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## POLICY DEVELOPMENT THROUGH NORMATIVE LEGAL ACTS IN UZBEKISTAN: ACTORS, PROCEDURES, AND PRACTICE

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### ABSTRACT

This article examines the evolving lawmaking practices in Uzbekistan, focusing on actors, processes, and reforms that shape normative legal acts. Since 2016, reforms have significantly increased legislative output, but rapid lawmaking has brought challenges, including transparency issues and procedural inconsistencies. Analyzing data from the National Database of Legislation (LexUz) and assessing recent reforms, this study explores Uzbekistan's legislative framework, institutional roles, and public participation mechanisms. Key findings highlight the need for stricter adherence to procedural standards, enhanced transparency, and broader public engagement to address regulatory challenges and strengthen governance. Recommendations are made for promoting evidence-based policymaking, improving interagency cooperation, and enhancing accountability measures. These improvements are crucial for achieving an effective, transparent, and accountable lawmaking process aligned with democratic principles.

### KEYWORDS

Lawmaking, normative legal acts, actors, procedures, transparency, accountability, governance, public engagement, enforcement, Uzbekistan.

### INTRODUCTION

The analysis of the National Database of the Legislation of Uzbekistan (LexUz) indicates that since the launch of reforms under new administration in 2016, the

number of legislative acts has been significantly increasing (2.5-2.7 times) as compared to 2015.

Concurrently, the number of adopted laws has tripled in 2018-2023 compared to 2015.

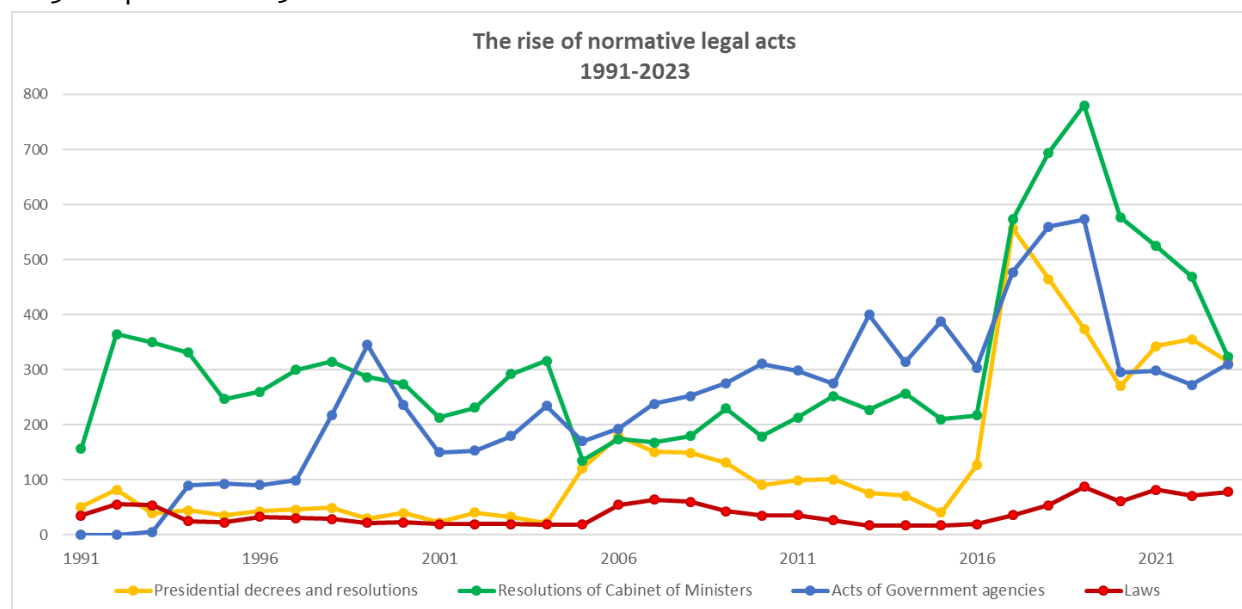


Figure 1. The rise of normative legal acts.

On the other hand, the rising number of legislation, frequent amendments and revocations, contribute a wide range of issues ranging from policy development to implementation and institutional enforcement problems.

According to the World Justice Project's Rule of Law Index, Uzbekistan scored 0.50, ranking its place 78 out of 142 countries [1].<sup>i</sup> The country received particularly low scores in areas such as constraints on government powers, open government, right to information, civic participation, and regulatory enforcement. In general, this data indicates significant problems related to transparency, public engagement, and enforcement of legislation.

This paper primarily examines lawmaking practices in Uzbekistan using Lex.uz, an openly accessible legislative database. It involves the collection and analysis of legislative and research data available through national databases. Although the figures provided may not be entirely precise, they are

estimations based on publicly accessible data and are considered representative.

### Lawmaking Trends

Legislation on lawmaking continues to evolve. In particular, the Law on Normative Legal Acts (LRU-682, 2021) which was originally adopted in 2012, has been adopted in a new edition in 2021. In 2012, this law was comprised of 33 articles. The most recent edition now contains 60 articles along with a separate annex prescribing the methodology of Legal and Technical Design of Draft Normative Legal Acts.

The first update in 2012 introduced the succession of legal acts and expanded the scope of such acts to include bylaws issued by the President. The most recent edition introduces new institutes and norms regarding the state language, legal experiments, and anti-corruption expertise. Furthermore, in 2023, the Constitution of Uzbekistan, following significant amendments, was adopted in a new edition through a nationwide referendum. The

new version of the Constitution expanded the powers of the Senate (the upper chamber of the Parliament) and a group of actors participating in the lawmaking process. Furthermore, it added certain novelties and clarifications to the lawmaking procedures.

### Theories of Public Governance

To understand policy development and lawmaking in Uzbekistan, it is essential to consider the theoretical framework. Policymaking in Uzbekistan has historically been viewed as occurring within a closed environment, characterized by limited transparency and protective approaches under the previous administration.

Public governance theories suggest that law is inherently influenced by political factors in all societies [2].<sup>ii</sup> In developing countries where political institutions and civil society are still evolving, the level of political influence in rulemaking tends to be higher, which can present unique development challenges. While most theories focus on democratic states, few studies explore decision-making in countries undergoing transitions. Kinne's study on the poliheuristic theory of policy-making is particularly relevant to Uzbekistan, drawing parallels to Weber's concept of patrimonialism. In this framework, both formal (laws, public institutions) and informal (norms, interactions) governance systems coexist [3].<sup>iii</sup> In democracies, formal institutions generally play a dominant role, while in transitional or developing contexts, informal norms often hold significant influence. Features associated with patron-client relationships—such as concentrated power, limited accountability, discreet decision-making processes, and unwritten rules—indicate the notable role of implicit norms and relationships in governance.

