

Scientific and Theoretical Problems in The Concept and Types of Systematization of Legislation

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Received: 26 May 2025; **Accepted:** 22 June 2025; **Published:** 24 July 2025

Abstract: This article examines the significance of systematizing legal norms, the appropriate terminology for this process, and the main types of legislation systematization. It provides an analysis of scholars' views on each issue, explores the experiences of other countries, and compares them with existing norms and practices reflected in the normative-legal acts of our country. Based on this analysis, the article attempts to offer comprehensive solutions and proposals to the identified scientific and theoretical problems. The discussion includes the positions of various groups of scholars and the underlying reasons for their perspectives, along with the author's own viewpoint on the matter.

Keywords: Systematization of legislation, codification, incorporation, consolidation, consolidated document.

Introduction: In the system of legal sciences, the systematization of legislation is one of the key issues of both theoretical and practical importance. Today, there is an increasing need to enhance the efficiency of public administration, deepen legal reforms, and make legislative acts more comprehensible and accessible for citizens and legal entities. From this perspective, the systematization of legislation serves as a crucial mechanism that ensures the coherence and logical consistency of legal regulation instruments.

Systematization not only helps control the growing number of normative legal acts but also organizes them, eliminates duplicative norms, updates outdated provisions, and resolves contradictions. Naturally, this process necessitates a thorough scientific-legal analysis of the concept of legislation systematization. Therefore, in this study, two key issues are addressed: 1) the development of a unified concept for the systematization of legal norms, along with an analysis of the various scholarly views on this matter; 2) the question of whether the concept of consolidation should be included among the types of legislation systematization.

In analyzing each issue, we present the theoretical and legal foundations of scholars on both sides, critically examine them, and offer and substantiate our own

position. In addition, the article explores the practices of different legal families regarding the understanding of consolidation and provides conclusions based on that analysis.

METHODOLOGY

The aim of this research is to identify and propose solutions to the existing issues in forming a general concept of the systematization of legal norms, as well as in understanding the types of legislation systematization. The primary objective is to analyze these problems and review various proposed solutions, and to offer additional alternative legal and organizational recommendations. To achieve these goals, the author employed several scientific research methods, including comparative analysis and logical reasoning.

DISCUSSION

The organization of existing legal norms into an orderly, unified system is equally important for every country, regardless of its legal family. This process helps improve the efficiency of legal practice, resolve contradictions and eliminate duplications among normative legal acts. Legal scholars refer to this process as the "systematization of legislation." It should be noted, however, that referring to the systematization of legal norms as the systematization of legislation is not a

universally accepted terminology among scholars. For instance, the legal scholar G.F. Shershenevich describes this process in his works as a “systematic unification of laws,” while some other scholars prefer the term “systematic revision of current legislation.” In our view, Shershenevich’s interpretation is narrower in scope, as the systematization of legal norms involves not only laws but also subordinate legal acts. Therefore, using the broader term “legislation” instead of merely “laws” appears to be more appropriate.

As defined in the Law of the Republic of Uzbekistan “On Normative Legal Acts,” the concept of legislation encompasses both legal acts (such as the Constitution, laws, and decisions of the chambers of the Oliy Majlis) and subordinate acts (such as decrees and decisions of the President, resolutions of the Cabinet of Ministers, orders and regulations of ministries and agencies, and decisions of local authorities) [1].

Regarding the second issue, when viewed from the standpoint of modern systematization theory, systematization of legislation is not merely a technical editing of legal texts as it may have been perceived in the past. Rather, it is a broader and more complex process. Various scholars provide differing definitions of legislation systematization. For example, legal scholar Sh.A. Saydullayev defines legislation systematization as an activity aimed at organizing and improving legislation by bringing legal documents into a structured and internally consistent system [2]. Another interpretation holds that the systematization of legislative acts is a prerequisite for the proper functioning and continuous development of the legal system, as well as a form of regulating and logically summarizing current legal documents [3].

From our perspective, systematization of legislation refers to methods that contribute to the development and improvement of legislation, as well as to facilitating the application of normative legal acts. The main types of legislation systematization are typically identified as codification and incorporation. Whether consolidation should be included among these types remains a subject of scholarly debate. For example, in his academic work, Vladislav Yu. Turanin includes codification, incorporation, and consolidation as types of legislation systematization [4]. Similarly, A.F. Shebanov also highlights consolidation as a distinct form of systematization in his writings [5]. On the other hand, in the works of Kh.T. Odilqoriyev [6] and many other Russian scholars, only two primary types of systematization—codification and incorporation—are addressed.

