



THE ROLE AND SIGNIFICANCE OF LEGAL MONITORING IN REGULATORY IMPACT ASSESSMENT

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Abstract: This article examines the views of legal scholars who have conducted scientific research on the role and importance of legal monitoring in assessing regulatory impact. The author has developed proposals and recommendations based on this analysis.

Keywords: regulation, monitoring, assessment, law, legislation, analysis.

The adoption of the new version of the Constitution in Uzbekistan serves as a crucial factor in ensuring the progressive development of society. The primary task of legal influence has become the regulation of emerging social relations in accordance with contemporary demands, providing them with structure and direction.

Through the use of "smart regulation" methods worldwide, excess expenditures of 10.5 billion euros were prevented in Germany from 2000-2005, 4.5 billion Australian dollars in Australia from 2013-2015, and 2.5 trillion rubles in the Russian Federation in 2020 [1].

Ensuring effective implementation of the "Uzbekistan-2030" strategy, widespread use of "smart regulation" methods in the norm-making process, maintaining stability in the legal regulation of social relations, as well as assessing the regulatory impact of draft legal acts and developing organizational and legal mechanisms for monitoring the effectiveness of legislation have been identified as key directions of state policy [2].

The effectiveness and quality of regulation in the country is one of the critical factors in the success of ongoing socio-economic reforms. It is necessary to establish a systematic approach that enables government agencies to ensure high quality at all stages of norm-making activities. Poor regulation negatively impacts the well-being of society and the state, causing excessive costs for businesses and citizens, further complicating public administration processes, and increasing the level of corruption [3].

It should be noted that out of 135 comprehensive laws adopted between 2017 and 2023, there are a total of 543 reference norms, of which 41 reference norms in 23 laws have not been implemented through subsidiary legislation [4]. Additionally, justice authorities, in collaboration with relevant ministries and agencies, examined 1860 legislative acts, identifying 350 obsolete norms and legal gaps in 243 documents that lacked implementation mechanisms [5].

Legal monitoring plays a crucial role in assessing regulatory impact. It serves as a connecting link in evaluating the impact of regulations on social relations.

In recent years, specific studies have been conducted in legal theory and practice regarding the social necessity, uniqueness, purpose, tasks, characteristics, principles, structure, and significance of legal monitoring [6].

However, there is no consensus among researchers on the concept of legal monitoring. Currently, the concept of "monitoring" is used in various fields of scientific knowledge - technical sciences, ecology, pedagogy, sociology, economics, medicine, and psychology.

The term "monitoring" was officially introduced into science in 1972 at the Stockholm UN Conference on the Environment. Two years later, the first intergovernmental monitoring meeting was held in Nairobi, Kenya. At the meeting, it was decided to prioritize monitoring of environmental pollution at three levels - local, regional, and global. Starting in 1974, the concept of "observation" was introduced into Russian literature by Yu.A. Israel [7].

In the "Explanatory Dictionary of the Uzbek Language," "monitoring" is defined as: 1) continuous observation of any process in order to determine its compliance with the expected result or initial assumption; 2) observation, recording, evaluation, and forecasting of the state of a particular phenomenon or process [8].

According to Russian researcher T.A. Zheldibina, monitoring is typically understood as systematic observation, process tracking, collecting and processing information about something, as well as preparing recommendations for adjustments [9]. Additionally, D.B. Gorokhov, E.I. Spektor, and M.E. Glazkova define monitoring as a system for observing, assessing, and forecasting the state and dynamics of any event, process, or other object in order to control, protect, and determine its correspondence to the desired outcome or initial assumptions [10].

Regulatory impact assessment and monitoring should be part of regulatory policy development and planning from the outset. Their successful implementation is crucial for ensuring responsible and transparent management of state resources.

According to the conducted research, resources for carrying out monitoring and evaluation should be planned and provided in proportion to the costs, benefits, and risks of the proposal for society and the public sector.

Surveys, interviews, and focus groups may be needed to determine the opinions of a wide range of stakeholders, while evaluation questions should reflect urgent needs to ensure and assess the success of government intervention [11]. Monitoring is important for the following reasons: 1) to determine the extent to which regulatory objectives have been achieved through a legislative act; 2) to identify any unexpected consequences that have arisen; 3) to compare actual execution deadlines and costs with those forecasted during project development; 4) to verify that the execution was carried out as expected and to determine if any regulatory changes are necessary; 5) to assess whom the state intervention affected and how it influenced them.

