to initiate legislation, as well as to the committees of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, no entity other than the Legislative Chamber

can implement this initiative. In the opinion of the author, the inclusion of the procedure for the implementation of the initiative of putting the bills to public discussion in the legislative acts will serve to increase the practice of public discussions and ultimately make the adopted laws more pro-people.

The researcher analyzes the Law of the Republic of Uzbekistan "On the Referendum of the Republic of Uzbekistan" as one of the legal bases of citizens' participation in the process of norm making, and draws attention to the norm of the content of Article 12, Part 6 of the Law, which states that the Central Election Commission of the Republic of Uzbekistan shall give a reasoned response in case of refusal to register the initiative group of citizens. According to the author, the law should clearly define the grounds for refusing to register a citizen initiative group.

Analyzing the researches of scientists (M.Axmedshayeva, P.Mikuli, G.Kuca, T.Aitamurto, V.V.Androshuk, E.Tulyakov, Sh.Yakubov, M.M.Mamasiddiqov, A.A.Otajonov, C.Barnard, A.Reale, F.Hendriks), the dissertation distinguishes the main forms of citizens' participation in the process of norm making, such as obtaining information, making proposals on the preparation of a normative legal act, based on civil-legal relations, public discussion and public discussion, public control, referendum.

During the analysis of the forms of citizen participation in the process of norm making, the researcher pays attention to the means of effective implementation of these forms. Including legal consciousness and legal culture of citizens and employees of authorized state bodies, openness of activities of authorized state bodies, special electronic platforms and other tools.

In the opinion of the author, since the participation of citizens in the process of norm making has a dual nature, raising the legal consciousness and culture of citizens and officials of state bodies should be focused on the following aspects:

in order to prevent the process of preparation and adoption of draft normative legal acts from requiring a lot of time, additional personnel and material and technical resources, citizens should have complete and systematic information about the activity of norm making;

among the officials of competent state bodies, first of all, healthy views should be formed that the participation of citizens in the process of norm making serves as a guarantee of the adoption of quality legislative acts;

citizens should have a spirit of trust in the state bodies authorized to adopt normative legal acts;

on the other hand, authorized entities should be responsible in the activity of norm making and respect the rights of citizens;

citizens should pay attention to the fact that the proposals and recommendations are reasonable and appropriate, and useful not only for personal, but also for the interests of society and the state when expressing their opinions on draft normative legal acts;

in order for the competent state bodies to effectively participate in the activity of norm making, they should set in front of them the creation of convenience for citizens as one of the priority tasks.

Researching scientists and international experience, the dissertation came to the firm conclusion that one of the factors affecting the effective implementation of the mechanism of citizen participation in the process of norm making is undoubtedly the openness of the activities of competent state bodies.

Analyzing the importance of electronic platforms with the participation of citizens in the process of norm making, the researcher justified the necessity of blocking the possibility of leaving proposals for a certain period of time as a measure of influence against users who make unethical and rhetorical proposals in the discussion portal of normative legal acts - regulation.gov.uz.

The dissertation proposes to implement the practice of responding by sending a response letter to each proposer through a private office or e-mail using artificial intelligence technologies.

The third chapter of the dissertation is called "Tendencies of improving the legal basis of citizens' participation in the process of norm making", and in this chapter, the experience of foreign countries regarding the participation of citizens in the process of norm making and the main directions of improving the relevant legislation are researched.

The positive experience of foreign countries (USA, Great Britain, Germany, Spain, Italy, Portugal, Switzerland) regarding the participation of citizens in the process of norm making was studied by the dissertation and a comparative legal analysis was made.

In the study, the experience of citizen participation in the process of norm making in the United States was studied, and several breakthroughs were identified that could be implemented in national practice. These include, for example, the opening of the country's parliament building for visitors, the establishment of special places that allow you to follow the discussion of draft laws, the issuance of guidelines for citizen participation every year, and the regular publication of manuals that explain the process and stages of law-making in easy and simple language.

Emphasis is placed on the adoption of a separate legal act defining important issues such as the time and duration of public consultations in the UK experience, clarity of the subject of consultation, openness to participants, response to received proposals, guidelines for the consultation process. In general, the practice of countries such as Switzerland and Portugal, which adopted a separate legal act aimed at regulating the participation of citizens in the process of norm making, was studied in the paragraph "Foreign experience of citizens' participation in the process of norm making" of the dissertation.

