

The Essence And Features Of Codification Normative-Legal Acts: A Theoretical-Analytical Approach

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Abstract: The article analyzes the essence, features, and role of codification normative-legal acts within the legal system. Approaches to codification by A.V. Demin and D.A. Kazakov are examined, interpreting codification acts as normative-legal documents that systematically, consistently, and stably regulate legal institutions and social relations. The article analyzes the main characteristics of codification normative-legal acts: high level of integrity and internal consistency, structural division into parts with a separate general section, external stability, and indicators of priority within the legislative system. Additionally, the practical application of these acts, their stability and dynamic properties, and the scope of regulated relations are evaluated. The article presents A.N. Chashin's scientific definition of codification normative-legal acts, highlighting their systematic, conceptual, and practical characteristics.

Keywords: Codification, normative-legal act, code, internal consistency, structural division, stability, legal system, legal institution, priority, legal regulation.

Introduction: Codification is considered one of the fundamental principles in jurisprudence for ensuring the consistency, stability, and practical applicability of the legal system. Historically, the process of codification has served to simplify normative-legal activity and ensure clarity in law enforcement by regulating legal norms and systematizing them. Therefore, codification normative-legal acts—such as codes, collections, and other legal instruments—hold particular significance as primary sources that define both the conceptual and practical foundations of the legal system.

Legal literature presents various views regarding the essence and characteristics of codification normative-legal acts. A.V. Demin interprets codification not merely as a process of compiling legal norms, but as a procedure for establishing the systematic foundations of a particular field of law or a legal institution through a unified, logically coherent, and internally consistent normative-legal act. At the same time, D.A. Kazakov views codes as normative-legal acts intended to regulate social relations within a specific field of law in a detailed and comprehensive manner. These approaches highlight the central role of codes within the legal system, their scope of regulation, and their

functional significance in ensuring legal certainty.

Scholarly sources identify several key characteristics of codification normative-legal acts. These include a high degree of integrity and internal consistency, structural division into parts with a separate general section, relative external stability, and a degree of priority within the legislative system. Collectively, these features allow codification acts to be interpreted not merely as compilations of legal norms, but as systematic, logically coherent, and practically applicable legal institutions.

From this perspective, the study of codification normative-legal acts requires particular attention to their characteristics, such as integrity, internal coherence, stability, structure, and place within the legislative system, as well as the scope of regulated social relations and issues of nomenclature. This article analyzes the features of codification acts and their functions within the legal system, highlighting their essence from both a scientific and practical standpoint.

As a result of codification, codification normative-legal acts are adopted. According to A. V. Demin, the outcome of codification should be described as a single, logically coherent, and internally coordinated

normative-legal act that establishes the legal foundations of a specific branch of law, a subfield of law, or a major legal institution. [1]

In this view, the essence of the normative-legal act adopted as the main result of codification is clearly expressed. A.V. Demin interprets codification not merely as the process of compiling legal norms, but as a complex normative activity that establishes the conceptual and systematic foundations of a specific field of law or legal institution. The unified, logically coherent, and internally coordinated nature of codification acts serves to ensure stability and certainty in law enforcement. Moreover, this approach is significant for eliminating conflicts between legal norms, increasing the efficiency of legal regulation, and ensuring the consistency of the legal system.

D.A. Kazakov emphasizes that “codes are designed to regulate in detail and comprehensively the social relations that constitute the subject matter of a particular branch of law (whether primary or complex).” [2]

Kazakov’s approach is distinguished by its emphasis on the functional role of codes. He interprets codes as normative-legal acts aimed at regulating social relations within a specific branch of law not only in a general sense but also in a detailed and comprehensive manner. This highlights the breadth of the regulatory scope of codes and their central position within primary or complex legal fields. This approach underlines the importance of codes as leading sources in law enforcement, ensuring the completeness and systematic nature of legal norms. Furthermore, the focus of codes on detailed regulation of social relations strengthens legal certainty and prevents varying interpretations by law enforcement actors.

