



THE IMPORTANCE OF LEGAL EXPERTISE IN THE PREPARATION OF INTERNAL ADMINISTRATIVE DOCUMENTS REGULATING THE ACTIVITIES OF INTERNAL AFFAIRS BODIES

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Abstract. The article explores to a certain extent scientific and theoretical issues related to the importance of legal expertise in the preparation of internal departmental documents, some of its aspects, and theoretical and legal issues .

Keywords: Internal departmental document, legal expertise, gender expertise, corruption expertise, linguistic expertise, regulatory legal document , etc.

Introduction

Compliance with the requirements of expertise in the development of internal departmental documents in internal affairs bodies is of great importance in the expression of human rights and freedoms. Providing legal expertise determines the boundaries of the activities of internal departmental documents of internal affairs bodies, and also serves to improve the well-being of the population, prevent violations, combat crime, maintain peace in the country, protect the rights of citizens, and implement legislative acts.

In the field of law, along with “legal techniques” and “legislative techniques”, legal expertise is also of great importance in the process of developing and implementing internal departmental document drafts.

Materials and methods

The research paper analyzed the problems, normative misunderstandings, and rules that need to be taken into account in the above-mentioned practice related to the application of this framework, while using comparative legal analysis, statistical data analysis, law enforcement practice, and observation, generalization, induction, and deduction methods.

Research results and analysis

During the legal examination of internal departmental documents in internal affairs bodies, the basis for their development, legal techniques and compliance with legislation , effectiveness in their implementation, and impact on the reforms being carried out by our country are studied.

Legal expertise is an important part of the general theory of state and law, and gender, corruption and linguistic expertise of internal departmental documents is an integral part of it. In the current process of development of jurisprudence of the Republic of Uzbekistan, with an ever-increasing legal base, a general theory of legal expertise has not been developed.

In the scientific research of O.H. Muhammedov, the concept of “legal expertise” is scientifically substantiated by the interconnection of a number of categories of the science of state and legal theory, such as “lawmaking”, “legislative technique”, “systematization of legislation”[1, pp. 7-32].

According to H.T.Odilqoriev, legal expertise is a study and qualified assessment of a project by a specialist lawyer, which includes the project's compliance with the Constitution and proportionality with the current system of laws, its ability to effectively affect the subject of legal regulation, compliance with the requirements of legislative technique, its internal logic and systematicity, clarity and unambiguousness of the rules, conciseness and understandability [2, pp. 32].

Professor M.M. Mamasiddikov has cited in his scientific research the organizational and legal foundations of expertise in legislative creation, its methodology, improvement of the legislative system, the role of judicial documents, problems of implementing legal norms, improving the quality of legal techniques and laws, legal interpretation, and increasing the efficiency of legal expertise and state registration of orders and decisions of ministries, state committees and departments [3, pp. 99].

Sh.N.Berdiarov noted that the fact that the rules related to the legal examination of regulatory legal documents are set out in various regulatory legal documents creates difficulties in their use, therefore, it is advisable to adopt the Law "On Legal Examination" by generalizing them [4, pp. 29].

Using the above considerations, it is necessary to develop a law of the Republic of Uzbekistan "On the Expertise of Legislative Documents" and establish legal norms that provide for the conduct of "legal expertise", "corruption expertise", "gender expertise", "linguistic expertise", and "ecological expertise".

The following definitions are given to the concept of "legal expertise" in the legislative documents of our country.

Article 26 of the Law on Regulatory Legal Acts states that during the legal examination of a draft regulatory legal act, the validity of the application of the norms referring to the Constitution and laws of the Republic of Uzbekistan, legal and technical requirements, is subject to legal examination by the legal service of its developer, as well as the Ministry of Justice of the Republic of Uzbekistan and other organizations in accordance with the legislation[5].

Legal expertise is the verification of the compliance of a departmental regulatory legal act with the Constitution and laws of the Republic of Uzbekistan, legislative acts of higher legal force, the goals and objectives of reforms, the validity and appropriateness of the application of legislative techniques, as well as the reference norms[6].

Legal expertise is an examination of the validity and appropriateness of an internal departmental document in accordance with the Constitution and laws of the Republic of Uzbekistan, legislative acts of higher legal force, the goals and objectives of reforms, the application of legislative techniques, and the reference norms[7].

In the process of studying these concepts, it becomes clear that the most important and main aspect of legal expertise that should be paid attention to is that it is carried out within the framework of hierarchically higher legislative acts, that the legal consultant adheres to the basic principles of legal expertise, and that legal documents do not reflect norms that violate the rights and dignity of citizens.

The democratic processes being established in our republic are increasing the need for legal regulation of internal departmental documents, ensuring clarity of the legal regulation, unification, procedure and methods of their activities, the powers of the subjects, the demand

for defining the concept of “legal examination of internal departmental documents” in legislative documents is increasing.

A vivid example of this is the fact that in 2023 alone, 22,007 internal departmental documents were submitted for legal examination in internal affairs bodies.

