



NOMOGRAPHY AS A FUNDAMENTAL OF LAW: LEGAL DESCRIPTION

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Article history:	Abstract:
Received: 28 th May 2021 Accepted: 10 th June 2021 Published: 16 th July 2021	In this article, a new concept, which is not in the legislation of Uzbekistan, but mainly in the legislation of Russia and other countries, the concept of nomography, as well as information on the creation of norms, is studied in detail. Opinions and comments, as well as a detailed analysis of their views, the normative and legal documents on the subject of this article. As a result of the analysis of the concept of nomography, its functions and goals, directions and features are considered as similarities and differences from the norm-making. The article identifies a number of possible directions and trends in the use of nomography in the legislation of Uzbekistan, as well as a number of ideas and suggestions, as well as information on its monitoring.

Keywords: Law, nomography, norm-making, law-making, legislature, executive, legal expertise, interpretation of law, law enforcement, legal precedent, legal regulation mechanism, legal technology, legal monitoring, legal techniques, concept.

As you know, law is a system of rules. The rule of law predates the state. The first buds of law began to appear during the time of the primitive community system. That is, the orders and instructions of the chiefs of the tribes and clans, as well as the laws of the tribes or clans, are a clear example of this. These rules were more religious and collective in nature. There is no such thing as a state without rights.

Law is a set of universal rules of conduct, protected by the state, which embodies the principles of freedom, equality and justice, aimed at regulating social relations [1].

Today it is a social relationship that arises between the state and society, society and the individual. Of course, the role of law in regulating such relations is invaluable. Law is the bridge between the state and society. The state communicates its goals, views, obligations and responsibilities to the public through the law. The development, prosperity, or even extinction of a state depends largely on the perfection of its legal system. State power governs society through law, exercises political leadership through law, and regulates social relations through law. This requires the creation of new legal norms and creates the necessary social need.

The creation of a norm is a key criterion for both legal regulation and the emergence of law. This process is carried out in different countries with different mechanisms and different concepts. In Uzbekistan, for example, "norm-setting" is interpreted differently in Russia, in nomography, and in all other countries. We have a new concept that has entered the concept of norm creation. The Decree of the President of the Republic of Uzbekistan dated August 8, 2018 "On approval of the Concept of improving the normative activity" № PF-5505 was the main legal concept. On the basis of this decree, a number of works were carried out. In particular, the "Concept of improving the normative activity" was developed and put into practice.

What will happen if the concept of "Nomography", which exists in Russian legislation, is introduced and applied in the legislation of Uzbekistan? Below we discuss this in more detail through a number of scientists and statistics.

First of all, if we have a broader understanding of nomography. So nomography is a branch of Russian law that appeared at the beginning of the XXI century and is now an independent field and science. The emergence of such a science was due to the shortcomings and contradictions in Russian legislation. This is a common problem in some parts of the world. Deficiencies in the creation of norms lead to many shortcomings, legal gaps. These challenges required lawmakers to have the necessary legal technical skills and sufficient legal expertise.

Lawyers and scholars began to express their views on such a legal process, which became a serious problem in the Soviet era. In particular, Russian theorists A.S. Pigolkin and A.A. Ushakov wrote about the need for a separate science to study the problems of lawmaking in the Soviet era, which required serious scientific research. The shortcomings and inconsistencies in Russian legislation have been called "shadow justice" by scholars [2].

In this case, the concept of “nomography”, which later entered the Russian legal system with a different approach, gained theoretical and practical significance in the legal field. This concept is a new concept that has just entered the field of law of the Russian Federation. The current legislation is much better than it was in the early 2000. At present, more than 10 universities in the country teach nomography as an independent discipline on a consistent basis.

Nomography is also a legal process similar to law and lawmaking. Normography is a broader concept than the law-making process. The process of issuing various acts and regulations on the legal force, scope, type of normative legal acts, the essence and subject of their legal regulation is recognized as a very complex process. [3].

Normography is an independent discipline, an independent field that includes methods of creating rules (norms), scientific knowledge, principles and their problems, as well as legal techniques and tools for creating norms, advancing the idea of the need to generalize the legal system.

