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## DRAFT LEGISLATIVE DOCUMENTS TYPES OF SOCIAL EXPERTISE

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### ABSTRACT

In this scientific article, the theoretical and legal issues of the social examination of regulatory legal documents are thoroughly analyzed. Also, author's definitions of the types of social examination of draft legislative documents have been developed.

### KEYWORDS

Law, expertise, legislative, specific, document, normative.

### INTRODUCTION

In recent years, a new trend and specific directions have been emerging in the field of expertise of draft legislative documents. In the context of these directions, the practice of passing projects through types of expertise related to the social sphere is gradually being introduced.

In particular, the legislation stipulates that the draft regulatory legal document may be subject to scientific, linguistic, and ecological expertise by the decision of the project developer or the subject with the right to accept normative documents.

In our opinion, it is necessary to determine the condition of these types of expertise, taking into

account the priority of the rules of the state language in the life of the society, taking into account the preservation of the natural environment and the effective use of scientific achievements.

Based on this, we will consider the analysis of scientific approaches and legal norms related to the scientific, linguistic, and environmental expertise of the draft normative legal document through the following.

Linguistic expertise . According to the uniform methodology, the text of the draft normative legal document should be stated in a clear, simple and fluent language, and should not lead to different interpretations and interpretations. Also, the

sentences of the project are made in accordance with the generally accepted rules of grammar, spelling and punctuation, using official language style and legal terms.

In our opinion, the presence of sentences in the text of the legislative document that lead to different interpretations and interpretations leads to the narrow scope of the normative document or the interests of the developer of the project.

In order to prevent this, in the practice of applying the law, before agreeing with the relevant agencies, the draft normative legal document is subjected to a linguistic examination by the adviser of the head of the organization that developed the project or by experts engaged on the basis of an agreement.

are regulated by the Regulation "On the Procedure for Linguistic Expertise of Draft Regulatory-Legal Documents" approved by the Cabinet of Ministers Resolution No. 662 dated October 28, 2021 .

According to this Regulation, "the main goal of the linguistic expertise is to adapt the project text to the rules and requirements of the state language, to use new terms correctly, and to comply with the rules of grammar, spelling, and punctuation." Linguistic examination is carried out at the initiative of the developer or on the basis of the assignment before agreement with ministries and agencies. A conclusion is given on the result of linguistic examination of the project. In the conclusion, specific recommendations for eliminating the errors and shortcomings identified in the draft text, making appropriate corrections, shortening the text, and processing it will be indicated.

It should also be noted that although the topic of linguistic expertise of the drafts of regulatory legal documents has been thoroughly studied by scientists

and researchers who conducted research within the expertise institute, a unified approach to the concept and procedures of this expertise has not been formed.

In particular, in the opinion of Academician A. Saidov, "juris-linguistic requirements for the linguistic examination of a normative-legal document are an important source in matters of strict compliance with the rules of legal language, grammatical norms and legal terminology, among others. Such expertise helps in the preparation of a draft normative legal document, based on the rules of legal technique, in its quality development, in the perfect level of composition based on the requirements of the legal language, preparation and formalization in the prescribed manner" [1].

H. Hayitov said, "the importance of the legal-linguistic expertise conducted within the framework of the legal expertise was shown, and it was shown that the content of the law cannot be realized without the language of the law and that the effectiveness and efficiency of the laws directly depends on its language. Also, the researcher analyzed the results of a survey conducted among economists, lawyers and other experts in 2017-2018, and noted that more than 48 percent of the more than 300 participants believed that the language of the law is difficult for ordinary citizens to understand.[2] .

According to B.Abdullaev, "juris-linguistic examination of the draft law consists in evaluating the compliance of the presented text with the norms of modern literary language, taking into account the functional and stylistic features of the texts of the laws. The practice of legal creativity, such as expanding the theoretical foundations of the linguistic examination of draft laws, not only the logical and normative-stylistic criteria of text evaluation, but also the general

linguistics of reference (reciprocity between a language sign and non-linguistic existence) and nomination (methods and rules for naming fragments of non-linguistic existence) It also shows the need to apply the principles of communication, as well as the information of psycholinguistics and the laws of the perception of the meaning of texts" [3].