In legal literature, a number of features of codification normative-legal acts are identified, including:

1. A high level of integrity and internal coherence;
2. Stability and firmness, as well as a wide scope of regulated relations;
3. The presence of a title indicating the specific type of the document;
4. Structural division into parts, with a separate general section clearly delineated. [3]

In legal scholarship, these features serve to determine the essence, functional purpose, and position of codification normative-legal acts within the legal system. First, a high level of integrity and internal coherence demonstrates that codified acts ensure a stable and consistent normative system, which guarantees clarity and continuity in the application of law. Second, stability and firmness, along with the

broad scope of regulated relations, reflect the document’s function of systematically and comprehensively regulating social relations. Third, the presence of a title specifying the type of document ensures legal identification and formal recognition of codification. Fourth, structural division into parts and the inclusion of a distinct general section indicate that the act possesses a logically coherent system, with interconnected normative modules and consistency between legal institutions.

Thus, the combination of these features allows codification acts to be regarded not merely as collections of legal norms, but as systematic, logically consistent, and practically applicable legal institutions.

Below, we examine and analyze the aforementioned features of codification normative-legal acts.

The high level of integrity and internal coherence of a codification normative-legal act is manifested in the following ways. First, the subject matter of legal regulation is unified and singular. Even if the codification normative-legal act has a complex character—regulating social relations across various branches of law—its subject matter is described with organizational unity. The social relations included in the scope of regulation are organically interconnected, and no mechanical combination of unrelated relations is observed. [4]

This view emphasizes that the subject matter of codification normative-legal acts is unified and singular. This means that regardless of the scope of regulation—even if the act encompasses social relations belonging to various branches of law—its subject matter is organized as a coherent whole. Moreover, the social relations covered by the act are organically interconnected, and no mechanical combination of unrelated relations is observed. This approach demonstrates that codification adheres to the principles of systematicity and consistency, ensuring the logical coherence and interrelation of legal norms. Consequently, the complex nature of the act serves to maintain order and continuity in its practical application, thereby enhancing the effectiveness of legal regulation.

Second, to ensure internal coherence, the legislator divides a single codification normative-legal act not only into legal norms but also into their aggregated groups: parts, sections, subsections, and chapters. In turn, the largest sections may contain subsections. The normative content of the codification act is therefore structured not arbitrarily or randomly, but based on scientifically grounded thematic criteria. At the same time, nearly every codification act includes general provisions in its first part or section, while subsequent

parts or sections regulate specific issues based on the rules set out in the general part. Thus, the structural division into parts and the separation of the general section represents a practical manifestation of the high level of integrity and internal coherence of codification normative-legal acts. In analyzing this feature, it is unnecessary to include the remark about the “legality of integrity,” as this is redundant: the concept of a normative-legal act, whether codified or not, inherently belongs to the field of law, and adding the term “legal” merely repeats the same idea. [4]

To ensure internal coherence and a high level of integrity, legislators organize the act according to normative content and criteria for regulating social relations, dividing it into parts, sections, subsections, and chapters. This structure guarantees that the content is not arbitrary or disorderly but systematically organized based on scientifically grounded thematic principles. Moreover, in nearly all codification acts, the first part or section contains general provisions, while subsequent parts regulate specific issues in reference to these general rules. As a result, the division into structural parts and the separation of the general section function as the primary mechanism ensuring internal coherence in practice. Additionally, this approach eliminates the need for redundant expressions such as “legality of integrity,” as the concept of a normative-legal act is inherently legal and avoids repeating the same idea unnecessarily.

Stability and firmness, and the broad scope of regulated relations. This feature is not singular in content and consists of several distinct aspects. Stability and firmness should be understood as a single feature, as these concepts are synonymous. [5]

The characteristic of stability and firmness in codification normative-legal acts is crucial for determining their content and function. In legal scholarship, the terms “stability” and “firmness” are often used synonymously; therefore, it is reasonable to consider them as one comprehensive feature rather than separate ones. This feature allows the act to regulate its normative components and the wide range of social relations consistently and continuously. Accordingly, stability and firmness manifest as essential qualities that ensure orderly regulation and normative clarity in the practical application of the act.