Yadav highlights key aspects of policymaking in developing countries, emphasizing the connections between legislative institutions, business lobbying, and

corruption [4].<sup>iv</sup> These dynamics can impact administrative functions and challenge the independence of legislative, judicial, and law enforcement bodies. Additionally, arbitrary or expedited decisions present significant obstacles, as conflicting scientific evidence may lead to politically influenced decisions and allow interest groups to shape policy outcomes [5].<sup>v</sup> Addressing the effects of patrimonialism and clientelism requires meaningful reforms.

In developing countries, regulatory policymaking often depends on discretionary authority. Seidman explores strategies for drafting regulations that encourage bureaucrats to follow established guidelines. Without adherence to the rule of law, political democracy may become ineffective, as public authorities risk engaging in “goal substitution” [6].<sup>vi</sup> commonly observed in lobbying and favoritism. In some instances, a non-decision-making approach is employed to maintain the status quo, avoiding public resolution of conflicts that could disrupt governmental stability or delay long-term progress [7].<sup>vii</sup> This study further examines the application of these theories and case studies to provide a deeper understanding of their implications.

### Quality of Legislation

The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) defines good quality laws as “clear, intelligible, foreseeable, consistent, stable, predictable, accessible, compliant with rule of law and human rights standards, gender and diversity-sensitive, and non-discriminatory, in both content and practice, while being proportionate and effective” [8].<sup>viii</sup> ODIHR's Guiding Principles of Democratic Lawmaking and Better Laws establish 17 principles of democratic lawmaking, including open, transparent, inclusive, accountable, accessible, equal and non-discriminatory, representative, participatory, stable,

evidence-based, and effective lawmaking [9].<sup>ix</sup> Importantly, democratic principles should adhere to the principle of the separation of powers and ensure checks and balances among legislative, executive, and judiciary branches, as these boundaries are often violated in developing countries.

Similar to internationally recognized principles of good quality lawmaking, national legislation in Uzbekistan sets basic principles of rulemaking that determine the quality of legislation. These principles include publicity, stability, consistency, a comprehensive approach, scientific character, protection and priority of the rights and legitimate interests of physical persons and legal entities, as well as the interests of society and the state [10].<sup>x</sup>

The National Concept of Norm Development also establishes the main principles that determine the quality of legislation, including stability, the reduction of secondary laws, systematization, and codification

[11].<sup>xi</sup> Overall, better lawmaking enhances the quality of laws and the degree of enforcement and increases public trust in the government [12].<sup>xii</sup>

### Legislation and Policies on the Lawmaking Process

Laws and bylaws, which are referred to as normative legal acts in general, comprise the legislation of Uzbekistan. Laws consist of the Constitution, constitutional laws, and regular laws. Additionally, 19 codes systematize and regulate relations in public and private areas. These codes are approved by designated laws and constitute an integral part of national legislation. Bylaws are issued by the President, Cabinet of Ministers, government agencies at a national level, and local government bodies.

### Hierarchy of normative legal acts

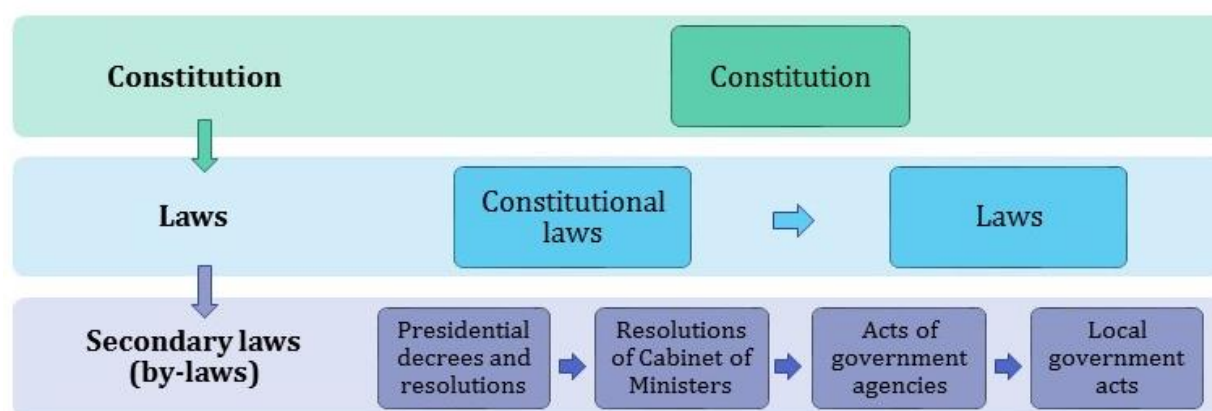


Figure 2. Hierarchy of Normative Legal Acts

The Constitution of Uzbekistan declares the absolute supremacy of the Constitution and laws in the country [13],<sup>xiii</sup> placing laws and other normative legal acts under the requirement of consistency of its norms and principles [14].<sup>xiv</sup> The share of laws in Uzbekistan as of 2024 remains insignificant (around 5-6 percent),

bylaws constitute more than 93 percent of legislation, and only around 1,3 percent are related to judiciary.

### Lawmaking Actors

Law-making actors in Uzbekistan include various governmental bodies: the Parliament and its



chambers, the President, the Cabinet of Ministers, government agencies (ministries), and local government. These entities can enact normative legal acts that are binding and enforceable [15].<sup>xv</sup> The judiciary also plays a role indirectly through interpretation, ensuring consistency, and clarifying the application of legislation.

### Parliament

The Oliy Majlis (Parliament) wields legislative power and is the supreme state representative body, consisting of two chambers: the Legislative Chamber (lower chamber) and the Senate (upper chamber). The Legislative Chamber comprises elected deputies, while the Senate represents territorial regions. Both chambers jointly exercise authority over key legislative functions, including adopting and amending the Constitution and laws, ratifying international treaties, and adopting state programs.

Draft laws are introduced to Parliament through legislative initiatives in the lower chamber. The adoption and amendment of the Constitution and constitutional laws require a two-thirds majority vote of deputies and senators, while regular laws are passed by a simple majority vote. Laws are adopted by Parliament and signed by the President. Parliamentary committees play a crucial role in the law-making process, conducting preliminary reviews, preparing bills, and overseeing law implementation [16].<sup>xvi</sup>

The Senate can approve or reject laws adopted by the lower chamber, and under certain circumstances, may assume law-making responsibilities if the lower chamber is dissolved. However, such right can't be exercised regarding adoption, amendment to the Constitution, or constitutional laws [17].<sup>xvii</sup>

**Legislative initiatives** originate from actors, categorized into 3 groups:

1) The President, the Cabinet of Ministers, the Republic of Karakalpakstan (an autonomous area within the territory of Uzbekistan), and deputies of the Legislative Chamber have the right to legislative initiative without any preconditions [18].<sup>xviii</sup> Most of the laws are initiated by the government, while the share of parliament deputies remains low.