The dissertation recognizes that as an advanced foreign experience in Spain, the costs related to the participation of citizens are also taken into account when approving the annual budget of state bodies authorized to adopt normative legal acts, and makes a proposal to introduce it into national practice.

In the study, it was investigated that the public hearing in the GFR is considered to be primarily informational in nature. In this country, it has been shown that, along with the character of receiving information, the public hearing also performs the task of reconciling opposing views. German practice shows that public

hearings are more effective when conducted on economic reforms, social issues, and scientific research activities.

The dissertation focused on the practice of conducting a tender for the preparation of normative legal acts in Germany, and analyzed the requirements such as the persons and groups participating in this tender should not belong to any political party, and the participants should be able to demonstrate that they have the necessary knowledge and skills even if the relevant certificates are not required. Having introduced this experience into the national practice of Uzbekistan, the state bodies authorized to adopt normative legal acts believe that it is appropriate to hold tenders for the development of relevant normative legal act projects involving citizens and civil society institutions.

In order to improve the legal basis of citizens' participation in the process of norm making, the dissertation justifies the need to systematize the existing laws and regulations. In the opinion of the author, it is time to determine the participation of citizens in the process of norm making at the level of a separate institution from a method of norm making. In the concept of development of the legislation of the Republic of Uzbekistan, which is expected to be adopted, it is appropriate to pay special attention to the participation of citizens as one of the important means of creating a high-quality legal system. After all, as a conceptual relationship, citizens' participation in the process of norm making gradually acquires its legal basis in legislation.

In the opinion of the researcher, it is appropriate to establish legal regulations and define the specific mechanisms of important relationships such as the making of legal norms, the forms and types of citizen participation in the process of making legal norms, the rights and obligations of citizens and competent state bodies in this process, and the procedures for the participation of citizens in the process of making norms.

CONCLUSION

As a result of the research work on the theme "Issues of improving the theoretical and legal bases of citizen participation in the process of norm making", the following scientific and practical proposals and recommendations were developed:

I. Scientific and theoretical conclusions

1. In the process of norm making, the following author's definition of the concept of citizen participation was developed: "Citizens' participation in norm-making is a democratic process that allows citizens to be heard, serves to reflect their thoughts, wishes and interests, and is aimed at their participation in the process of norm-making in the form of proposals, initiatives, discussions and other forms, in order to ensure the high quality and people-friendliness of the adopted normative legal acts".

2. It is recommended to give a scientific-theoretical and legal evaluation of citizens' participation in the process of norm making based on its following characteristics:

In the Republic of Uzbekistan, the improvement of indicators in international ratings and indexes is currently seen at the level of state policy. For example, in the Decision of the President of the Republic of Uzbekistan "On improving the position of the Republic of Uzbekistan in international ratings and indexes and introducing a new mechanism of systematic work with them in state bodies and organizations", the tasks for further improvement of the existing indicators in the "Taking into account the opinion of the population and accountability" rating until 2030 were defined. In the process of norm-making, it is appropriate to evaluate the participation of citizens as one of these rating indicators.

In addition, citizens' participation in the process of norm-making is an answer to the call of the trend of direct democracy, which is becoming more and more active. Therefore, the question of participation of citizens in the process of norm-making should be considered as a preparation for changes in society that will inevitably occur in the near future.

3. The development of scientific-theoretical definitions of some concepts and their reflection in legal acts serves the formation of a uniform and correct approach in legal practice. In particular, the activity of norm-making, which is one of the important areas of implementation of state power, should be officially defined in legal acts. In this case, it is recommended to bring the concept of "legal norm-making" into the theory and official legislation.

4. Norm creation, including law creation, is an integral feature of state power. Therefore, this authority cannot be transferred to any other entity except for the referendum. This is one of the strict requirements of the principle of separation of powers. In this regard, it is appropriate to determine the limits of the rights and powers of citizens in terms of norm making from this point.

Also, the participation of citizens in the process of norm-making does not reduce the responsibility of the bodies authorized to adopt normative legal acts.