Legal scientist Sh. Kochimov said that "in the process of drawing up normative-legal document drafts and passing them through linguistic examination, special attention should be paid to the following:

1. The draft text of any regulatory legal document should be expressed formally, strictly and, in turn, neutrally, and stylistic coloration should not be allowed in it;
2. The text of the draft normative-legal document should be expressed at the highest (maximum) level, each word in its language should have only one meaning, it should not use ambiguous words, synonyms and homonyms;
3. When compiling the draft text of a normative-legal document, as much as possible, words and terms understood by many people should be widely used. Special attention should be paid to the correct use of terms, to avoid synonymy, homonymy and polysemy of words and terms;
4. The text of the draft normative-legal document should be as short, simple and concise as possible, strictly following the phonetic, lexical and grammatical rules of this language;
5. The ideas expressed in the notarial document must be consistently expressed based on a logical sequence and must be complete in content;

6. The principle of expression of the opinions reflected in the decision should be followed as much as possible on the basis of certain pre-existing (patterned) grammatical constructions based on the sign of the legal language's standardization;

7. It is necessary to prepare the text of the draft regulatory legal document not only from the point of view of the legal experts' understanding, but also from the perspective of the possibility of perception of all citizens" [4].

In our opinion, it is appropriate that the linguistic examination of the drafts of normative legal documents should consist of the study of the presence of corrupt sentences, concepts and other types of interpretations and texts that lead to various interpretations, which lead to serving the interests of the interested "narrow circle" of the project or the author of the project.

Foreign scientists and researchers also put forward the following scientific views and theoretical approaches in their research work on this type of expertise.

In particular, in the scientific works of M.V. Batyushkina, the concept of "linguistic expertise" - "the language and style of the texts of normative legal documents, their stylistic quality, compliance with the norms of the literary language, the functionality of text features, their typological peculiarities, editorial and technical rules and regulations review" [5], defined as.

N.V. Belokon stated that "in the process of linguistic examination of the project, the following should be checked and evaluated: methods of linguistic expression of the main normative concepts; ratio of abstract and concrete ways of expressing thoughts; the structure and grammatical correctness of terminological phrases; the expediency of choosing

loans to define concepts; conformity of the terms of the bill with the terminology of the current legislation; appropriateness of normative definitions, their logical, semantic and grammatical correctness; appropriateness of synonymy; accuracy of contextual differentiation of polysemantic words; correct use of words denoting general and specific concepts; compliance with the permissible measure of text complexity from the point of view of semantic perception; compliance with the syntactic standards of the language; correctness and uniformity of headings in the text; the correctness and uniformity of the use of punctuation marks in sentences" [6].

According to A.N. Artamonov, "the goals of linguistic expertise are as follows: to increase the legal-technical, linguistic and stylistic quality of normative legal documents; taking into account the functional and stylistic features of legal documents, their typological features, editorial and publishing rules and general requirements for official documents, ensuring that their texts comply with the norms of the modern Russian literary language; ensuring unity of conceptual and terminological apparatus of legal documents, correct interpretation and application of legal norms" [7].

In our opinion, although the issues of linguistic examination of draft normative legal documents are regulated by legal documents, it is appropriate to determine them at the legal level in the following manner.

In particular, the drafts of regulatory legal documents are subjected to linguistic expertise in order to make corrections, analyze them, taking into account the texts of legal documents and their typological features, legal technical requirements, editorial and

technical rules and norms, as well as to ensure their conformity with literary language style and norms.

Drafts of normative legal documents related to spiritual and educational work and language are subject to mandatory linguistic expertise.

The text of the normative-legal document is expressed in a clear, simple and clear language that excludes different interpretations of the norms, observing the official working style of the Uzbek literary language and the rules of legal terminology.

The terms in the regulatory legal document must be formulated using generally accepted words and phrases. The same terms in regulatory legal documents must be used in the same sense and have a single form.