2) The Constitutional Court, the Supreme Court, and the Prosecutor General have the right of legislative initiative within their jurisdiction.

3) Citizens, the Senate, the Ombudsman (parliamentary representative on human rights), and the Central Election Commission are empowered to submit legislative proposals [19].<sup>xix</sup>

Recent constitutional changes enable direct citizen legislative initiatives, requiring submission of signatures to public agencies with law-making competency in the amount of at least one hundred thousand [20].<sup>xx</sup>

Besides, other government agencies, NGOs, and citizens can submit their legislative proposals for consideration to the agencies mentioned above [21].<sup>xxi</sup>

Legislation allows rulemaking through secondary laws (bylaws or regulatory acts) formulated by the President, Cabinet of Ministers, and local governments. However, the proportion of laws enacted by Parliament is relatively low compared to bylaws (only 5 percent) with the Cabinet of Ministers (42 percent), government agencies (33 percent), and the President (19 percent) being the main rule-making actors (Figure 3).

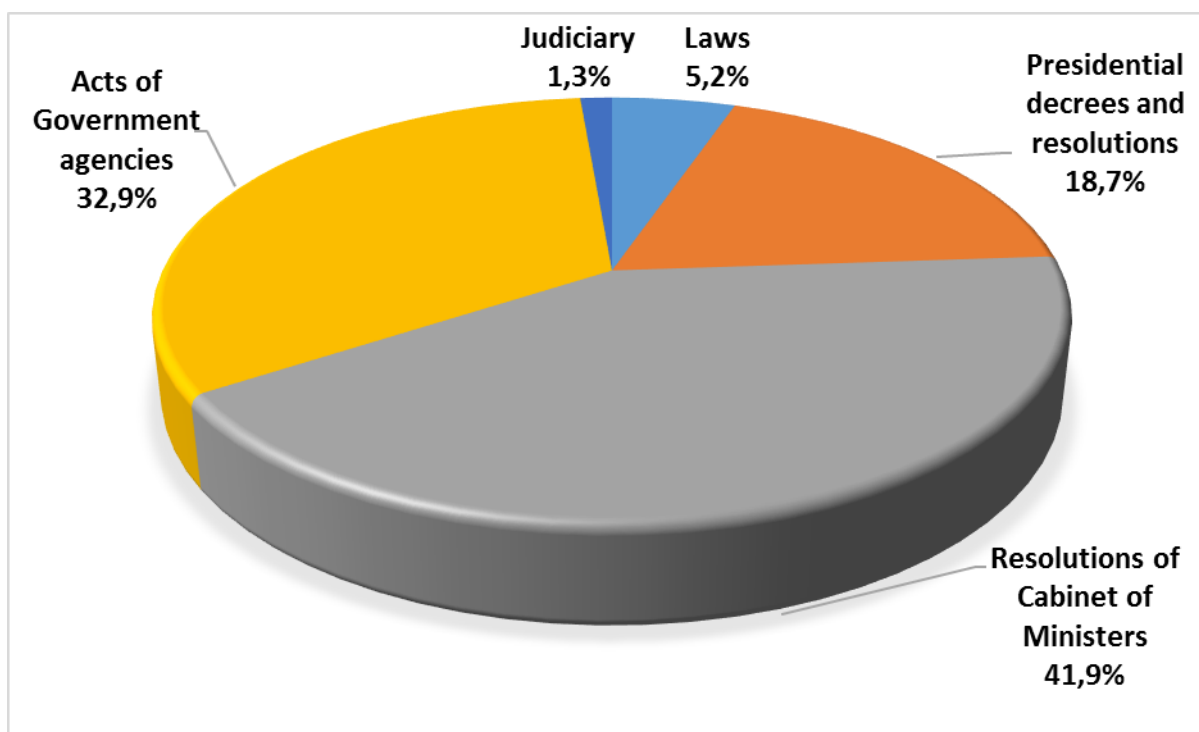


Figure 3. The share of normative legal acts.

This approach conflicts with a fundamental principle of lawmaking, which advocates for limiting executive power and delegating authority only as necessary and within clearly defined parameters [22]<sup>xxii</sup> to maintain a balance of power and prevent excessive concentration of authority in the executive branch.

## The President

The President, as head of state, ensures coordinated functioning and interaction of government branches [23],<sup>xxiii</sup> signing and promulgating laws, and issuing decrees, resolutions, and ordinances. The President is the main initiator and driver of formal and informal policymaking. Main issues of public policy are consulted with the President or President's Administration, and most of the lawmaking initiatives come from the President (through speeches, proposals, presidential decrees and resolutions, errands, and etc.), while other actors participate in

rulemaking to implement referrals from president's decrees, resolutions and errands.

## The Cabinet of Ministers

The Cabinet of Ministers exercises executive authority, ensuring compliance with the Constitution, laws, parliamentary decisions, and presidential directives [24].<sup>xxiv</sup> It coordinates and supervises executive bodies while issuing binding decisions and orders applicable nationwide [25].<sup>xxv</sup> The Cabinet of Ministers is responsible for drafting laws, presidential acts, and its own decisions, typically consulting with the Presidential Administration during this process. The legislative initiative is implemented through the legislative work plan of the Cabinet of Ministers.

## The Government Agencies

Government ministries, agencies, committees, and other government bodies have the authority to establish executive norms within their areas of expertise. These departmental acts are regulated, ensuring timely execution and adherence to legal

standards [26].<sup>xxvi</sup> Development, inter-agency approval, adoption, legal examination, and state registration are carried out through a unified electronic system of Project.gov.uz [27].<sup>xxvii</sup>

### The Ministry of Justice

The Ministry of Justice coordinates lawmaking activities, including anti-corruption and legal expertise, implementation of normative legal acts, state registration of departmental acts, control over rulemaking procedures, and monitoring regulatory compliance [28].<sup>xxviii</sup> It can reject acts adopted without state registration [29].<sup>xxix</sup> The Ministry conducts the systematization of legislative acts and organizes the official publication and timely placement of regulatory legal acts in the publicly accessible database (Lex.uz) [30].<sup>xxx</sup>

### Local Government

The local government has the authority to adopt resolutions within its jurisdiction [31],<sup>xxxi</sup> primarily focusing on local budget allocation, and setting of local fees and utility fares. Local government acts are adopted by either the Local Council (Kengash of people's deputies) – a representative authority and the governors (khokims) a local executive. Normative legal acts of local government undergo legal expertise by territorial departments of the Ministry of Justice, available in each of Uzbekistan's 12 regions and the Autonomous Republic of Karakalpakstan.

### Judiciary

The judiciary ensures legal compliance and constitutional integrity, participating in lawmaking through legislative initiatives, interpretation, clarification of legal application, and consistency assessment.