In legal science, there are separate studies on various types of expertise of legislative documents (legal, corruption, etc.), but there have been no studies on the legal expertise of internal departmental documents and its significance in the internal affairs body. The theoretical approach to defining the concept of expertise of internal departmental documents, as well as the principles, types, functions and methods of conducting expertise of internal departmental draft documents, have not been sufficiently developed.

Internal departmental documents may undergo various types of examination depending on their nature, however, all internal departmental documents are subject to a mandatory legal examination.

In our opinion, in the process of conducting a legal examination of internal departmental documents developed by internal affairs bodies, it is necessary to determine what socio-economic activity they regulate, then determine by what rules and for what purposes the regulated activity is regulated, whether the developed rules solve the problems in the activity, whether there are gaps or contradictory rules in the issues regulated in the legislation, and also, based on them, determine specific rules.

If new rules are established by canceling an existing internal departmental document in internal affairs bodies, it is advisable to comprehensively consider the grounds for the cancellation of these rules, and to ensure that the new rules, when adopted in a new edition, fully cover the activities of the existing canceled rules. Relying on the following important criteria when developing an internal departmental document in a new edition ensures the perfection of the internal departmental document:

- a) study of the documents that served as the basis for issuing a new version of an internal departmental document or introducing amendments and additions to it;
- b) to study whether the internal departmental document is currently outdated and has lost its significance;
- c) assess the impact of the adoption of an internal departmental document on the socio-economic processes carried out by the state;
- d) conduct a full examination of the development of an internal departmental document for the presence of legal, gender, linguistic, and corruption factors.

The study of the importance of legal expertise of internal departmental documents and their drafts by internal affairs bodies is important for the development of the theory of lawmaking, the improvement of legislative documents and the activities of law enforcement agencies. Disclosure of general theoretical and legal aspects used in the creation and implementation of legal expertise of internal departmental documents contributes to the effective and qualitative development of legislative documents.

The Rules for the Preparation, Coordination and Acceptance of Internal Documents in Internal Affairs Bodies, approved by Order No. 283 of the Minister of Internal Affairs of the Republic of Uzbekistan dated August 12, 2021, regulate only the processes related to the legal examination of internal departmental documents[8]. However, the processes related to the examination of the requirements for determining the presence of factors that create the possibility of committing corruption-related offenses and causing corruption in an internal

departmental document, compliance with the principles of ensuring equal rights and opportunities for women and men, the rules of spelling, style, lexical-grammatical, graphic and punctuation of the Uzbek literary language, the correct use of terms and the avoidance of logical errors in the text, are not regulated[9, 8-13-b].

Conclusion.

In conclusion, it is necessary to establish by order of the Minister of Internal Affairs the rules providing for the conduct of not only legal expertise, but also gender expertise, linguistic expertise, and expertise aimed at identifying corruption factors of internal departmental documents developed by internal affairs bodies. These expertises of internal departmental documents, together with their significant contribution to the current democratic processes of New Uzbekistan, will serve to improve the theory of state and law.

References:

1. Muhammedov O.H. Theoretical and practical problems of the examination of draft legislative documents // Problems of the examination of legislative documents. – T.: Institute for Monitoring Current Legislation under the President of the Republic of Uzbekistan, 2005. – P. 7–32.
2. Odilqoriev H.T Improving the scientific and legal expertise of draft laws // Problems of expertise of legislative documents. – T.: Institute for Monitoring of Current Legislation under the President of the Republic of Uzbekistan, 2005. – p. 32.
3. Mamasiddikov M.M. Current problems of legal science and law enforcement practice. Scientific and practical conference materials . Volume I /-T.: 2020. p. 99. <https://uzmarkaz.uz/uploads/.pdf>
4. Berdiyarov Sh.N. Uzbekistan Academy of the Ministry of Internal Affairs of the Republic of Newsletter , legal the system legal technique requirements based on improvement Directions T 2017 Issue 2, p. 29
5. Law of the Republic of Uzbekistan, 20.04.2021 № 682. <https://lex.uz/docs/5378966>
6. Order of the Minister of Justice of the Republic of Uzbekistan “on approval of the rules for the preparation and adoption of departmental regulatory legal acts”, registered on 28.02.2014, registration number 2565. The first paragraph is the sixth paragraph.
7. The second paragraph of the regulation on the procedure for preparing, agreeing and accepting internal departmental documents in the internal affairs bodies approved by the order of the minister of internal affairs of October 10, 2023 No. 555 paragraph sixteen.
8. Order of the minister of Internal Affairs “on further improvement of the activity of creativity of the norm in the internal affairs bodies” No. 283 of August 12, 2021.Of The Republic Of Uzbekistan. - T., 2023. Electronic source: <https://lex.uz/docs/6445147>
9. Атаниязов Ж. ИШ ЮРИТУВНИ РАД ЭТИШ ВА ТУГАТИШ ҚАРОРЛАРИ УСТИДАН ШИКОЯТ ҚИЛИШ ВА ПРОЦЕССУАЛ ЧИҚИМЛАРНИ ҲАЛ ЭТИШНИНГ АЙРИМ ЖИҲАТЛАРИ //Евразийский журнал права, финансов и прикладных наук. – 2022. – Т. 2. – №. 12 Special Issue. – pp. 8-13.