



IJIRR

International Journal of Information Research and Review
Vol. 07, Issue, 04, pp.6893-6895, April, 2020



RESEARCH ARTICLE

LEGISLATIVE QUALITY IS THE BASIS OF EFFECTIVE LAW ENFORCEMENT ACTIVITIES

*Azamov Jasur Murodovich

Senior Lecturer (PhD) of the National Idea, Fundamentals of Spirituality and Law Education Department
Kokand State Pedagogical Institute, Uzbekistan

ARTICLE INFO

Article History:

Received 25th January, 2020
Received in revised form
19th February, 2020
Accepted 27th March, 2020
Published online 30th April, 2020

ABSTRACT

The article puts forward the study of issues of quality of legislation and legal regulation in the field of law, legal regulation of normative legal acts, including the law enforcement tool to improve the quality of legislation. The main directions of research on the problems of the law and the quality of its implementation are outlined in the current context, in which the building of a democratic society, the strict protection of human rights and interests is a priority.

Keywords:

Law, Society, Human, Quality of Law, Legal Sciences, Problem, Tool, Normative-Legal Documents, Legal Regulation.

Copyright © 2020, Azamov Jasur Murodovich. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution and reproduction in any medium, provided the original work is properly cited.

INTRODUCTION

Nowadays, scientists pay special attention to the analysis of the movement of law, its effectiveness, and the quality of legislation. This problem was also pointed out by the head of Uzbekistan state, who demanded to improve the quality of legislation (Decree of the President of the Republic of Uzbekistan). The problem of the quality of law is described as a separate problem of law; factors influencing the quality of laws are analyzed in depth; some criteria and features that ensure the quality of normative legal acts, the conditions of effectiveness of legal norms are studied. The study of the actual quality of law and law enforcement is singled out as a separate area of legal theory, with scholars conducting an in-depth analysis of the criteria for assessing the quality and effectiveness of legislation. Legislative monitoring theory was formed as an independent aspect of the theory and practice of legislative implementation (Monitoring, 2005). An important condition for the quality and validity of the adopted legal provisions is to predict how they will affect social relations in the future (Tulteev, 2008). The stability and regulation of social relations will depend on the ability of law-making subjects to understand innovations in social life, to predict change, to look to the future. The quality of the law can be known only in its application to practice. In other words - there will be no quality law enforcement activity without quality law.

An analysis of the various perspectives put forward on the issue of determining the quality of laws provides an opportunity to explain the particularly common approach. According to this approach, the quality of a law is mainly related to its ratio of compliance with socio-economic relations. For example, the quality of a law is understood as its conformity to social needs and its ability to regulate social relations in accordance with the goals set during the adoption of the law (Kudryavtsev, 2005). It distinguishes three aspects of the quality of law: that is, social, political and legal aspects. A different approach can be used to study the quality of law: the philosophical category of "quality" is its main basis. It is well known that quality and quantity are philosophical categories that reflect important aspects of objective reality. This category includes a set of general features that determine the quality of any event, nature, society or thought process, and thus serve as a methodological basis for the study of the quality of a particular event, in this case - the law. According to the definition of the concept of quality in the encyclopedia, it represents a certain property, preference, degree of suitability of something (Mirensky, 1990). In view of the above, the concept of quality of law can be defined as follows: it is a set of basic features, characteristics of the law, which ultimately allows to determine the degree of its compliance with social needs and the effectiveness of legal regulation of social relations. The quality of the legal norm expressed in the law is a condition for its effective application (Soliev, 2005). In our opinion, the quality of a law is the conformity of the content of its legal norms to certain requirements. These requirements indicate how clearly the will of the legislature is expressed in the norm in order to effectively regulate social relations and that it is understandable to law enforcement agencies.

*Corresponding author: Azamov Jasur Murodovich,
Senior Lecturer (PhD) of the National Idea, Fundamentals of Spirituality and Law Education Department Kokand State Pedagogical Institute, Uzbekistan.

The law can be described as qualitative only if the text of the law has an optimal ratio of all its criteria of quality. The legal aspects of the quality of the law describe the legal means enshrined in it, providing direct regulation of social relations with its norms (for example, the definition of subjects applying the law, the conditions of the law, the rights, duties, responsibilities of the parties, etc.). It is known that the modern legal system is characterized by the interdependence and interdependence of normative and casual. These processes are reflected in the interrelationship of homogenization and specialization. In addition, they are formally determined by the existence of a source of law that we have not yet recognized - judicial practice (court precedent). In the event of a situation not regulated by the rule of law, the court or other state body often has to wait for the adoption of the relevant normative legal act, which leads to a significant decrease in the effectiveness of legal regulation (Khamidova, 2005). It is when such situations arise that the courts and other competent entities make it necessary to appeal to parliament on a legislative initiative. Thus, a common and recognized action in the practice of law enforcement agencies (mainly courts) is the precedent of the application of the rule of law, having to use the practice of a previous law enforcement event (act) (In our opinion). In other words, the precedent of law enforcement is the criterion for examining the viability of law enforcement action and its regulatory features in practice, the second dialectical stage of developing and enforcing a law enforcement decision in practice.