The Constitutional Court interprets the norms of the Constitution and laws. It reviews the consistency

of normative legal acts and international treaties to the Constitution and applies legislation by courts upon request of the Supreme Court [32].<sup>xxxii</sup>

The Supreme Court of Uzbekistan is the highest judicial authority in the field of civil, criminal, administrative, and economic court proceedings [33].<sup>xxxiii</sup> The Court considers important issues within the jurisdiction of the Supreme Court at its Plenum, which participates in law-making through judicial practice review, legislative initiative, and seeking interpretation or assessment of consistency from the Constitutional Court upon the initiative of lower courts [34].<sup>xxxiv</sup>

### Citizens

Citizens can participate in law-making through referendums, legislative initiatives, submission of legislative proposals for consideration to agencies that have such rights, and engagement via the Portal of public discussion of regulatory acts (regulatory.gov.uz) and Collective Petitions portal (<https://meningfikrim.uz/>).

Collective Petitions Portal facilitates direct and online public engagement in policymaking and lawmaking processes. Depending on the number of signatures, the issue will be dealt with by the Parliament or the Cabinet of Ministers (in case of ten thousand signatures), provincial legislative council (five thousand votes needed), and district (city) level legislative council (at least one thousand votes) [35].<sup>xxxv</sup>

### Forms of Adoption of Laws

Laws in Uzbekistan are adopted either through the general legislative procedure via Parliament or a nationwide referendum. Important issues of public governance and legislation are put on a nationwide discussion through a referendum. Referendums have been held five times since 1991, all resulting in affirmations. Citizens, Chambers of the Parliament, and

the President may initiate a referendum. The last referendum held in 2023, adopted the Constitution in its new revision, coming into force from the day of the official announcement of the referendum results [36].<sup>xxxvi</sup>

### Lawmaking Process

In Uzbekistan, the lawmaking process varies depending on the type of normative legal act. Different procedures, timeframes, and guidelines are applied for the Constitution and laws, Presidential acts, Cabinet of Ministers acts, and ministerial acts, each regulated by specific procedures and requirements established by these regulations. Regardless of these distinctions, the lawmaking process generally comprises of the following 9 stages.

### Agenda Setting and Planning

The lawmaking process begins with planning and agenda setting within government programs, legislative plans of the Parliament [37],<sup>xxxvii</sup> and the Cabinet of Ministers based on the identification and analysis of problems requiring legal regulation [38].<sup>xxxviii</sup>

While the Cabinet of Ministers has been adopting annual legislative plans since 2006, there have been exceptions in 2021 and 2023-2024. For these years such plans are not available at Lex.uz. The available past plans outlined proposed legislative measures, their justifications, responsible agencies, timeframes, and financial implications [39].<sup>xxxix</sup> However, complexities in financial and economic calculations, and extra administrative burden to

estimate such expenditures, often lead to omissions in acknowledging expenses required for effective enforcement, resulting in enforcement challenges.

### Preparation

Once the development of the regulatory act is decided, preparation is the most crucial stage for the success of the adoption and enforcement including procedural and substantive issues. Preparation involves data collection, organizational setup of working groups, drafting the text, explanatory notes, and justifying financial expenses.

Laws must be formally drafted in the state language, which is Uzbek, with translations provided when necessary [40].<sup>xl</sup> In practice, the legislation is often prepared in two languages - Uzbek and Russian. In the past, most of the legislative acts were prepared in Russian and then translated into Uzbek, which caused problems because of the contradictory translation. The Constitutional Court checked conformity in two such cases in 2002 and 2004, where the Uzbek version of the acts contradicted the text of the Russian version of the law and proposed to amend these contradictions. Consequently, the Uzbek version of laws were amended and brought into conformity with the translation of the law. The practice of the recent decade demonstrates a rising dominance of the adoption of legal acts in the Uzbek language (Figure 3). Since 2021, in case of any discrepancy in the text of acts between the Uzbek and other languages, the text of the Uzbek language is applied [41].<sup>xli</sup>



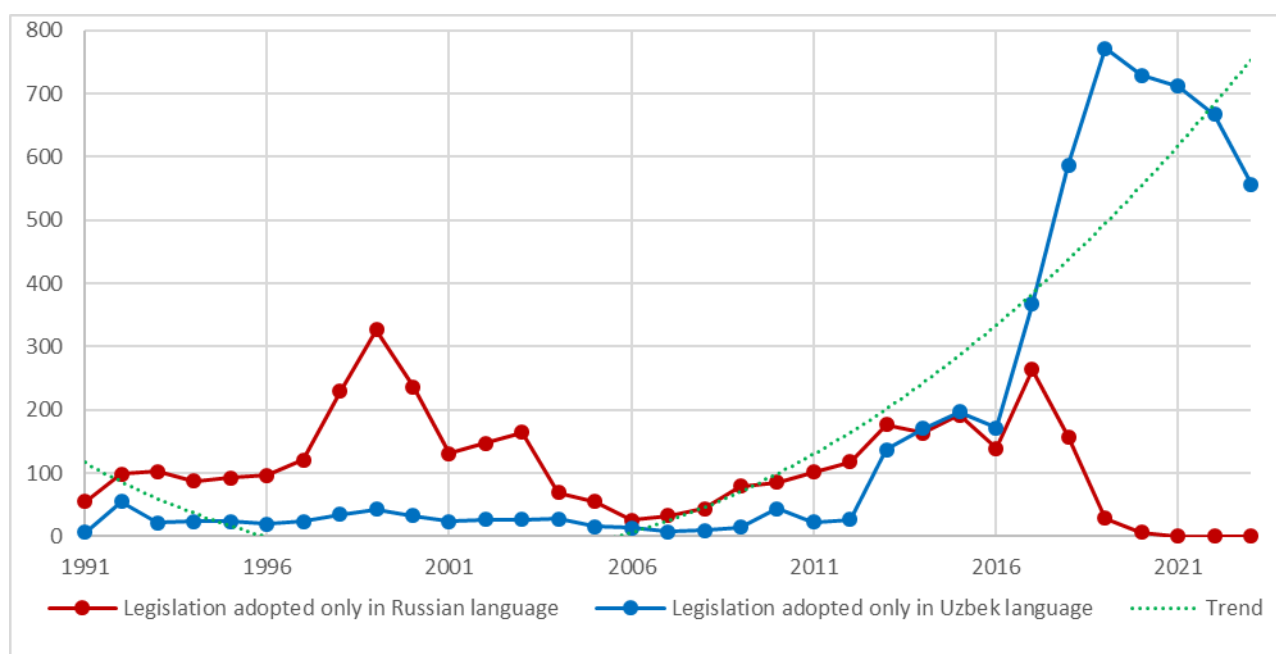


Figure 4. The language of normative legal acts.

