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LEGAL NATURE OF CITIZENS' PARTICIPATION IN THE PROCESS OF MAKING OF NORMS

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ABSTRACT

In this scientific article, the legal nature of citizens' participation in the process of norm making is analyzed from a scientific-theoretical point of view and explained from different angles. In the process of reading the scientific work, it becomes clear that the participation of citizens is not only a mature and thorough preparation of the accepted normative legal acts, but also one of the important steps in building a civil society. This article is intended for students of legal educational institutions, researchers conducting scientific research, and a wide range of readers.

KEYWORDS

Normative legal act, norm making, citizens' participation, law, legal nature.

INTRODUCTION

Analyzing the participation of citizens in the process of creation of norms from different angles gives an opportunity to understand its essence and legal nature more deeply. One of them is the participation of citizens in the process of norm creation as a form of direct democracy.

It is known that democracy is the power of the people. This axiom is reflected in relations such as formation of public bodies of the people, participation in their activities, provision of human rights and freedoms in the country. In short, this concept rationally defines

the relationship between the individual and the state. Types of democracy are divided into direct and indirect (representative) . Currently, we can observe the organization and functioning of the representative bodies of the representative democracy, the election of suitable candidates, the submission of various reports by the officials, and others. Direct democracy usually refers to electoral relations, citizens' nomination of their candidates to representative bodies or direct voting for relevant candidates, or referendums. .

However, according to recent trends, the scope of direct democracy is expanding. In particular, the granting of additional powers to self-governing bodies, the activation of civil society institutions, the effective use of forms of public control, the activation of citizens in the formation and distribution of the state budget, and other such changes can be listed .

In contrast to traditional direct democracy (voting), in its modern form, direct democracy is characterized by active discussions, debates, proposals, and other similar ongoing actions on relevant issues . According to scientists, in the near future citizens' participation will become more active in the preparation and adoption of drafts of regulatory legal documents related to budget and tax issues, urban development projects, and environmental problems. . In particular, according to the decision of the President of the Republic of Uzbekistan "On measures to ensure the openness of budget information and active participation of citizens in the budget process", drafts of the budgets of the state budget and state trust funds and reports on their implementation are developed by the Ministry of Finance of the Republic of Uzbekistan "Budget for Citizens". " information publication was announced for public discussion . The regulation "On the procedure for posting information on official websites in order to ensure the transparency of the budget process" approved by the order of the Minister of Finance of the Republic of Uzbekistan adopted on the basis of this decision established the mechanisms for the formation of funds of the citizens' initiative fund. . The above decisions and regulations serve as the initial legal basis of the work in this regard.

Juxtaposition of direct democracy with representative democracy is also seen as a conflict of rights and interests of the community and individuals. In particular, it is not for nothing that the need for citizen participation in the process of creating norms raises

questions about whether it is a crisis of representative democracy. This problem raises the question of what should be the norm creativity in the modern world. The problem is that the usual regulatory norm base is related to the ability to respond to the growing social challenges of society . However, direct democracy is not opposed to indirect democracy, but complements it.

As a form of direct democracy, citizens' participation in norm creation and its legal nature are characterized by the following features:

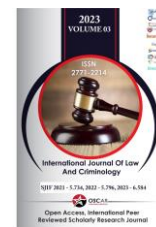
the opportunity to involve citizens more and more in political and legal life will be created, thereby avoiding being limited only to elections;

provides a platform for citizens to support their legitimate interests, thereby creating a society based on diversity of opinion;

it brings mass power closer to the masses;

allows civil society institutions to control the process of norm creation.

leads to effective application of legal documents in practice. The reason is that these norms are developed and accepted directly by the people. The introduction of citizen participation in the process of norm creation serves the emergence of additional groups that help the existing representatives in the parliament to solve various problems. Such groups can prevent many of the errors and omissions that could be made by a representative parliament. The activation of citizens' participation in the creation of norms is the beginning of the occurrence of such events. The involvement of collective intelligence in the process of norm creation prepares the ground for the opening of closed doors and, as a result, the adoption of better quality and perfect regulatory legal documents. At the same time,



the activation of citizens' participation in the process of creation of norms prepares the ground for greater closeness, mutual understanding and consensus, and mutual trust between individuals, society and the state.