5. It is appropriate to research the participation of citizens in the process of norm-making from a scientific and theoretical point of view, and to use the method of classification in the formation of the legal basis in legislative acts. This method helps to take a closer look at the participation of citizens in the norm-making, which is considered a new trend for the theory and practice of law, as well as a detailed analysis and rational regulation of social relations in this regard.

6. By classifying the participation of citizens in the process of norm-making, the following forms can be distinguished: "receiving information"; "legislative initiative"; "participant of legal relations"; "public discussion"; "public discussion"; "public control"; "referendum".

7. Based on the modern trends of legal development, legal scholars and practicing experts are required to constantly study new forms and manifestations of citizens' participation in the process of norm-making and give them a legal

assessment. In particular, giving citizens the right to veto against legal norms contrary to their constitutional rights and freedoms, etc.

II. Proposals and recommendations aimed at improving the legislative bases

8. The following should be taken into account in the Law of the Republic of Uzbekistan "On Normative Legal Acts":

in Article 3 of the Law, together with the concept of normative-legal act, systematic definitions should be given to other basic concepts related to the norm-making, such as "legal technique", "office", "norm-making", "law interpretation";

in Article 5 of the Law, not only the names of the principles are listed, but their essence should also be officially explained and clarified;

it is appropriate to supplement Article 20 of the Law with Part 3 as follows: "Citizens have the right to submit electronic collective appeals through the "Mening fikrim" – Community appeals portal.

to supplement Article 22 of the Law with a new - part 6 with the content "Citizens are required not to be members of any political party when entering into contractual-legal relations with state bodies authorized to adopt a normative legal act for the preparation of a draft of a certain type of normative legal act" and part 6 It is appropriate to accept it as part 7.

9. The official websites of most of the state bodies authorized to adopt normative-legal documents do not display information about normative-legal documents that are planned to be adopted or whose drafts are being discussed. However, the law stipulates that such information should be published on a regular basis. One of the main factors of the failure of these norms can be explained by the fact that the relevant measures of influence are not clearly defined. In the current Code of Administrative Responsibility of the Republic of Uzbekistan, "Failure to publish or timely publication of information and reports on issuers and securities", "Hiding information about natural and man-made emergency situations, not providing it on time or deliberately providing false information about them", Violations such as "concealing vacancies (vacant positions), failure to timely provide information on vacancies (vacant positions) or the expected dismissal of each employee" are included in separate articles. Among these, it is proposed to add a new Article 51¹⁰ to the Code of Administrative Responsibility of the Republic of Uzbekistan on the assessment of the actions of entities authorized to adopt normative legal acts, such as non-publication of drafts of normative legal acts pending adoption or discussion, as well as non-publication of information related to them, as an administrative offense.

10. It is appropriate to include citizens among the subjects of social partnership defined in the Law of the Republic of Uzbekistan "On Social Partnership" and to change Article 3, Part 2 of the Law to "state bodies, non-governmental non-profit organizations, citizens and other institutions of civil society are subjects of social partnership."

11. It is recommended to revise Article 12 of the Law of the Republic of Uzbekistan "On Public Control" in the sense that non-governmental non-commercial organizations, citizens' self-government bodies, citizens and mass media can conduct public expertise in the cases provided for by the law.

12. The Law of the Republic of Uzbekistan "On Public Discussion of Draft Laws":

supplementing Article 3 with "Principle of Mutual Cooperation", "Principle of Free Access to Information";

in Article 12, it is appropriate to determine the procedure for the implementation of the initiative to put draft laws to public discussion by the bodies and persons with the right to initiate legislation, as well as the committees of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan;

in Article 19, it is appropriate to exclude "signature" from the requirements for the proposals made on the draft law.

13. The reasons for refusing to register the initiative group of citizens should be clearly listed as part 7 of Article 12 of the Law of the Republic of Uzbekistan "On the Referendum of the Republic of Uzbekistan".

14. It is known that a public or national discussion will be held regarding the draft law. Article 15, Part 7 and Article 18, Part 2 of the Law of the Republic of Uzbekistan "On the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" use the phrase "broad discussion" and do not define it. In this regard, it is appropriate to define the concept of "broad discussions" as follows: "Broad discussion of draft laws is a process involving the participation of interested entities, civil society institutions, mass media, experts and citizens in order to ensure a high-quality and comprehensive discussion of draft laws". After all, it is necessary to give a clear and unambiguous definition of each concept in legal documents on the rules of legal technique.