This area includes both theoretical and practical knowledge. Today, the objective fact requires that the trends in the formation of the system applied in the areas that were previously clear apply not only to the legal sciences, but also to the general theory of state and law. Examples of this are the following areas: legal comparative research, legal hermeneutics, legal dispute management, and so on. These legal disciplines and disciplines form part of the normography.

Normography – from the existing constitution to legal documents, laws and local acts and their legal concepts, principles, rules-making functions, modern techniques and technologies of norm preparation, as well as the process of monitoring the development of correct norms. It is taught as a textbook at master's and bachelor's degree programs at foreign law universities, including in the Russian Federation. Special courses on normography are organized. Russian lawyers also believe that this area is useful for deputies and for municipal employees, scientists, teachers and anyone interested in the problems of setting standards.

Nomography as a mechanism of legal regulation can be divided into two main directions. The first is the role of lawmaking and law enforcement, as well as the role of legal techniques in rule-making. The second is the interpretive activity aimed at understanding the meaning of norms. Many theorists divide nomography into formal and informal according to their subjects. Interpretations are categorized into historical, philological, systemic, logical, theological, formal, and other types. According to the results of the commentary, it is divided into sufficient, limiting and extensible.

In normography, it is important to address the interrelated problems of interrelated concepts such as lawmaking and legal regulation, and to determine whether this is a high interdependence in local legal science.

According to this approach, lawmaking is one of the types of legal regulation. The author of this idea is F.N. Fatkullin noted that there are two types of legal regulation – general and individual. General legal regulation, in his view, essentially means law-making. He read a similar theory in his speech at a scientific-practical conference at Irkutsk State University the views put forward by N.A. Pyanov are those of F.N. It differs from Fatkullin's views. In particular, in his view, the state regulation of public relations is of two types, normative and individual [4].

B.V. Dreyshv, on the other hand, spoke about the system of legislative relations and included them directly in the legal regulation. At the same time, he argued that the mechanism of legal regulation is not divided into a single system of legal relations and types [5].

An analysis of the legal literature has shown that the positions of theorists on the interdependence of the concepts of lawmaking and the mechanism of legal regulation are often inconsistent. Lawmaking is very important, writes Professor S.S. Alekseev. The reason is as follows: through the creation of the law, the legal system provided mainly regulatory energy [6].

A psychological approach is appropriate when considering a regulatory mechanism from a perspective. In this field of scientific research, L. L. Granat, V.V. Lazarev, V. A. Serkov, N.N. Tarasov and others. They describe the permanence of the mechanism of legal regulation of psychology and believe that through human behavior, they determine their actions [7]. The projection of these psychological methods of legal regulation is within the personality. The need to determine how the law (legislation, law enforcement acts, legal relations) affects the will and consciousness of people, what actions and emotions it evokes can be understood only through psychological study. Normographers distinguish two main stages in the work of the regulatory mechanism. They create norms and enforce laws. It also includes interpreting the rules of law enforcement.

When analyzing the creativity of the norm, it is necessary to elaborate on the two concepts of “norm” and “creativity”. A norm is, in essence, the direction (goal) of a rule-making activity. “What is creation?” the problematic question has always excited the minds of philosophers, philologists, psychologists, and of course lawyers. In his explanatory dictionary, Vladimir Dahl defined the concept of “creativity” as creation, creation, creation, active property. At the same time, he noted that the creative gift will be given to a minority. American scientist P. Hill describes the creation as a successful flight [8]. Local psychologist A.Y. Ponomarev writes that creativity is the interaction that leads to this development [9]. O.S. Ioffe, who conducted the research, once described “creativity as a complex process that depends on the individual characteristics of the artist, the scope of the task he sets. Many philosophers today consider creativity to be one of the cultural or material values of man” [10].

A. Nashits from Romania writes about the creation of legal norms. He emphasizes that lawmaking is an honorable but difficult task for the lives and work of people who need it, because even the best intentions are not enough to create it. Creativity that adequately and comprehensively reflects all aspects of life, its complexity and

specific development trends, as well as the undeformed reflection of the real life of society, its aspirations and aspirations [11].