If necessary, an article (clause) explaining their meaning is included in order to clarify the terms used in normative legal documents and the definitions of these terms.

In regulatory legal documents, special symbols are used in the sense in which they are used in the relevant special field, only in this context. If necessary, special symbols are interpreted in regulatory legal documents.

Linguistic examination is carried out by the experts of the Center under the Tashkent State University of Uzbek Language and Literature named after A.Navoi, as well as to ensure compliance with the legislation on spiritual and educational affairs and the state language.

It is necessary that there are no grammatical, syntactical, logical, editorial, technical and stylistic errors in the text of draft normative legal documents, as well as exclude its later interpretation in different ways.



A conclusion is drawn up on the results of the linguistic examination of the draft normative-legal document, and this conclusion is a normative document in which the conclusion on the conformity or non-conformity of the draft normative-legal document to literary language standards, grammatical, syntactic, logical, editorial, technical and stylistic requirements, as well as the rules of legal technique is noted. - is formalized for a draft legal document or its separate provisions. Conclusion should be objective, reliable and based.

Scientific expertise. In today's globalization era, all spheres of society are developing on the basis of scientific achievements and results. In addition, the activity of norm creation is also developing on the basis of theoretical and legal rules developed within the framework of science.

In this regard, the stage of development of regulatory legal documents and their analysis is considered, and the institute of expertise is also being formed based on scientific approaches.

It is known that a draft of a legislative document can be subjected to scientific examination according to the decision of the developer or the body that has the right to accept this type of document.

It should be noted that a single scientific concept has not been formed in the theory of law regarding the concept and types of scientific expertise of a normative legal document.

However, researchers and scientists have put forward a number of scientific views on this type of expertise.

In particular, according to H. Hayitov, "any expertise is based on the achievements of science. However, scientific expertise differs from other expertise in terms of its tasks, goals, and characteristics. That is,

scientific expertise is an activity that studies and evaluates certain problems based on the achievements of science, and offers scientific solutions to them. In its place, it is emphasized that scientific expertise is also divided into several types. In particular, large groups of science, such as natural, social-humanitarian, technical, and each of them is divided into several fields of science, and the study of scientific expertise in law-making into: scientific-legal, scientific-economic, scientific-technical and other types is justified. [8].

According to P. N. Kobets, "scientific-legal expert activity is the creative and most time-consuming stage of the process of creation of norms, which requires the involvement of specialists who have mastered the skills of forming normative prescriptions. This activity is based on an in-depth and comprehensive analysis of legislation and the practice of law enforcement in order to identify contradictions and shortcomings in the regulatory regulation of public relations. Preparation of scientific and legal expertise includes a number of organizational activities, that is, they include collection of necessary materials and data, preparation of the text of the draft conclusion and its comprehensive justification, research of public opinion and analytical work" [9].

E.M. Abaideldinov stated that "work on the scientific examination of draft laws and the improvement of legal documents in general is a continuous, laborious and complex process that requires high skills and comprehensive analysis, which requires a broad approach that includes a number of important aspects implies" [10].

In our opinion, in the process of scientific examination of regulatory legal documents, based on the content of the project, it is analyzed from the point of view of scientific achievements in the field. Also, based on the

existing scientific problems as the content of the project, at the end of the examination, the expert or specialists will present appropriate proposals for scientific and practical solutions.

It should be noted that the legal status of the authorized subject conducting the "scientific expertise" was determined for the first time in the Decree of the President of the Republic of Uzbekistan dated May 8, 2023 "On the first priority measures for the implementation of the Constitution of the Republic of Uzbekistan" No. PF-67. According to him, "The Institute of Legislation and Legal Policy under the President of the Republic of Uzbekistan is designated as responsible for providing information-analytical, scientific and expert implementation of the new version of the Constitution, and it is responsible for carrying out scientific expertise of the projects of normative legal documents developed in accordance with the new version of the Constitution. loaded".