III. Practical suggestions

15. Based on the tendency of the concept of legal norm-making to enter the theory and practice of national law, it is appropriate to change the name of the module for the master's degree in jurisprudence to " Legal norm-making". After all, the topics taught within this module are aimed at forming the knowledge and skills of the master's students in the creation of legal norms.

16. The Capitol building, home to the US federal legislature, and many state legislatures are open to the public and visitors. Visitors can see the chambers of the lower and upper houses of the parliament, how the work process is organized. In our opinion, the building of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan should be opened for citizens and guests of our country to visit during the summer holidays.

17. As a result of the conducted analysis, it is clear that special attention should be paid to electronic platforms in the effective implementation of citizens' participation in the process of norm creation. In particular, improvement of

Regulation.gov.uz - the portal for the discussion of projects of normative legal acts based on the following aspects:

introduction of the function of reacting to the proposals and recommendations made in connection with the draft normative legal document. That is, a reference to accepted offers or a reasoned explanatory letter on rejected offers must be provided to the portal user;

control that only drafts of normative legal acts are placed on the portal;

clear and correct use of concepts used in regulatory legal documents in order not to confuse users;

development of impact measures aimed at restricting the possibilities of using the portal for a certain period of time for users who regularly make unethical suggestions that do not apply to the draft normative legal act at all;

introducing the procedure for placing projects on the portal not by the developing working group, but by the receiving body;

making it mandatory to place information and analytical materials on projects.

18. It is recommended to create a separate section on the activity of norm-making in the legal information portal Advice.uz, among other areas such as housing, tax, and budget. This section provides important legal information on the process of preparation and adoption of draft laws and regulations.

19. Since 1954, the US Parliament has traditionally issued manuals entitled "How Our Laws Are Made". These manuals provide explanations of the process, stages, and basic concepts of law-making. Applying this experience to the national practice, it is appropriate for our parliament to issue manuals that inform citizens about the law-making process in a simple and understandable language.

20. The Ministry of Justice of the Republic of Uzbekistan proposes to systematize legislative documents related to the creation of norms in the form of incorporation.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

БОЙМУРОДОВ БОТИР ПАНЖИ УГЛИ

**ВОПРОСЫ СОВЕРШЕНСТВОВАНИЯ ТЕОРЕТИКО-ПРАВОВОЙ
ОСНОВЫ УЧАСТИЯ ГРАЖДАН В ПРОЦЕССЕ
НОРМОТВОРЧЕСТВА**

12.00.01. – Теория и история государства и права. История правовых учений

АВТОРЕФЕРАТ

диссертации доктора философии (PhD) по юридическим наукам

Ташкент – 2023

Тема диссертации доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Кабинете Министров Республики Узбекистан под номером В2021.4.PhD/Үи623.

Диссертация выполнена в Ташкентском государственном юридическом университете.

Автореферат диссертации размещен на трёх языках (узбекском, английском, русском (резюме)) на веб-странице Научного совета (www.tsul.uz) и Информационно-образовательном портале «ZiyoNET» (www.ziynet.uz).

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Ведущая организация:

**Институт проблем законодательства и
парламентских исследований при Олий
Мажлисе Республики Узбекистан**

Защита диссертации состоится 16 мая 2023 года в 14.00 часов на заседании Научного совета DSc.07/30.12.2019.Үи.22.02 по присуждению учёных степеней при Ташкентском государственном юридическом университете (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (998) 71-233-66-36; факс: (998) 71-233-37-48, e-mail: info@tsul.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Ташкентского государственного юридического университета (зарегистрирована № 1144). (Адрес: 100047, г. Ташкент, ул. Сайилгох, 35. Тел.: (998) 71-233-66-36).

Автореферат диссертации разослан 2 мая 2023 г.

(протокол реестра № 8 от 2 мая 2023 г.).

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ВВЕДЕНИЕ (Аннотация диссертации доктора философии (PhD))

Целью исследования является разработка предложений и рекомендаций, направленных на совершенствование теоретико-правовой базы участия граждан в процессе нормотворчества в Республике Узбекистан.