In developing the conceptual foundations of literature in jurisprudence, T.V. Gubaeva emphasizes: "Legislation at any stage is a constant work of the subject of collective discourse with the text, a word law or other normative legal document that mediates the construction of the concept of the future, or the implementation of their drafts or discussion of text options or to amend the latest version of the normative legal prescription" [12]. Realizing this process, Professor S.S. Alekseev, in one of his first books, suggested the phenomenon of law from a general humanitarian point of view, namely, the definition of lawmaking: "Legislation is a special activity of the competent authorities that completes the process of legal activity, as a result of which it enters into force and the law enters into force" [13]. S.S. Alekseev follows from this definition that the author distinguishes between the concepts of law formation and lawmaking. I.S. Samoshchenko was one of the first to write about lawmaking: "Lawmaking is the final stage of law". However, some authors do not distinguish between the concepts of "formation" and "lawmaking", that is, they need to understand this concept very broadly, and this process begins with the idea of creating a norm [14].

However, neither the problem of levels of legal regulation nor the creation of norms have been sufficiently studied. Today, in the process of emergence of new ideas about law and the state, the problem of levels of legal regulation and the process of norm-setting are being renewed with renewed vigor.

The president of the court also plays an important role in creating the norm. It is traditionally seen as a normative legal document in more Anglo-Saxon legal family countries. In the Romana-Germanic legal family, the opposite is true.

Currently, the legal precedent is recognized as a normative legal document in countries such as Portugal, Spain, Italy in the UK and southern Europe. The court precedent is not officially recognized as a source of law in Russia. Nevertheless, this issue has been discussed by lawyers around the world for more than 30 years. Current European law generally does not recognize judicial practice as a form of law.

A legal precedent is a written or oral decision of a court or administrative body that remains the standard, pattern (rule of conduct) in all similar cases. [15].

Nomography has several principles as a pillar of the legal field. They are: legitimacy, scientific nature, technical excellence, democracy, humanity, professionalism and of course transparency.

Normography is based on legal techniques, and different scholars have different approaches to this issue. R. Iering says in 1906 that the technical imperfection of the law is the imperfection of the whole law, a defect which obstructs and harms the law [16]. The principle of technical improvement of normative legal acts is carried out with the help of a system of rules, methods and tools that make up the normative legal technique.

Professor V.M. Sirikh noted that the legislative technique has the content of official requisites, structure and regulation, and has a great positive effect on the establishment of systematic relations of legal acts and norms within the law and other legislation, as well as the method of law [17].

Professor Y.A. Tikhomirov revealed the concept of legal technique not as a system of requirements, but as a system of rules of knowledge of legal material and structural formation of normative documents. He mentions the following elements of legal technique: a) cognitive-legal; b) normative-structural; c) logical; d) linguistic; e) procedural [18].

The concept of "**Legislative technique**" is broader than other concepts. It can also be called "legal technique". Its essence is to improve the process of preparing, adopting, amending or repealing laws and regulations that are perfect not only in form and structure but also in content. An analysis of the scientific debate has shown that there are two approaches to understanding legislative techniques – "narrow" and "broad".

Particular attention should be paid to the principle of technical excellence in order to avoid gaps, ambiguities and inconsistencies inherent in regulatory documents. A group of scientists believes that such problems can be solved by developing the field of normography. Normography literally means "writing the norm". That is, it establishes the rules, methods and principles for the preparation and adoption of normative legal acts that constitute the subject of science, with a solid knowledge of techniques and tools.

Russian lawyer N.V. Togonidze puts forward the following ideas as a way to eliminate such shortcomings: the direct participation of the public and the media in the preparation and discussion of draft regulations is a positive result and serves as a kind of guarantee to prevent corruption. This will help to improve the legislation and eliminate shortcomings [19].

Projects created in the development of norms should be reviewed by qualified and authorized persons. Not only experienced lawyers, but also political scientists, economists, philosophers, psychologists, ie scientists of various specialties should use their knowledge in the process of lawmaking. In addition, jurists should involve legal practitioners in the law enforcement process along with scholars, and they will work directly with these legal norms. This guarantees the constitutional rights, freedoms and legitimate interests of citizens.

An important and significant aspect of both nomography and law-making is that these norms do not contradict the norms of international law and ensure their supremacy.