The preparation stage is resource-intensive, and legislation sets time constraints for submission to relevant authorities. Substantive development of the normative act involves analyzing existing legislation, identifying enforcement gaps, considering international standards, foreign expertise, results of scientific research, expert opinion, and evaluating economic and financial aspects [42].<sup>xlii</sup> Also, since March 1, 2024, information about the preparation of significant economic and socio-political normative acts has been published on a Discussion Portal in order to facilitate public proposals and recommendations for drafting acts [43].<sup>xliii</sup>

### Interagency Agreement

Draft regulatory acts must be agreed upon with relevant government agencies and local governments. The process is digitized and conducted electronically through a special platform (Projects.gov.uz). The reconciliation process concludes with endorsements within specified time limits. Specifically, normative act that requires expenditures should be obligatorily consulted with the Ministry of Economy and Finance,

while drafts of legislative acts that impact government revenue or expenditure or alter the government budget, require the mandatory conclusion of the Cabinet of Ministers.

### Discussion (Comments and Notice)

Legislative drafts undergo public and expert discussions before legal expertise and submission for adoption. Public discussion involves citizens, NGOs, government agencies, and academia, while expert discussion includes research institutions and industry [44].<sup>xliv</sup> The legislative drafts are open for input during the discussion stage, while proposals and comments are recommendatory and subject to consideration by the developer. The minimal time frame for public discussion is 15 days from the date of posting.

Uzbekistan has made significant progress in utilizing the internet and digital platforms for conducting public discussion of legislative drafts through the Regulatory Discussion Portal (<https://regulation.gov.uz/>) since 2016. The Portal started as a platform for discussion of legislation related to the business environment [45].<sup>xlv</sup> In 2018, the

scope was expanded to require that all drafts of normative legal acts be posted on the Portal for mandatory public discussion. This rule was further amended in 2022, and since then, public discussion has become standard practice, particularly for significant economic and socio-political normative legal documents [46].<sup>xlvi</sup>

Furthermore, the Chamber of Commerce of Uzbekistan facilitates public discussions, provides conclusions, and oversees the implementation of business-related legislation [47].<sup>xlvii</sup> Similarly, since 2023, the Public Council for Supporting Entrepreneurship under the President has been involved in public consultations on drafts of normative legal acts [48].<sup>xlviii</sup>

Although legislative acts proposed by government agencies are usually open for comments via the Regulatory Discussion Portal, in some cases, this stage is bypassed due to urgency or expedited procedures, or concerns about negative public opinion. After publication for comments and discussion, some legislative acts are modified to accommodate public comments.

### RIA and Expertise (Examination)

The concept of Regulatory Impact Assessment (RIA) was introduced in 2021 to assess the impact, effectiveness, and efficiency of normative acts. RIA is mandatory for acts affecting entrepreneurial activity, citizens' rights, and the environment [49].<sup>xlix</sup> and is conducted through the Regulatory Discussion Portal before the legal expertise stage. RIA is a three-step procedure encompassing legislative planning, development, and post-enactment assessment. Citizens and legal entities may conduct alternative RIA, conclusions of which must be considered by government agencies.

According to RIA guidelines, the Cabinet of Ministers approves the RIA plan each year after public discussion [50].<sup>i</sup> However, so far discussion or

publication of such plans is unavailable. Besides, public discussion of RIA activities remains low, with minimal engagement. Since 2021, 29 RIA projects have been conducted (nine in 2021, 13 in 2022, six in 2023, and one as of June 2024), and only nine (31 percent) had some public comments and proposals.

Additionally, all legislation may undergo various types of expertise (examination), including economic, financial, scientific, environmental, gender, legal, and anti-corruption. Normative acts or their drafts undergo gender-legal expertise to ensure gender equality principles are upheld and to detect, prevent, and mitigate gender-based discrimination directly or indirectly [51].<sup>ii</sup>

Legal and anti-corruption expertise is mandatory and conducted in the final stage [52].<sup>iii</sup> by the legal service of relevant agencies, the Anti-Corruption Agency, and the Ministry of Justice [53].<sup>iiii</sup> Acts of local government undergo legal expertise at territorial justice departments, while acts of ministries and other national-level government agencies are examined by the Ministry of Justice.

### Submission to Relevant Authority for Review and Adoption

The draft of a normative act is submitted to the decision-making body for adoption along with relevant attachments, including the conclusion of the Ministry of Justice, an explanatory note, the RIA conclusion, statistics, financial-economic calculations, a comparative table of foreign expertise, and justification [54].<sup>liv</sup>

The drafts of laws undergo parliamentary review procedures after submission to the Parliament. Draft laws are typically adopted in three readings by a majority decision. Constitutional amendments and Constitutional laws require at least two-thirds of votes for adoption. Adopted laws are sent to the Senate within ten days, and if rejected by the Senate, they are returned to the lower chamber. If the lower chamber

adopts the law again with a two-thirds majority, it bypasses the Senate and goes directly to the President for signing [55].<sup>lv</sup> Disagreements between the chambers can be settled by an agreement commission [56].<sup>lvi</sup>

The Senate reviews the draft law within 60 days and sends it to the President for signing within 10 days after approval. According to the amended 2023 Constitution, if the Senate does not adopt or reject the bill within 60 days, it goes directly to the President for signing by the Legislative Chamber [57].<sup>lvii</sup> The bill is signed by the President within 60 days and promulgated. The president has a veto right to return the bill to Parliament with objections [58].<sup>lviii</sup> The lower chamber may decide either to accept the comments and proposals of the President, override the veto by approving the bill in an earlier adopted edition, or withdraw further consideration of the bill. If the law in its previously adopted version is approved by a majority of at least two-thirds of the total number of deputies of the Legislative Chamber and members of the Senate, it must be signed and announced by the President within 14 days [59].<sup>lix</sup>

According to the Database of National Legislation, seven laws were in total returned by the President, five in 2022, and two in 2023. While the five returned laws were withdrawn from consideration, the two were revised and reviewed by the lower chamber.

For instance, the law on the Transplantation of human organs and tissues was approved by the Senate on December 15, 2021, and returned by the President on March 3, 2022. Legislative Chamber adopted the decision (March 29, 2022, No. 1983-IV) to revise the law considering the comments and proposals of the President and continue from the procedure of the first reading of the bill. Another related law amending legislation in connection with the adoption of law on the transplantation of human organs and tissues was rejected by the Senate on March 17, 2022. Later on April

12, 2022, the Legislative Chamber decided (No. 2015-IV) to establish a Conciliation Commission to resolve disputes between the two Chambers regarding this law. Consequently, both refined laws about the transplantation of human organs and tissues and amendments to legislation were successfully adopted by Parliament Chambers and signed by the President shortly after (May 11, 2022, No. LRU-768, June 23, 2022, No. LRU-780).