Объектом исследования является система правоотношений, связанных с участием граждан в процессе нормотворчества.

Цель исследования заключается в изучении нормативно-правовых документов, регламентирующих участие граждан в процессе нормотворчества в Республике Узбекистан, правоприменительной практики, законодательства и практики зарубежных стран, а также концептуальных подходов, научно-теоретических взглядов и правовых категорий, существующих в Теории государства и права.

Научная новизна исследования состоит в следующем:

обоснована целесообразность применения понятия правового нормотворчества к теории и практике отечественной юриспруденции путем разграничения понятий правотворчества и нормотворчества;

были представлены теоретико-правовые основы форм участия граждан в процессе нормотворчества и их взаимосвязь;

раскрыта правовая природа участия граждан в процессе нормотворчества;

разработано авторское определение понятия участия граждан в процессе нормотворчества;

обсуждены факторы, служащие эффективному участию граждан в процессе нормотворчества, и обоснованы предложения по их дальнейшему совершенствованию.

Внедрение результатов исследования. Научные результаты научно-исследовательской работы были использованы:

при разработке части второй статьи 4 Закона Республики Узбекистан «О нормативно-правовых актах» был учтен вывод о том, что при участии граждан в процессе нормотворчества в форме референдума они становятся субъектом принятия нормативно-правового документа (Акт комитета по демократическим институтам, негосударственным организациям и органам самоуправления граждан Законодательной палаты Олий Мажлиса от 18 ноября 2022 года за №04/10-10-189). Реализация данного предложения послужила определению круга субъектов, имеющих право принимать нормативно-правовые документы;

предложение об учете открытости и прозрачности деятельности компетентных государственных органов как факторов, непосредственно влияющих на эффективность нормотворчества, было учтено при разработке основных принципов Закона Республики Узбекистан «О нормативно-правовых актах» (Акт комитета по демократическим институтам, негосударственным организациям и органам самоуправления граждан Законодательной палаты Олий Мажлиса от 18 ноября 2022 года за №04/10-10-189). Реализация данного предложения послужила внедрению принципа гласности в нормотворческую деятельность;

мнения о формах участия граждан в процессе разработки проектов нормативно-правовых документов учтены при формировании статьи 22 Закона Республики Узбекистан «О нормативно-правовых актах» (Акт комитета по противодействию коррупции и судебно-правовым вопросам Законодательной палаты Олий Мажлиса от 11 октября 2022 года за №06-13/52).

мнения об особенностях общественного обсуждения были учтены при формулировке статьи 24 Закона Республики Узбекистан «О нормативно-правовых актах» (Акт комитета по демократическим институтам, негосударственным организациям и органам самоуправления граждан Законодательной палаты Олий Мажлиса от 18 ноября 2022 года за №04/10-10-189). Реализация этого предложения позволила определить наиболее важные особенности общественного обсуждения проектов нормативно-правовых документов;

мнение о том, что граждане могут участвовать в процессе нормотворчества в форме общественного контроля, учтено при доработке части третьей статьи 53 Закона Республики Узбекистан «О нормативно-правовых актах» (Акт комитета по демократическим институтам, негосударственным организациям и органам самоуправления граждан Законодательной палаты Олий Мажлиса от 18 ноября 2022 года за №04/10-10-189). Реализация данного предложения послужила установлению мониторинга и общественного контроля за исполнением нормативно-правовых документов.

Структура и объем диссертации. Диссертация состоит из введения, трех глав, содержащих 8 параграфов, заключения, списка использованной литературы и приложений. Объем диссертации составляет 156 страниц.