Transparency is one of the hallmarks of the rule of law and civil society. Exceptions may be normative legal acts or their separate rules, which contain information constituting a state secret. Other legal documents must be officially published. Each state has official publications in which regulatory documents are published. For example, the laws of the Russian Federation, presidential decrees and government decrees are published in "Российской газете"

and in the corporate collections of "Собрание законодательства Российской Федерации", normative legal acts, acts of parliamentary chambers are published in "Парламентской газете". Normative legal acts of federal executive bodies are also published in "Российской газете". In addition, all of the above regulations are posted on the official internet portal of legal information (<http://pravo.gov.ru>). This also contributes to the implementation of the principle of transparency of production rules.

The following official sources are also available in Uzbekistan. "O'zbekiston Respublikasi Oliy Majlisi palatalarining Axborotnomasi" (Bulletin of the Chambers of the Oliy Majlis of the Republic of Uzbekistan), "O'zbekiston Respublikasi qonun hujjatlari to'plami" (Collection of Legislation of the Republic of Uzbekistan), "Xalq so'zi" and "Narodnoye slovo" newspapers, National Database of Legislation of the Republic of Uzbekistan "O'zbekiston Respublikasi Hukumati qarorlarining to'plami" (Collection of Resolutions of the Government of the Republic of Uzbekistan) as well as official publications of ministries, state committees and agencies are official sources for publication of normative legal acts of ministries, state committees and agencies. Official electronic website "<https://lex.uz>" .

In the Russian Federation, normative legal acts are registered by the Russian Ministry of Justice and published within 10 days. In Uzbekistan, it is also registered by the Ministry of Justice.

Another basic requirement in nomography is that structural, functional, economic, social and public relations of society and the psychology of society should play an important role in the emergence of this norm. The law is considered to be irrigated by the principles of justice and democracy, as long as the legal psychology, legal consciousness and culture of citizens are actively involved in the creation of norms.

French lawyer Rene David is a brilliant representative of the sciences of legal hermeneutics (interpretation of norms), legal conflictology, legal comparative studies, comparative jurisprudence in the field of theory of state and law. His successors are Kamil Joffre-Spinozi, William Butler doctor of Law of University of London, Uzbek scientist, lawyer and Akmal Saidov, and Russian doctors of Science F.M. Reshetnikov, V.N. Sinyukov, A. Y.Sukharev, Y.A. Tikhomirov, V.A. Tumanov and others made a huge contribution to the field [20].

In Russia, the adoption of laws is carried out by the State Duma. Once approved, they are sent to the Federation Council for approval. In the absence of complaints from the Federation Council, the law is submitted to the President for signature. After that, the normative act will be officially announced.

The first process occurs through the initiative of the subjects of the legislative initiative. It has the legislative initiative of the President, the Federation Council and its members, deputies of the State Duma, the Russian government, regional representative bodies, the Constitutional Court, the Armed Forces and the Supreme Arbitration Court. The draft will be submitted to the State Duma by these entities.

We can see the following general features about nomography, which is a much broader concept than legal creativity:

- categorical apparatus of rule-making theory, its methods, functions, principles, ability to apply them in practice;
- features of various normative legal acts, including documents in electronic form;
- features of all normative legal acts, as well as drafting of laws and various types of by-laws;
- requirements for various types of normative legal acts and the processes of their adoption, the content, structure and forms of regulation of legal acts;
- legal techniques for creating basic classifications and rules of the legal nature of various documents;
- methods of submission of normative legal acts;
- concept of regulation, types and methods of systematization and new acts;
- carrying out theoretical and methodical monitoring projects in normative legal acts and the current legislation;
- identify gaps, gaps and problems in regulatory documents and develop the right approach and skills to address them;
- know the correct choice of the form of the draft normative legal act and the use of legal technologies that develop the rules, as well as build a system of norms based on it;
- the right choice of the necessary tools of legal technology, the means of setting different standards;
- practical application of the main tools and methods of regulatory documents through commercial techniques; huquqiy monitoringning asosiy turlarini amalga oshirish;
- long-term and current rule-making activities;
- conducting personal research and legal monitoring in the field of rule-making;
- comparison of legal documents and various types of normative legal acts with the methods of monitoring normative drafts;
- development of skills in preparing plans for legislative work;
- general legal, linguistic methods and procedures for conducting anti-corruption expertise;
- ways to apply the skills of creating different legal norms in legislation;
- know the role of legal techniques in the skills of choosing the right rule-making tools;
- Knowledge of legal substantiation skills of the draft normative legal acts and its application in practice.