However, the legislation does not regulate non-action, in cases when bills passed by the Parliament are not signed within the established time framework (60 days). The president's inaction is considered like vetoing in Benin and requires legislative override [60].<sup>lx</sup> The Constitution of Argentina (art.80) articulates automatic enactment of the bill in cases of the president's inaction within ten working days [61].<sup>lxi</sup> Similar provisions exist in the legislation of the US and Mexico [62].<sup>lxii</sup> Therefore, introducing automatic enactment provisions in the national legislation is vital in cases of inaction (neither signing nor returning) to ensure procedural certainty and clarity in the lawmaking process.

### Adoption, Signature, and Promulgation

Normative legal acts are adopted by the authority that has the right to adopt and their official text is certified through signing by appropriate officials.

Laws are signed by the President, resolutions of the Legislative Chamber by its Speaker, resolutions of the Senate by its Chairperson, presidential decrees and resolutions by the President, resolutions of the Cabinet of Ministers by the Prime Minister, and so forth. Orders and decrees of government agencies are signed by the head of the relevant public authority and become effective only after registration by the Ministry of Justice [63].<sup>lxiii</sup>

Government agencies must submit their decisions for registration to the Ministry of Justice within ten days after adoption. Unregistered acts cannot serve as legal regulations and carry no legal consequences [64].<sup>lxiv</sup> Also, there is an administrative liability for the enactment of normative acts without registration.

However, some acts continue to operate without registration by the Ministry of Justice. For instance, although sanitary rules, norms, and hygiene standards are required to undergo mandatory legal examination and registration by the Ministry of Justice [65],<sup>lxv</sup> the Sanitary Norms and Rules for the Protection of Atmospheric Air in Residential Areas of the Republic of Uzbekistan (SanPiN RUz No. 0350-17, 2017) – which significantly impacts environmental governance – remains unregistered despite being applied in practice.

National legislation amended in 2021 now allows the adoption of normative legal acts through legal experiments by introducing temporary provisions in certain territories or focused on specific groups of entities [66].<sup>lxvi</sup> Upon the completion of the experiment, the authorized body adopts the decision to apply the norm without limitation, further improve it based on experiment results, or annul it. Recently, policymakers have demonstrated systematic utilization of this tool in policy development and reforms. This tool was initially applied in 2013 and only covered laws, whereas lately, this tool has also been applied while drafting executive bylaws.

Legislative acts are promulgated through publication in official publications or newspapers. It is prohibited to promulgate normative acts in the form of statements without publication of full text. Also, legislation that is not officially published cannot serve as a basis for conviction, punishment, deprivation of property, or any other rights. The publication of normative legal acts is a mandatory prerequisite for their application. Electronic versions of the texts of

normative legal acts of government agencies and local government are published mandatory on the official websites of the bodies that adopted them within one day after the official publication [67].<sup>lxvii</sup>

The national database of legislation (Lex.uz), “Collection of Legislation of the Republic of Uzbekistan”, and newspapers “Khalk suzi” and “Narodnoe slovo” are the main publicly available official sources of formal legislation [68].<sup>lxviii</sup> Lex.uz digital platform remains the main publicly accessible digital source of the national database of legislation. Besides, above mentioned sources, Bulletin of the Chambers of the Oliy Majlis, Collection of Resolutions of the Government, official publications of government agencies and local government are official sources of publication of these bodies. However, in rare cases, some acts are published only in select sources, while in other instances, only a brief note about their adoption is made available, with limited or no publication of the act’s content. Occasionally, information about the adoption of certain acts is accessible only through reference notes. For example, the new Regulation of the Cabinet of Ministers (No. 150 of March 25, 2024) has not been published publicly in the database, apart from a brief note indicating the annulment of the previous regulation concerning the Approval of the Regulations of the Cabinet of Ministers [69].<sup>lxix</sup>

However, in rare cases, certain acts are published only in select sources, while in other cases, they are not published at all. This issue is particularly significant with the promulgation rate of normative legal acts by local governments. Moreover, laws are adopted by two chambers of Parliament, before signing by the president. The Concept of Improving Regulatory Development Activities (No. PF-5505, 2018) mandates that the text of passed laws, along with related analytical materials, be published on the Parliament’s website after each reading. However, in



some cases, the text of the approved law is not published by either chamber.

### Entry into Force and Implementation (Enforcement)

Normative legal acts enter into force on the day of their publication unless another later date is specified. However, enforcing some acts immediately upon promulgation can be challenging. On the other hand, legislation impacting businesses, such as complicating procedures, imposing new duties, or establishing new measures of responsibility, takes effect after a three-month grace period post-promulgation [70].<sup>lxx</sup> The Cabinet of Ministers oversees enforcement, while government agencies and local governments ensure implementation within their jurisdictions [71].<sup>lxxi</sup>

The efficacy of rulemaking largely depends on effective implementation, which can be undermined by challenges such as controversies, unrealistic goals and norms, and insufficient mechanisms. Controversies may provoke public feedback, legal challenges, or policy reversals, delaying or preventing effective enforcement. Unrealistic goals, often stemming from overambitious policies or limited resources, can further impede the practical application of laws. Furthermore, inadequate mechanisms and vaguely defined norms can lead to ambiguities and enforcement challenges, ultimately weakening the rulemaking process and its intended outcomes.

### Oversight (Monitoring)

Multiple oversight mechanisms exist for legislative acts in Uzbekistan, including public, parliamentary, prosecutorial, constitutional, and judicial oversight, along with oversight by other government agencies. Citizens, self-governing bodies, NGOs, and the press can monitor and influence the implementation of normative legal acts through public control mechanisms [72].<sup>lxxii</sup> which have been gaining strength. By contrast, judicial and parliamentary

oversight, as well as other mechanisms, remain relatively less robust.

Prosecutorial oversight remains the primary and most established oversight mechanism in Uzbekistan. Despite its prominence, debates continue regarding its broader impact on the rule of law. While it plays a critical role in enforcing legal compliance, its effectiveness is limited by challenges such as potential overreach. Consequently, maintaining its role in upholding the rule of law and ensuring compliance remains challenging.

### Suspension and Revocation of Regulatory Acts

Normative acts can be suspended or revoked by the adopting authority, higher authorities or by Constitutional court [73].<sup>lxxiii</sup> Specifically, the Senate has the authority to revoke decisions of local councils that contradict higher-status normative legal acts. The President holds the right to suspend or revoke acts of the Cabinet of Ministers, decisions of government agencies, and those of local governors (khokims). The Ministry of Justice can suspend the act of government agencies if controversial issues or new conditions arise during their application.

## LAWMAKING PROCESS IN PRACTICE

### Public Engagement and Judicial Precedent

The lawmaking process in Uzbekistan is occasionally influenced by public petitions and judicial interpretations, which can lead to successful outcomes. The Collective Petitions Portal (<https://meningfikrim.uz/>) enables direct and online public participation in policymaking and the lawmaking process. Depending on the number of signatures a petition receives, the issue is addressed by different levels of authority:

- Parliament or the Cabinet of Ministers (in case of ten thousand signatures);

- Provincial legislative council (in case of five thousand signatures);

- District (city) level legislative council (requires at least one thousand signatures).