The 21st century is the age of information. It is not difficult to understand that issues related to the personal rights of a person to receive information, the introduction of effective organizational and legal mechanisms for their implementation have become more relevant than ever. Also, the latest events happening in the world show that there is a need to create "spaces of political dialogue" between the state and citizens even today. The absence of such mechanisms prevents the participation of citizens in the process of norm creation from rising to the level of a new social contract element between the state and society .

In this respect, citizen participation in the process of norm creation can be considered as an expression of personal and political rights. After all, the world community is increasingly realizing that it is the inalienable right of a person to have the necessary information about the creation of norms and to present his thoughts and opinions based on it to the representatives he chooses . Participation of citizens in state affairs, having the opportunity to get acquainted with the necessary information in this regard without hindrance, has already been expressed in international and national legal documents. In particular, according to the Universal Declaration of Human Rights, everyone has the right to directly or through freely elected representatives participate in the governance of their country . Citizens' participation in state power and administration was traditionally carried out, that is, through elected representatives, but now we can witness that it is directly manifested after the reforms aimed at ensuring the openness of the activities of

state bodies and the rise of the political-legal consciousness and culture of the society. Also, according to the International Covenant on Civil and Political Rights, all nations have the right to self-determination. . This international legal norm also expresses the right of citizens to participate in state power, including the activity of creating norms.

This right can also be found in the experience of some foreign countries. The right of citizens to directly participate in the activities of public authorities was reflected in the "Bill of Rights" adopted in Great Britain in 1689 .

When we talk about political rights, we usually think of the right to vote. That is, the right of citizens to participate in election processes is emphasized. Undoubtedly, electoral relations have been a symbol of the most important and indispensable political activism of mankind for centuries. At the same time, it is now required to look at these norms from the point of view of the modern world. That is, along with the formation of power, there is a need for direct participation of citizens in the process of preparing and accepting drafts of normative legal documents, which are the most important and basic means of implementing this power.

The degree to which human rights and freedoms and legal interests are expressed in the existing legal documents and ensured in practice is one of the necessary indicators of the establishment of a legal democratic state and civil society. In this regard, the full realization of human rights and freedoms has become one of the main goals in our country in recent years. Our Constitution, which was created in recognition of the supremacy of the generally recognized rules of international law, stipulates that every person has the right to apply directly to the competent state bodies, institutions or

representatives of the people with applications, suggestions and complaints. With the Law of the Republic of Uzbekistan "On Appeals of Natural and Legal Entities" adopted on the basis of these constitutional norms, the rights of citizens to appeal to state authorities and management bodies were further strengthened.

In addition, the Laws of the Republic of Uzbekistan "On Regulatory-Legal Documents", "On the Procedure for Preparing and Submitting Draft Laws to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" state that citizens can participate in the process of preparing and adopting draft regulatory legal documents in various forms.

It is worth noting that participation of citizens in the process of creation of norms is a right. Citizens can participate in the creation of norms only voluntarily. Any citizen whose participation is not provided for in the service or career instructions cannot be forcibly involved in the process of norm creation. A citizen who has special knowledge and skills or special information regarding the draft of a specific regulatory legal document being developed will not have such an obligation. The political rights of citizens related to participation in the activities of state authorities and management bodies, including the process of rule-making, are set out in the Constitution of the Republic of Uzbekistan, "On Appeals of Natural and Legal Entities", "On Regulatory-Legal Documents" and "Preparation of Draft Laws and Submission to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan" "On the Procedure of Entry" is generally provided for in the Laws of the Republic of Uzbekistan. However, it would be appropriate if the forms and guarantees of citizens' participation in the process of preparation and adoption of normative legal documents are summarized in a single legal framework - the Code of Norm Making.

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