E'LON QILINGAN ILMIY ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ НАУЧНЫХ РАБОТ
LIST OF PUBLISHED SCIENTIFIC WORKS

I bo'lim (I часть; I part)

1. Боймуродов Б.П. Норма ижодкорлиги жараёнида фуқаролар иштирокининг назарий асослари таҳлили // Юридик фанлар ахборотномаси. – Т.: ТДЮУ №4. 2021. – Б 13-22. (12.00.00; № 20);
2. Боймуродов Б.П. Норма ижодкорлигида фуқаролар иштирокининг ҳуқуқий асосларини такомиллаштириш // Ўзбекистон қонунчилиги таҳлили. – Т.: ТДЮУ №3. 2020. – Б 17-20. (12.00.00; № 9);
3. Боймуродов Б.П. Theoretical and legal analysis of the principles of citizen participation in the norm-making process // Ҳуқуқий тадқиқотлар журналі. Т.: №1. 2022. – Б. 5-12. (12.00.00);
4. Боймуродов Б.П. Норма ижодкорлигида фуқаролар иштироки // Ҳуқуқ ва бурч. – Т.: №6. 2022. – Б 50-54. (12.00.00; № 3);
5. Боймуродов Б.П. Қонунчилик ташаббуси ҳуқуқи сифатида фуқаролар: назарий-ҳуқуқий асослари таҳлили // Ҳуқуқий тадқиқотлар журналі. Т.: №2. 2023. – Б. 5-13 (12.00.00);
6. Боймуродов Б.П. Forms of citizen participation in the norm-making process // Thematics journal of law. 2022. Volume 5.– P.10-16;
7. Боймуродов Б.П. Норма ижодкорлигида фуқаролар иштироки – сиёсий ҳуқуқ сифатида: назарий-ҳуқуқий таҳлил // Конституция - инсон кадр-киммати таъминлашнинг мустаҳкам кафолати. Республика илмий-амалий конференция материаллари тўплами. – Т.: ТДЮУ, 2021. – Б. 97-100;
8. Боймуродов Б.П. Фуқароларнинг норма ижодкорлиги жараёнидаги иштирокида ҳуқуқий онг ва ҳуқуқий маданиятнинг ўрни // Ҳалимбой Бобоевич Бобоевнинг 80 йиллик юбилейига бағишланган Республика илмий-амалий конференция материаллари тўплами – Т.: ТДЮУ, 2022. –Б.52-55;
9. Боймуродов Б.П. Фуқаролик жамиятининг таркибий қисми сифатида фуқароларнинг норма ижодкорлигидаги иштироки: назарий-ҳуқуқий масалалари // Ўзбекистонда юридик таълим ва фаннинг ривожланиш истиқболлари: миллий ва хорижий тажриба. Халқаро илмий-амалий конференция материаллари тўплами – Т.: ТДЮУ, 2021. – Б. 255-25.;
10. Боймуродов Б.П. Норма ижодкорлигида фуқаролар иштироки– демократик жараёнларнинг муҳим йўналиши // Давлат тилида қонун ижодкорлиги: муаммо ва ечимлар. Халқаро илмий-амалий конференция материаллари тўплами. – Т.: ТДЮУ, 2021. – Б. 349-354.

II bo‘lim (II часть; II part)

1. Боймуродов Б.П. The Main Directions of Improvement of the Legislation on the Participation of Citizens in the Process of Creation of Norms // Middle european scientific bulletin. 2022. – Volume 27. – P. 59-65;

2. Боймуродов Б.П. The Role of Legal Consciousness in Ensuring the Effective Participation of Citizens in the Process of Norm-Making. // «Journal of intellectual property and human rights». 2022. – Volume 10. – P. 1-5.

3. Боймуродов Б.П. Classification of citizens' participation in the norm-making process // Digital fashion conference. Халқаро конференция материаллари тўплами. –Japan, 2022. – P. 29-33.

4. Боймуродов Б.П. Норма ижодкорлигида фуқаролар иштироки – мукамал қонунчилик қафолати // <https://yuz.uz/>

5. Боймуродов Б.П. The role of citizen participation in the legislative initiative stage // Т.: TSUL. Volume 1. 2020. P. 56-58.

Avtoreferat “TDYU Yuridik fanlar Axborotnomasi” jurnali
tahririyatida tahrirdan o‘tkazilib, o‘zbek, ingliz va rus tillaridagi matnlar
o‘zaro muvofiqlashtirildi.

Bosishga ruxsat etildi: 1.05.2023 y.
Bichimi: 60x84 1/8 “Times New Roman”
garniturada raqamli bosma usulda bosildi.
Shartli bosma tabog‘i 3. Adadi: 100. Buyurtma: № 52

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