Consequently, in law enforcement practice, certain harmonized requirements are developed for proving cases of legal significance to resolve similar cases, and secondly, the sufficiency of evidence to describe the relevant conclusions that serve as a legal fact to make a final decision on the case; criteria are set. Forecasting plays a huge role in understanding the consequences of such decisions. In essence, the practice of law enforcement requires the specification of legal norms. However, concretization as a primary link in the law is determined not only by the normative rules or the over-normality and generality of legal norms, but also by the existence of gaps in the law. The task of legal practice is to create a mechanism to "fill the gaps in the implementation of legal norms." Thus, there is a need to predict law enforcement activities in the implementation of the rule of law, especially if the rule of law has a certain defect or provides for several options of behavior, the ability of the addressee to act at will, and so on. That is why the forecasting of law enforcement activities serves to meet the needs of these activities. It eliminates or mitigates conflicts in law enforcement activities, ensures the completeness of legal regulation, eliminates shortcomings in the legislative technique, harmonizes existing norms and other legal instruments with the needs of society, thus adapting the law to real life, thus eliminating the negative consequences of law enforcement and (or) perform its guiding and adaptive (preventive) function of mitigation. Today it is impossible to draw conclusions about the legal system of any state on the basis of the content of a single substantive law. The effectiveness of the comprehensive provision and protection of individual rights and freedoms is determined not by the scope and quality of legislation, but by the reality and reliability of the mechanism for its implementation. Thus, one of the main conditions for the implementation of the tasks set before the mechanism of legal regulation is the existence of a

comprehensively regulated procedural mechanism that can answer all the questions that arise in it. Unfortunately, achieving this in life is a much more complex task. In general, law enforcement activities have their own method. This method of legal regulation is distinguished by separate methods and means. Means means proving, interpreting legal norms, filling gaps in law. The methods of application of the law are expressed in one or another variant of the actions provided by procedural and procedural norms. In this case, the legal process and legal procedures are used as methods of law enforcement. For this reason, we believe that today the application of law should be described as a mechanism for the specification, implementation of the strengthened rights and duties of legal entities, applied to the legal relations and procedures clearly defined in the legal norm. The law enforcement act acts as a link between the legal norm and the behavior of the subjects of law and its implementation (for example, the protocol on administrative offenses). In this case, it manifests itself not only as the implementation of legal norms, but also as a legal fact related to their future implementation. The importance of law enforcement acts becomes clearer when approached as a separate legal instrument that enforces the law. A law enforcement act is a legal means of organizing a specific relationship or situation. Thus, the activities of legislative and law enforcement entities can be considered in a sense as two models that interact with each other. Each of these models, one of which is logical (abstract) and the other - dynamic (active), ensures that the other applies. A normative-legal document (e.g., a code) as a logical abstract model of a law-enforcement act (e.g., a sentence) is a necessary tool for carrying out the task facing the subject of law-enforcement. Consequently, the quality of legislation is the basis for the effective work of law enforcement agencies. Perfect legislation in all respects makes it possible to more accurately predict the probable consequences of its application, and hence - to achieve its effectiveness. The above allows us to conclude that legal practice, first of all, law enforcement practice introduces individual guidelines that specify the norm into the legal system, identifies some inaccuracies in the law and can even eliminate them, filling smaller gaps. It is no coincidence that the practice of law enforcement is characterized by such features. They allow us to describe law as a self-governing system. However, it should be noted here that the practice of law enforcement cannot be considered in the sense of a precedent that amends the law, acting on an equal footing with its elements in the system of legal sources. Law enforcement measures are carried out by the law enforcement entity in a situation of instability and uncertainty, which should emerge as a stabilizing factor in social relations. We believe that the role of law enforcement acts as a precedent can be recognized both in the national legal system and in the Romano-Germanic legal family as a formal source of law, but in a very narrow sense, in the sense of law enforcement precedent or law interpretation precedent.

REFERENCES

- Decree of the President of the Republic of Uzbekistan "On approval of the concept of improving the normative activity" dated August 8, 2018 No PF-5505 / National Database of Legislation, 08.08.2018, No 06/18/5505/1639
Monitoring (Latin "monitor" - controller) - is the observation, assessment and forecasting of the state of a particular event

- or process, the analysis of their activities as part of management // Barixin A.B. Big legal encyclopedic dictionary. - M.: Book World, 2005. p-720.
- Tulteev I.T. 2008. Lawmaking and forecasting. Tashkent, p-43.
- Kudryavtsev I. 2005. The issue of legal expertise and improving the quality of laws // "Problems of examination of legislative acts." Materials of scientific-practical seminar / Editor-in-chief F.H. Otahanov. - T.. p-37.
- Mirensky B.A. 1990. Methodological foundations and methods for improving legislation. - Nukus, p-156.
- Soliev A. 2005. Legal examination of draft laws - a guarantee of the quality of laws // "Problems of examination of legislative acts". Materials of scientific-practical seminar / Editor-in-chief F.H. Otahanov. - T.. p-173.
- Khamidova K.T. 2005. Evaluation criteria or monitoring of legislation // Life and Law. - Issue 3. - 5-6 pages.
- In our opinion, the decisions of the Plenum of the Supreme Court made on the basis of the analysis of law enforcement practice can be assessed to some extent as a generalization of law enforcement precedents.
