



SCIENTIFIC ANALYSIS OF THE CONCEPT OF "INTERNAL DEPARTMENTAL DOCUMENT"

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Annotation

The article aims to enhance the role of internal departmental documents, which are an important component of legal documents. The role and concepts of internal departmental documents in the legal systems of other countries have been scientifically analyzed. It is emphasized that defining internal departmental documents in legislative acts is of great importance in the development of their drafts.

Keywords: Internal departmental document, local document, regulatory document, departmental legal document, normative legal act, departmental regulatory document, departmental legal act, departmental normative legal act, and others.

Today, specific definitions of the concepts "normative legal act" and "legislative act" have been established. Although the concept of "internal departmental document" has a scientific interpretation, there is no clear definition of it in the legislation.

Normative legal acts use the concepts of "regulatory document"[2], "departmental regulatory document"[3] or "normative legal document"[4], and these concepts are sometimes interpreted differently, either as a normative legal act or an internal departmental document.

A regulatory document has general mandatory force and regulates a certain area of social relations, applying to an indefinite number of persons. This document specifies the status of individuals, their age, gender, and the type of economic activity of legal entities. Legislation provides for benefits for disabled citizens or textile industry organizations and others[5].

Since departmental regulatory documents are aimed at norm-creating activities and the creation of departmental regulatory documents, they acquire the nature of subordinate legislation. Their purpose is to regulate various aspects of law enforcement agencies' work. However, regardless of which sphere of activity they regulate, their main goal is to protect the rights and freedoms of citizens[6].

Currently, in legislation, alongside the concepts of "normative legal act," "departmental normative legal act," the concepts of "normative act," "departmental normative act," or "normative legal act" are also used. For example, the Decree of the President of the Republic of Uzbekistan dated May 16, 2023, No. 158 "On Additional Measures to Further Improve the Seismic Safety System of the Population and Territory of the Republic of Uzbekistan," provides for the improvement of the legal framework and construction regulations in the field of seismic safety[7].

To ensure the implementation of this task, a resolution of the Cabinet of Ministers of the Republic of Uzbekistan "On Amending and Supplementing Certain Decrees of the

Government of the Republic of Uzbekistan Aimed at Improving Permitting Procedures in Urban Planning Activities, as well as Deprecating Some of Them" was adopted [8].

An analysis of the aforementioned legislative acts shows that the term "normative act" is sometimes applied to "normative legal act," and sometimes to "departmental normative legal act." Based on this, based on the requirements of legislative technique, in accordance with the Law of the Republic of Uzbekistan "On Normative Legal Acts," it is advisable to express them in the text of legislative acts in the form of "normative legal act" or "departmental normative legal act" based on their characteristics.

In this regard, according to Professor Sh.N. Berdiyarov, along with the concepts of "normative legal act" and "departmental normative legal act," the concept of "normative act" is also used in the legislation, these concepts are applied to "departmental normative legal acts," and based on the requirements of legal technique, he proposed to call them "departmental normative legal act" [9]. Given that these concepts and the type of activity that regulates them have the same meaning and are universally binding, it is necessary to clearly define the concept of "normative acts" presented in scientific literature and legislative acts as "departmental normative legal acts." Defining the names of these concepts, defining them in legislation, serves to fully encompass all aspects of the phenomenon of legal relations and its perfect application in practice.

According to T.P. Pestova, a "local legal act" is a document adopted by authorized individuals within the framework of dispositive authorization, having a legal character, based on dynamism and stability, establishing internal order and establishing relationships, binding on all members of an organization without exception or only on their individual categories, and defining the order of various relationships within an organization [10].

In the definitions above, local regulations include rules of compulsory conduct and threats of punishment, and they contain rules of coercion. Partially agreeing with these opinions, it should be noted that local regulations are not only a coercive measure for a limited group of individuals (for example, the head and employees of an organization), but also have the property of changing and abolishing the relevant social relations for them.

In our view, the main part of the norms of the local legal act is implemented through specific legal relations. In some cases, some of them can be implemented outside specific legal relations, as well as within the framework of general relations. It can be concluded that rules adopted in the form of local rules should be adopted by employers through regulatory or simplified norms through specific mechanisms in order to prevent misunderstandings regarding the implementation of these norms into practice by their employees.

When analyzing literature and scientific-practical research related to the concept of "internal departmental document" in the Republic of Uzbekistan, it becomes apparent that the concept, development processes, legislative technique, and legal significance of "internal departmental document" remain unclear. Its generally accepted interpretation is not sufficiently illuminated in legal education. During research conducted in this area, we can observe that the concept of "internal departmental document" has been defined in official documents by various scholars and government agencies.

I.T. Tulteev noted: "A distinctive feature of local legal regulation is that it pertains to a strictly defined circle of individuals and activities within the adopting body."

It is known that internal departmental documents, as a means of regulating social relations in legal contexts, are inextricably linked to law. As important legal documents

regulating relations between employees and employers, ministries and departments (enterprises, etc.) apply them in practice to the main spheres of public life. An "internal departmental document" is an official document adopted by ministries, state committees, and agencies, along with their structural and territorial divisions, based on regulatory legal acts, to regulate internal social relations and is binding for them.

The order of the Minister of Internal Affairs of the Republic of Uzbekistan on further improvement of norm-making activities in internal affairs bodies states that "an internal departmental document is an official document adopted on the basis of legislative acts, aimed at establishing, modifying, or abolishing norms that are mandatory for internal affairs bodies and their employees" [13].