However, the national legislation does not contain specific legal mechanisms for carrying out scientific expertise, i.e. norms regarding the object of expertise and implementation procedures, terms, rights and obligations of those who perform this activity.

it is expedient to introduce a norm related to the scientific examination of draft normative legal documents into the Law of the Republic of Uzbekistan "On Regulatory Legal Documents" .

According to it, the quality, reasonableness, timeliness and legality of the projects of normative legal documents should be assessed, compliance with the rights of man and citizen established in the drafts in accordance with the Constitution of the Republic of Uzbekistan, the effectiveness of the normative legal document, as well as the occurrence of their

acceptance as normative legal documents will undergo scientific examination to determine possible negative consequences.

The drafts of normative-legal documents are subjected to scientific examination by experts drawn from among scientific institutions and higher educational institutions, scientists and specialists in the relevant direction, depending on the content and essence of the project under consideration. Expertise may be assigned to one or more experts (expert commission). Also, organizations and individuals who did not directly participate in the preparation of the project are involved as experts.

In connection with the project, experts of various specialties may conduct a complex examination or various independent examinations, and if necessary, a repeated examination. Repeated scientific expertise is conducted in cases where the conclusion of the scientific organization or expert on the results of the initial scientific expertise is not sufficiently substantiated or its correctness raises doubts.

In addition, specialists from other countries and international organizations can be involved as experts. The project can also be sent to foreign and international organizations for scientific expertise.

The decision to conduct a scientific examination of the drafts of normative-legal documents can be taken by the body that developed the project or has the right to adopt the normative-legal document.

Ecological expertise . Today's aggravation of ecology and preservation of the natural environment are among the most important problems. In this regard, 3 of the Sustainable Development Goals adopted by the United Nations until 2030 are "combating climate

change, protecting marine and terrestrial ecosystems" [11].

Therefore, it is necessary to study and evaluate the impact of each decision made by authorized entities on the environment, which is important for us.

It should be noted that there is no norm or uniform scientific approach in the national legislation regarding the legal mechanism of environmental expertise of the draft normative legal document, like other types of expertise of a social nature.

A number of controversial theoretical and practical issues arise that deserve attention in the organization and conduct of environmental expertise of regulatory legal documents and drafts of other documents, regulation of law-making activities, and the establishment of appropriate environmental legislation and order [12].

In particular, according to S.A. Bogolyubov, "the environmental examination of draft laws is designed to help identify, analyze, take into account the direct, indirect and other consequences of the planned economic or other activities on the environment, and help to objectively assess the possibility or impossibility of making a decision." . Conducting ecological expertise is aimed at preventing unlimited interference with the environment, violation of rationality of nature use - construction, re-profiling, unjustified stoppage of enterprises, investment of anti-environmental investments. Environmental expertise should be the basis for preventing anti-environmental legal decisions in all sectors and activities of the national economy without exception, so ideally, it should be carried out in relation to all legislative projects, although at present it is sometimes not carried out" [13].

Similarly, according to V. Yu. Turanin in his research work, the environmental expertise of the projects of regulatory legal documents does not aim to replace other expertise in relation to them, even comprehensive expertise of the projects, as a rule, the extreme specificity of environmental institutions, categories, rules, requirements because of this, he cannot give an objective environmental assessment to the projects of regulatory legal documents[14].

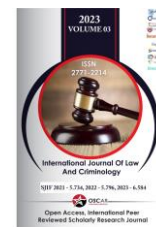
In our opinion, it is necessary to regulate economic activities, including the use of natural resources and environmental protection, as well as relations related to environmental protection, to the product, its development, production, use, storage, transportation, sale, drafts of regulatory legal documents, guidelines and other documents defining environmental requirements for disposal or service provision processes must be subject to mandatory environmental expertise.

Failure to comply with the requirements of the regulatory legal document, as well as the state environmental expertise of the draft international agreement, is the basis for declaring it invalid.

In conclusion, it should be noted that the further development of these types of expertise, in turn, will allow the adoption of normative legal documents to fully comply with the rules of the state language, preserve ecology and use the results of science in the creation of norms.

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