It is appropriate to examine the views of both groups of scholars when discussing this issue. Scholars who

recognize consolidation as a separate type of legislation systematization highlight the following distinctive features of the process:

Firstly, consolidation involves bringing together all normative legal acts related to a specific issue into one place. In this process, all legal documents pertaining to a certain subject matter are compiled. In terms of this feature, consolidation resembles subject-based incorporation.

Secondly, minor editorial changes may be made during consolidation [7]. Scholars who view consolidation as a distinct form of systematization point to this feature as a key difference from incorporation. As is well known, even such minor editorial changes are not permitted in incorporation.

Thirdly, consolidation results in the creation of a new normative legal document, though unlike codification. In codification, the content of norms from previous legal acts is substantively modified and incorporated into a new document, whereas in consolidation, the process involves only editorial changes. Examples of new normative legal acts created through consolidation are more frequently found in the works of Russian scholars. For instance, Professor T.V. Kashanina cites Federal Law No. 5 "On Veterans" dated January 12, 1995, which consolidated over a hundred different legal documents regulating the same issue [8].

Fourthly, after consolidation is completed, the consolidated documents lose their legal force as independent legal acts [9]. This feature of consolidation is somewhat similar to codification. However, while the primary goal of codification is to regulate legal relations and resolve issues in legal application, the main purpose of consolidation is to increase clarity within normative legal documents.

Nevertheless, as previously noted, there are scholars who disagree with these views. In particular, Odilqoriyev argues that the method of compiling normative legal acts (consolidation) is closely related to systematization of legislation. He considers the compilation of legislation as a preliminary step that precedes full-fledged systematization [10].

In our opinion, it is not correct to consider consolidation as an independent type of legislation systematization. We can provide the following reasons for this conclusion:

Firstly, under modern legal trends, new social relations are rapidly evolving, and any systematization of such relations must be able to respond to continuous changes. This inevitably requires the incorporation of substantive amendments into legal norms during systematization. This characteristic is typical of

codification; therefore, consolidation does not meet the demands of the current era.

Secondly, the distinctive features of consolidation are not sufficient to classify it as a separate type of legislation systematization. Specifically, the characteristic of collecting normative legal acts on a specific topic into one document is typical of incorporation and cannot be considered an exclusive feature of consolidation. The fact that consolidated documents lose their legal force after consolidation is a feature more akin to codification. Therefore, we believe that consolidation should be regarded as a preliminary stage before codification—merely a step involving the compilation of documents rather than a full-fledged systematization process.

I would also like to draw attention to another argument presented by those who support recognizing consolidation as an independent type of legislation systematization. It is argued that consolidation is still used in modern legislation, particularly in countries belonging to the Anglo-Saxon legal family. A specific example is the Consumer Rights Act passed by the UK Parliament in 2015. This act consolidated a number of previously existing laws, including the Sale of Goods Act 1979, the Supply of Goods and Services Act 1982, the Unfair Terms in Consumer Contracts Regulations 1999, and other regulatory instruments [11].

However, what is noteworthy here is that although this systematization process was referred to as consolidation, in essence, it aligned more closely with the characteristics of codification. These laws were not simply compiled; significant changes were made during the systematization process. These amendments affected the content of the legal norms and helped eliminate contradictions and duplications. Moreover, several new legal norms were also introduced within the structure of the consolidated document. Based on this, it can be concluded that although the systematization process in the UK was labeled as consolidation, it reflected the main features of codification rather than consolidation.

CONCLUSION

In conclusion, systematization of legislation is a highly important process that must be thoroughly studied by scholars and is widely used in the legal systems of developed countries, offering substantial benefits in the field of legal regulation. While there are differing scholarly opinions regarding the terminology to describe the process of organizing legal norms into a coherent system, we believe that, based on the features of the current legislation and the concept's defining characteristics, the most appropriate term is "systematization of legislation." The article has

provided supporting arguments for this position.

Moreover, one of the most debated issues in this field is whether consolidation should be included as a type of legislation systematization. We have examined the arguments of both groups of scholars and presented our own reasoned conclusion. That is, in our view, consolidation does not possess sufficient distinguishing features to be recognized as an independent type of legislation systematization in the context of modern legal development. Although different legal traditions approach this concept differently, its theoretical and legal foundations lead us to this conclusion.

Based on the above analysis, we believe it is necessary to establish a clear definition of the concept of "systematization of legislation" in law, and to regulate the types of systematization not only in legal scholarship but also at the normative-legal act level.

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