A key example is the Petitions Portal, where public petitions have, in some cases, resulted in success. Out of approximately 6,600 petitions submitted to the Portal, only 15 (0.22 percent) gathered enough signatures to be reviewed by the relevant authorities. Of these, 12 were reviewed by Parliament and three by local government.

While successful cases demonstrate the potential of public engagement, some petitions face challenges meeting the established signature threshold. Additionally, some proposals, such as abolishment of the registration of mobile device IMEI codes, were not supported by parliamentary committees.

A clear success story from April 2018 involved a petition [74]<sup>lxiv</sup> requesting permission to tint the windows of private vehicles due to sunny and hot summer conditions. With over 12,000 votes collected, the Cabinet of Ministers swiftly adopted a decision to permit tinting vehicle windows in July 2018 No.547.

The judiciary played a vital role in interpreting and enforcing legislation on this matter as well. In September 2019, the Administrative Court ruled that curtains could be installed on rear windows without permission, overturning high administrative penalties for such cases. Despite the transport police challenging the decision, regional and Supreme court upheld the decision of district level court establishing a court precedent. Subsequently, in June 2022 the Cabinet of Ministers decision was amended by the Presidential resolution abolishing the requirement to get permission for tinting rear windows established by the court precedent and significantly reducing fees for tinting windshield and front door windows.

Three other successful cases involved abolishing certain permission procedures related to driving vehicles, such as requiring a power of attorney for close relatives for driving a vehicle, abolishing carrying of physical documents instead of using digital technologies, canceling the practice of placing the vehicle in the penalty area due to lack of insurance or failure to pass a technical inspection. These petitions, each garnering over 10,000 votes, were resolved positively.

This case demonstrates how public engagement and judicial oversight can drive meaningful legislative changes, promoting greater transparency, accountability, and responsiveness within the lawmaking process.

### Key Drivers of Effective Lawmaking

#### 1) Digitalization and Systematization

Most rulemaking procedures are digitized and systematized through various online platforms, such as the inter-agency agreement platform (<https://project.gov.uz>), the collective petitions and initiatives portal (<https://meningfikrim.uz>), and public discussion portals (<https://regulation.gov.uz>). Additionally, legislation is published in the freely accessible National Database of the Legislation (<https://lex.uz>), and there is a single electronic system for the development, agreement, and registration of decisions by government agencies and local governments, which includes non-normative acts as well (<https://e-qaror.gov.uz/>). These platforms enhance efficiency and ensure transparency in the lawmaking process, while also highlighting cases of non-compliance or other associated issues.

#### 2) Expedited Process

Some legislative acts are adopted within a short period enabling swift enactment of laws and policies. Expedited procedures can be observed in the adoption of important political, and social-economic legislation, which is very important, especially during urgent or

crisis times like Covid-19 enabling for swift lawmaking and taking immediate action to respond to situation.

### 3) Thorough Procedures

Well-designed legislative procedures, including various types of expertise (e.g., anti-corruption, gender, legal), RIA, public discussion, and legal experiments, contribute to the quality and success of regulatory acts and help identify and resolve issues during the preparation stage.

### 3.3 Challenges and Opportunities for Enhancing the Lawmaking Process

Several factors currently challenge the effectiveness and credibility of the lawmaking process in Uzbekistan, offering areas for improvement to strengthen public governance. Adhering to legislative procedures, including public discussion, RIA, is essential to building a robust and transparent lawmaking process. When these steps are overlooked—such as in cases where decisions lack scientific grounding or fail to consider potential impacts—effective policymaking and enforcement become more difficult.

To address this, the Ministry of Justice aims to base 50% of draft laws on RIA by 2024, a significant goal from a baseline of zero in 2020 [75].<sup>lxxv</sup> However, challenges remain at the local level, where submission rates for legal expertise are relatively low, reaching only 80% [76].<sup>lxxvi</sup>

Transparency is also critical for trust in governance. The lack of systematized, publicly available information about the status of bills—whether pending, returned, or withdrawn—and the limited publication of passed bills, particularly at the local government level, signal areas for improvement. Currently, only 85% of normative legal acts from local governments are publicly available [77].<sup>lxxvii</sup>

Additionally, some legislative acts experience significant delays before enactment, stalling crucial

reforms. For example, according to the legislative program (June 15, 2005, No.71-I) of the Legislative Chamber the civil service law, originally planned for 2006, was only adopted in 2022 (LRU-788, August 8, 2022). Such delays highlight the need for more efficient processes to support timely reforms.

While Uzbekistan's legislative activity is high, only a small percentage of laws are directly applicable, with approximately 93% of domestic legislation governed by bylaws. The Ministry of Justice has set a goal to increase directly applicable acts to 40% by 2024 [78],<sup>lxxviii</sup> a step that would improve the clarity and enforceability of legislation. The rapid pace of lawmaking, however, continues to present challenges in implementation.

Addressing these challenges requires strengthening legislative procedures, improving transparency, streamlining processes, fostering public engagement, and ensuring effective enforcement. By focusing on these areas, Uzbekistan can build a more efficient, accountable, and impactful lawmaking process.

### IV. Recommendations for Enhancing the Lawmaking Process

To address the challenges identified in Uzbekistan's lawmaking practices and to strengthen governance, several key recommendations are proposed. These measures aim to ensure the development of effective, transparent, and accountable legislative processes aligned with international standards and democratic principles.

First, adherence to international standards, such as the OSCE ODIHR principles, is essential for ensuring clarity, consistency, and stability in the legislative process. Compliance with established procedural standards, including public discussions, RIAs, and expertise procedures, must be rigorously enforced. Integrating scientific research, data analysis, and international best practices into the drafting

process will significantly enhance evidence-based policymaking. Expanding the use of RIAs beyond the current goal of 50% of draft laws is critical to ensuring comprehensive evaluations of potential impacts. These measures will help prevent poorly developed policies and foster legitimacy in legislative outcomes.

Second, increasing transparency in the legislative process is vital to building public trust. Comprehensive and regularly updated information about the status of bills—whether pending, returned, or withdrawn—should be made accessible to the public through parliamentary web resources and publications. Additionally, all normative legal acts, particularly those from local governments, must be fully published to address the current gap, where only 85% of local acts are accessible.