Thus, it is necessary to examine two additional characteristics of codification normative-legal acts: stability (firmness) and the broad scope of regulated relations.

The characteristic of stability is not unambiguous in meaning and can be understood in two aspects: the existence and continued operation of the codification

normative-legal act as an independent legal document (external stability) and the stability of its content (internal stability). The manifestation of stability in codification normative-legal acts is not always uniform across these two aspects. The majority of codification normative-legal acts are considered stable in terms of their continued existence. [6]

From a content perspective, the stability of codification normative-legal acts can be interpreted in two dimensions. First, the existence and operation of the act as an independent legal document, i.e., external stability, ensures that the codification act consistently maintains its official legal status. Second, the stability of the act’s content, i.e., internal stability, reflects the coherence and consistency of the normative rules it contains. In practice, most codification acts demonstrate external stability, while internal stability may vary. Consequently, the characteristic of stability allows for the assessment not only of the act’s continued existence and normative force but also of the degree of internal consistency and systematization in its normative content, thereby ensuring predictable and stable outcomes in the application of law.

For example, the Customs Code of the Republic of Uzbekistan was enacted by the Law of the Republic of Uzbekistan No. 548-I dated December 26, 1997, “On the Approval of the Customs Code of the Republic of Uzbekistan” and was repealed by the Law No. O’RQ-504 dated January 20, 2016, “On the Adoption of the Customs Code of the Republic of Uzbekistan and Amendments to Certain Legal Acts of the Republic of Uzbekistan, as well as the Repeal of Certain Legal Acts,” meaning it was in force for nineteen years. [10]

Based on the foregoing, codification normative-legal acts can be described as a distinct type of normative-legal document that is externally relatively stable and internally dynamic.

In this context, it would be inaccurate to include “stability” in its pure form as a characteristic of codification normative-legal acts. This characteristic should only reflect the external aspect of such acts, since their internal content is inherently dynamic. [4]

Based on the considerations presented above, codified normative legal acts can be characterized as a distinct type of normative legal documents that are externally stable yet internally dynamic. From this perspective, it would be incorrect to introduce the concept of “stability” in its pure form when describing codified documents, as it reflects only the external existence and official status of the act. The dynamic nature of the internal content does not allow for the full application of the stability attribute to the document. Consequently, the attribute of stability should be used

solely to describe the external stability of codified normative legal acts, while changes in internal order and normative content should be considered separately as dynamic characteristics. This approach facilitates the distinction between the external and internal aspects of a document, as well as understanding its consistent and predictable effects in the application of law.

Next, we address one of the proposed characteristics of codified normative legal acts—the “scope of regulated relations.” The application of this attribute appears debatable for several reasons. The concept of the “scope of regulated relations” is not amenable to precise definition. Furthermore, various codified normative legal acts regulate different extents of social relations.

For example, the Criminal Procedure Code of the Republic of Uzbekistan encompasses the entire range of criminal procedural legal relations. In contrast, according to Article 2 of the Civil Code of the Republic of Uzbekistan, it defines the legal status of participants in civil circulation, the grounds for and procedures for exercising property and other real rights, absolute rights in intellectual property results, contractual and other obligations, as well as other property and associated personal non-property relations arising on the basis of equality of participants, freedom of will, and property independence, and relations between persons engaged in entrepreneurial activities. Here, the breadth of the subject matter of legal regulation is clearly extensive.[10]

According to Article 2 of the Housing Code of the Republic of Uzbekistan, the scope of regulated relations is considerably narrower. This raises the question: to what extent must the subject matter of regulation be narrowed for a normative legal act not to belong to the codified type?[11]

Russian scholar A. N. Chashin, who conducted research on the theory of codification of legislation, comments on this issue as follows: This question resembles the unsolvable problems known in philosophy as “Heap” and “Kal,” which ask how many items must be removed before a heap is no longer a heap, or how much hair a person must lose to be considered bald. The quantitative solution to these questions does not alter their qualitative nature. Therefore, using the breadth of social relations regulated as a criterion for defining a normative legal act as codified is incorrect.[4]