As can be seen from the above, Nomography is a field that has its place in the field of law. If this concept is applied in the legislation of Uzbekistan, the following changes can be made:

The first is the signing of the Presidential Decree "Nomografiyani qonunchilikda joriy etish va nomografiya konsepsiyasini ishlab chiqish to'g'risidagi" (On the introduction of nomography in the legislation and the development of the concept of nomography).

The second is to develop a concept for the development of nomography on the basis of the Presidential Decree.

The third is to amend the existing law and by-laws, which already have the concept of norm-setting.

Fourth, the introduction of a new direction in personnel matters at the Tashkent State Law University under the Ministry of Justice.

Fifth, further reform the forensic center.

Sixth, in coordination with the Ministry of Higher Education of Uzbekistan, the transfer of a new subject of nomography as the main textbook to the faculties of law in higher education institutions and the Tashkent State Law University. Also, practical and theoretical courses on lawmaking.

Seventh, to carry out extensive propaganda and advocacy work on the development of legal awareness and culture, and to involve the media in this regard.

- Conduct a competition for the nomination "The best propagandist of law" and assign this task to the Ministry of Justice.
- Increase and encourage videos on social networks (facebook, live stream, instagram, telegram, twitter, etc.) aimed at developing legal awareness and culture.

Eighth, competition of bills in the nomination "The best lawmaker".

Ninth, to create a new website to improve the role of the population in the legislation, that is, to study the appeals of the population. This site is not only an opportunity to apply but also to make suggestions on draft laws and comment on the draft document being considered by the Legislature. Establish control of the Presidential Administration in this regard.

Russian lawyer N.V. Togonidze puts forward the following ideas as a way to eliminate such shortcomings: the direct participation of the public and the media in the preparation and discussion of draft regulations will have a positive effect and will serve as one of the guarantees to prevent corruption. This will help to improve the legislation and eliminate shortcomings [21].

Tenth, to improve the legal technique in the process of lawmaking, as well as in this process to organize legal science training courses and master classes by experienced lawmakers. That is, the main thing is to improve the rule of law in the legal language, in a system that citizens can understand.

The issue of legal terminology is the issue of legal language, that is, the official language, which is the state language. The norm created by the legislature should reach the executive branch and individuals and legal entities in a clear way, consisting of a mixture of ordinary language and legal language. It should be written on the basis of specific legal terms, free of obsolete terms. special attention should be paid to the principle of technical excellence in order to avoid such shortcomings inherent in regulatory documents. Only then will effective and conflict-free legislation be created in the future [22].

The following goals can be achieved in Uzbekistan in the future by ensuring the implementation of the above projects:

- ❖ Development of electronic participation of citizens in the process of discussion of draft laws by improving the relevant online platforms of the legislature and the executive;
- ❖ wider involvement of experts, scientists, representatives of NGOs, the private sector, the media in the discussion of draft legislation, as well as in the process of parliamentary and public oversight of adopted laws;
- ❖ Strengthen the activities of the competent government bodies at the national and local levels in order to ensure communication with business and the public in the adoption and implementation of laws;
- ❖ monitoring the impact of legislation on improving the well-being and legal protection of vulnerable groups and taking into account the views of vulnerable groups through various mechanisms of social counseling;
- ❖ introduction of innovative forms and methods of interaction in the decision-making process in the format of "state-citizens" and between different branches of government;
- ❖ Dissemination of open information on lawmaking and rule-making activities, raising legal culture and legal awareness.

Although legal creativity differs from nomography in some of its functions, its essence is to express human rights, freedoms and duties in a fair and professional manner, in accordance with the rules of modern legal technology. The process of norm-setting, which is the basis and pillar of the legal field, is first and foremost the fair regulation of the relationship between the individual, society and the state. Nomography is also a broader understanding of the processes that precede the development of norms, which must be created in a systematic, coherent manner, as well as the creation of norms. As a result of the introduction of nomography in the legislation of Uzbekistan, it is possible to improve and develop the legislative system, as well as to reduce inconsistencies, contradictions and contradictions in the legal system. But this result can also be achieved by reforming and developing the process of norm creation as well. In other words, the concept of norm-setting is a new concept in the legislation of Uzbekistan, on the basis of which a number of key areas have been identified. I do not think it is necessary to develop on the basis of a new understanding without these plans being implemented and without knowing the results.

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