Regulatory impact assessment and monitoring are closely interconnected, and the assessment of regulatory impact of current legislation should be based on monitoring data. For example, in the UK, any legislative act undergoes an "ex-post" impact assessment five years after it enters into force. Prior to that, monitoring is conducted annually to collect data and identify problems in the enforcement of the legislation for further regulatory impact assessment [12].

The main tasks of legal monitoring are: a) to introduce a unified practice of implementing legislative acts; b) to study the compliance of law enforcement practice with the goals of adopting legislative acts; c) to ensure the completeness of legal regulation of public relations; d) to ensure the compliance of legislative acts with the laws and international obligations of the Republic of Uzbekistan; e) to identify and eliminate contradictions, contradictions, corruption factors, duplicating and conflicting norms in legislative acts; f) to create a unified system of concepts and terms in



Its effectiveness in the legal regulation of social relations is manifested in its mechanism, but it is manifested in the fact that the implementation of many adopted norms does not take into account material, spiritual, moral, and other factors.

In particular, according to the analysis, the main goal of assessing the impact of legislative acts in any case is to assess the consequences of the adopted normative legal act, which determines the main features of the methodology used. When there is a need to assess the impact of current regulatory legal acts, it is necessary to discuss the monitoring of current legislation (also used terms such as "legal monitoring," "monitoring of law enforcement practice," ex-post assessment of regulatory impact, etc.). In practice, monitoring of current regulatory legal acts is characterized by a wide range of goals and is not limited to determining the impact of legal regulation (i.e., monitoring in the literal sense).

There is no generally accepted definition of the term "Legislative Impact Assessment," but in most cases it refers to the identification of an existing problem, the definition of the purpose of regulation (excluding unjustified state intervention), the application of advanced methods of information analysis, a broad discussion of various opinions and existing alternative solutions on the issue under consideration. Ultimately, these evaluation criteria serve to develop well-thought-out decisions that effectively serve the goals of socio-economic development.

There is no single approach to the interpretation of "legal monitoring" in modern legal science. The phrase "legal monitoring" is a theorist

and interpreted differently by practitioners. In particular, lawyer G.A. Mashkurov defines: "Legal monitoring is a set of measures to constantly monitor the level of legal regulation of social relations in the system of society and the state or to collect factual materials about it, to assess the state of the national legal system or its specific component, to forecast the prospects for its development, to bring the object of monitoring to an optimal state, to develop methods and recommendations for their implementation in practice" [15].

Some aspects of legal monitoring have also been studied by scientists from foreign countries. In particular, the issues of citizen participation in the evaluation of the activities of state bodies, satisfaction with public services, and mutual trust were studied by G. Greg[16], while the issues of developing criteria for evaluating the activities of state bodies, collecting information, and determining indicators that should be achieved in the future were studied by P. Harry[17]. Yu.A. Tikhomirov characterizes legal monitoring as a dynamic organizational and legal institution that manifests itself at all stages of activity, from management, management, etc., to the emergence and implementation of law.

Today, the principles of legal monitoring and mechanisms for its implementation have been formed. In particular, G. Abdugarimov identifies the following as the main principles of legal monitoring: detail and accuracy of collected data, their verification; confidentiality of data and its source; objectivity and personal disinterest in data collection; attention (respect) towards respondents. In this regard, G.A. Mashkurov distinguishes principles such as "legality, independence, impartiality, transparency, studying and taking into account public opinion in conducting legal monitoring, scientific validity and recommendation."

It is advisable that the results of monitoring and analysis be discussed by the executive bodies separately in their field, as well as at practical seminars, round tables, and scientific-practical conferences organized jointly by entities responsible for the implementation of the law, and it is advisable to develop proposals and recommendations for their solution. Of

course, the timely submission of these proposals and recommendations, both scientifically and practically substantiated, to the relevant agencies will serve to ensure the adoption of management decisions aimed at solving existing problems.

At the same time, as experts working in this field today note, "in practice, there are cases of illegal and completely unfounded decisions by officials as a result of misinterpretation of the meanings of the norms of regulatory legal acts." It cannot be said that there are no contradictory norms in different legal documents that cause corruption. Moreover, the inability of normative legal acts to fully regulate social relations, their legal and technical imperfections, and other reasons necessitate their legal monitoring.

Therefore, timely identification of social relations subject to legal regulation in society, direction and discipline for their development, monitoring of measures of legal influence, and increasing the effectiveness of law require joint activity of the theory and practice of law. Monitoring of legal regulation contributes to increasing the effectiveness of legal influence on social relations.

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