Moreover, in many cases, the existence of codes regulating a wide range of relations is a feature specific to certain national legal systems. Other national legal systems may have codified normative legal acts regulating a narrow scope of issues. For instance, the

French Coastal Fisheries Code can be cited as an example of a codified normative legal act with a narrow field of application. From this, it can be concluded that the scope of regulated relations is not a mandatory characteristic of a codified normative legal act.[4]

According to Chashin, it is also inappropriate to include the title of a codified normative legal act as a defining characteristic. First, other normative legal acts may also have titles. Second, the titles used for codified normative legal acts are highly diverse, and under the same title, both codified and non-codified normative legal acts may exist. Therefore, the title does not serve as a primary indicator for classifying an act as codified; it functions merely as an external identification tool. This approach highlights the importance of focusing on the essence of characteristics when systematically and consistently describing codified legal documents.

Another significant attribute of a codified normative legal act is its fundamental position within a legislative system. Even in the absence of direct indication, because the main rules on the subject of regulation are established, a codified act occupies the position of “*primus inter pares*” (first among equals), as M. I. Braginskiy notes. Some authors describe this as the “self-declaration” of codes. However, V. A. Tolstik reasonably objects, emphasizing that codes do not determine their own priority, but rather reflect the exercise of legislative authority within the legislator’s normative powers.[8]

Based on the above, the following key characteristics of codified normative legal acts are identified:

1. High degree of integrity and internal consistency;
2. Structurally divided into sections, with a separate general part;
3. Relatively stable externally;
4. Possessing priority within the legislative system.

Based on these characteristics, A. N. Chashin formulates the following definition:

A codified normative legal act is a normative legal document that possesses a high degree of integrity, internal coherence, relative external stability, a structure divided into sections with a separate general part, and priority within a certain legislative system.[5]

According to Chashin, a codified normative legal act embodies a set of essential characteristics that reflect its substantive and functional features. Firstly, the act demonstrates a high degree of integrity, with its normative rules systematically and logically structured in a coherent manner. Secondly, it exhibits internal coherence, ensuring interconnection and consistency among its normative components. Thirdly, a codified act is relatively stable externally, distinguished by its

official status and practical existence. Fourthly, its structure is divided into sections, with a general part separated, and each section or part regulates specific issues in a systematic and interconnected manner. Finally, the act holds a position of priority within the legislative system, playing a central role in regulating normative legal relations within its domain. Thus, Chashin's definition presents the characteristics of codified normative legal acts as a set of integrated features that ensure their systematic, coherent, and effective application.

CONCLUSION

Codified normative legal acts represent one of the systematic and logically consistent instruments of legal regulation, and their essence and functional characteristics are widely discussed in legal scholarship. A. V. Demin interprets codification not merely as the process of compiling legal norms, but as a complex normative activity that establishes the conceptual and systematic foundations of a legal institution or branch. D. A. Kazakov, in turn, explains codes as normative legal acts that regulate social relations comprehensively and in detail.

Legal literature identifies several key characteristics of codified normative legal acts, including a high degree of integrity and internal consistency, stability, structural division into parts, separation of a general part, and a position of priority within the legislative system. At the same time, certain features—such as the “scope of regulated relations” or the title of the act—are noted as not being mandatory indicators of codification.

According to A. N. Chashin, a codified normative legal act is a normative legal document that possesses a high degree of integrity, internal coherence, relative external stability, a structure divided into parts (with a separate general part), and a certain priority within the legislative system. The combination of these characteristics allows codified acts to be regarded not merely as collections of normative rules, but as a systematic, logically coherent, and practically applicable legal institution.

As a result, codified normative legal acts serve as a crucial instrument for ensuring legal stability and clarity, eliminating normative conflicts, and enhancing the effectiveness of legal regulation.

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