Research has shown that the Law of the Republic of Uzbekistan "On Normative Legal Acts" and the Order of the Ministry of Justice "On Approving the Rules for the Preparation and Adoption of Institutional Normative Legal Acts," along with other legislative acts, do not fully cover the concept of "internal departmental document," the rules related to its development, as well as the relations concerning the preparation, approval, and adoption of internal departmental documents, compliance requirements, and procedures for adhering to legislative technique requirements and adoption.

Upon examining current regulatory legal acts and analyzing legislation related to "internal departmental documents," it becomes clear that laws of the Republic of Uzbekistan and regulatory legal acts of the President of the Republic of Uzbekistan and the Cabinet of Ministers have instructed ministries and agencies to develop "internal departmental documents" to determine the order of relevant spheres. For example: Article 161 of the Budget Code of the Republic of Uzbekistan mentions "Application of internal departmental documents that ensure detailed budget accounting by budget organizations in compliance with the unified methodology of budget accounting and budget reporting" [14]. Article 18 of the Law of the Republic of Uzbekistan "On the National Guard of the Republic of Uzbekistan" [15] and Articles 33 and 39 of the Law "On the State Security Service of the Republic of Uzbekistan" [16], Clause 4 of the "Roadmap" on facilitating business operations and improving the system of protecting legitimate business interests, approved by Annex 2 to the Decree of the President of the Republic of Uzbekistan No. PF-6314 dated September 15, 2021 [17], Clause 11 of the "Roadmap" on implementing measures to reduce the share of the "shadow economy," approved by Resolution No. 394 of the Cabinet of Ministers of the Republic of Uzbekistan dated June 20, 2020 [18], Clause 9 of the Regulations on non-departmental militarized security units and non-departmental guard units of the Main Directorate of Security of the National Guard of the Republic of Uzbekistan, approved by Resolution No. 630 of the Cabinet of Ministers of the Republic of Uzbekistan dated November 1, 2022 [19], and several other regulatory legal acts stipulate that the activities of ministries and agencies are regulated by "internal departmental documents."

The analysis reveals that the concept of "internal departmental document," its development processes and legal techniques, and the objects of its legal regulation are not fully defined in regulatory legal acts. There are legal gaps in its regulation, and simultaneously, there is a need to teach the concept of "internal departmental document" in educational institutions, necessitating research in this field.

Based on the analysis results, it is proposed to provide the following definition of an internal departmental document in the regulatory legal acts of the Republic of Uzbekistan.

An internal departmental document is an official document adopted based on legislative acts, aimed at regulating social relations in the activities of ministries and departments, and intended to establish, modify, or abolish norms that are mandatory for their employees.

Since the concept of "internal departmental document" and its regulatory mechanism are not defined in regulatory documents, ministries, committees, and other organizations have established the practice of formalizing "internal departmental documents" [21] in accordance with the order of the Minister of Justice of the Republic of Uzbekistan "On Approving the Rules for the Preparation and Adoption of Departmental Regulatory Acts" [20], as well as addressing issues regulated by the requirements of this order, based on their work practice requirements.

The current legal documents do not fully reflect the definition and concept of "internal departmental document," its regulatory activities, and mechanisms, which may lead to misunderstandings or legal gaps in future practice in this area.

To address this problem, it is necessary to analyze the concepts of "normative legal act" and "departmental normative act," as well as their types.

The Law of the Republic of Uzbekistan "On Normative Legal Acts" states that the types of normative legal acts include the Constitution of the Republic of Uzbekistan, laws, resolutions of the chambers of the Oliy Majlis, presidential decrees and resolutions, resolutions of the Cabinet of Ministers, orders and resolutions of ministries and departments, and resolutions of local government bodies [22]. This law also provides concepts of types of normative legal acts, processes related to their adoption, and regulations [23].

It is clear from this that documents other than the types of normative legal acts mentioned above do not belong to the category of normative legal acts. The reason is that a normative legal act is an official document adopted in accordance with the law, aimed at defining, changing, or abolishing legal norms as universally binding state guidelines [24].

Based on the aforementioned opinions and the norms established in our legislation, normative legal acts differ from other law enforcement documents in that they are "universally binding" and subject to "state registration."

Also, during the conducted research, we can find that our legislation establishes norms for the development of "departmental regulatory document" [25], "departmental document" [26], "departmental legal document" [27], "internal regulatory document" [28] or "internal departmental document" [29], when analyzing these documents, the subject of their regulation reflects the same meaning, that ministries and agencies are given tasks that provide for the regulation of issues related to their activities and employees (labor), and in the tasks given for their development, there are no

In order to educate employees of internal affairs bodies in the spirit of patriotism, a "departmental regulatory document" on the formation of an information and library fund [30] was transferred to the jurisdiction of courts to issue sanctions for the arrest of persons suspected or accused of committing crimes, and instructions were given not only to revise laws and regulations, but also to revise the norms and regulations provided for in "departmental legal acts" [31]. "internal regulations" establish a detailed, clear procedure for carrying out banking operations within the framework of legislative acts and serve as a mandatory guide for managers and employees of this bank [32].

In conclusion, in the process of scientific research by scientists and the application of legislative acts, as well as based on the results of the conducted research, it is proposed to define the above-mentioned terms as "internal departmental document," which are called variously in the form of "departmental normative act," "departmental act," "departmental legal act," "internal normative act" in regulatory legal acts and literature. The clear reflection of this proposal in our legislation serves to fill the gaps in our legislation, eliminate misunderstandings and misunderstandings related to its practical application with the development of the most important and hierarchically small part of legislative acts - "internal departmental documents."

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