Third, strengthening oversight mechanisms is necessary to ensure that laws are well-crafted, effectively enforced, and achieve their intended outcomes. Establishing metrics to evaluate the effectiveness of laws will enable timely adjustments. Judicial and parliamentary oversight, alongside prosecutorial supervision, should be enhanced to create a balanced system of checks and balances. Furthermore, upholding the separation of powers between legislative, executive, and judicial branches is essential to prevent power concentration and foster democratic governance. Enforcing consequences for procedural violations, such as failing to register acts with the Ministry of Justice, is equally critical.

Fourth, simplifying and codifying legislation will improve the legal system's navigability. Increasing the proportion of directly applicable laws will enhance clarity and enforceability. Organizing legislation into coherent codes and frameworks will further promote accessibility and understanding.

Finally, encouraging public engagement is a cornerstone of inclusive lawmaking. Platforms such as the Regulatory Discussion Portal and the Collective Petitions Portal should be utilized effectively to gather citizen feedback. Educating citizens about their rights and avenues for participation will foster a more informed and engaged public, ultimately enhancing policymaking and legislative processes.

By adopting these recommendations, Uzbekistan can develop a more transparent, inclusive, and effective legislative framework. Such improvements will strengthen public trust, uphold the rule of law, and contribute to better governance and public welfare.

## **CONCLUSION**

Lawmaking in Uzbekistan has shown effectiveness in expediting decision-making, especially during crises. However, this approach has also exposed challenges, such as opaque procedures and the risk of poorly developed policies. Advancing democratic reforms to promote transparency and accountability in public administration remains essential.

Adopting principles of good regulatory practice – such as transparency, stakeholder engagement, and evidence-based policymaking – can significantly enhance the quality of legislation. Strict adherence to legislative procedures fosters transparency and legitimacy, building public trust in the lawmaking process. Additionally, expanding public participation can address key concerns related to inclusivity and openness.

By implementing these measures, policymakers can enhance the effectiveness, transparency, and accountability of Uzbekistan's lawmaking process, ultimately contributing to improved governance and public welfare.



<sup>i</sup> The World Justice Project, WJP Rule of Law Index 2023, (2023), <https://worldjusticeproject.org/rule-of-law-index/country/2023/Uzbekistan/>.

<sup>ii</sup> Gary Goodpaster, “Law Reform in Developing Countries,” *Transnat’l L. & Contemp. Probs.* 13 (2003): 659.

<sup>iii</sup> Derick Brinkerhoff and Arthur Goldsmith, “Clientelism, Patrimonialism and Democratic Governance: An Overview and Framework for Assessment and Programming,” January 1, 2002.

<sup>iv</sup> Vineeta Yadav, *Political Parties, Business Groups, and Corruption in Developing Countries* (Oxford University Press, 2011).

<sup>v</sup> Susan Webb Yackee, “The ‘Science’ of Policy Development During Administrative Rulemaking,” *Policy Studies Journal*, June 23, 2019, <https://onlinelibrary.wiley.com/doi/abs/10.1111>.

<sup>vi</sup> Robert B. Seidman, “Drafting for the Rule of Law: Maintaining Legality in Developing Countries,” *Yale J. Int’l L.* 12 (1987): 84.

<sup>vii</sup> David Fairman, “Resolving Public Conflicts in Developing Countries,” *Disp. Resol. Mag.* 12 (2005–2006): 9.

<sup>viii</sup> Guidelines on Democratic Lawmaking for Better Laws. 2023. The OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 10.

<sup>ix</sup> Guidelines on Democratic Lawmaking for Better Laws. 2023. The OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 10.

<sup>x</sup> The Law of the Republic of Uzbekistan on Normative Legal Acts, No. LRU-682, Article 5 (LexUz 2021).

<sup>xi</sup> The Decree of the President of the Republic of Uzbekistan, No. PF-5505, Annex 1, the Concept of Improving Regulatory development activities (LexUz 2018).

<sup>xii</sup> Guidelines on Democratic Lawmaking for Better Laws. 2023. The OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 3.

<sup>xiii</sup> The Constitution of the Republic of Uzbekistan, Article 15 (LexUz 2023).

<sup>xiv</sup> The Constitution of the Republic of Uzbekistan, Article 16 (LexUz 2023).

<sup>xv</sup> The Law of the Republic of Uzbekistan on Normative Legal Acts, No. LRU-682, Article 4 (LexUz 2021).

<sup>xvi</sup> The Constitutional Law of the Republic of Uzbekistan on the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 434-II, Article 18 (LexUz 2002).

<sup>xvii</sup> The Constitutional Law of the Republic of Uzbekistan on the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 434-II, Article 34 (LexUz 2002).

<sup>xviii</sup> The Constitution of the Republic of Uzbekistan, Article 98 (LexUz 2023).

<sup>xix</sup> The Constitution of the Republic of Uzbekistan, Article 98 (LexUz 2023).

<sup>xx</sup> The Law of the Republic of Uzbekistan on the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 522-II, Article 19<sup>1</sup> (LexUz 2003).

<sup>xxi</sup> The Law of the Republic of Uzbekistan on the Procedure for Preparing Draft Laws and Their Submission to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. LRU-60, article 8 (LexUz 2006).

<sup>xxii</sup> Guidelines on Democratic Lawmaking for Better Laws. 2023. The OSCE Office for Democratic Institutions and Human Rights (ODIHR), p. 10.

<sup>xxiii</sup> The Constitution of the Republic of Uzbekistan, Article 105 (LexUz 2023).

<sup>xxiv</sup> The Constitution of the Republic of Uzbekistan, Articles 114-115 (LexUz 2023).

<sup>xxv</sup> The Constitution of the Republic of Uzbekistan, Article 116 (LexUz 2023).

<sup>xxvi</sup> The Rules of Preparation and Adoption of Departmental Regulations, Registered by the Ministry of Justice of the Republic of Uzbekistan, Registration No. 2565 (LexUz 2014).

<sup>xxvii</sup> The Rules of Preparation and Adoption of Departmental Regulations, Registered by the Ministry of Justice of the Republic of Uzbekistan, Registration No. 2565 (LexUz 2014).

<sup>xxviii</sup> The Resolution of the President of the Republic of Uzbekistan, No. PQ-3666, (LexUz 2018).

<sup>xxix</sup> The Rules of Preparation and Adoption of Departmental Regulations, Registered by the Ministry of Justice of the Republic of Uzbekistan, Registration No. 2565 (LexUz 2014).

<sup>xxx</sup> The Resolution of the President of the Republic of Uzbekistan, No. PQ-3666, (LexUz 2018).

<sup>xxxi</sup> The Constitution of the Republic of Uzbekistan, Article 126 (LexUz 2023).

<sup>xxxii</sup> The Constitution of the Republic of Uzbekistan, Article 133 (LexUz 2023).

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xxxiv The Law of the Republic of Uzbekistan on Courts, No. LRU-703, Article 22 (LexUz 2021).

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xxxvii The Law of the Republic of Uzbekistan on the Regulations of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 522-II, Article 36 (LexUz 2003).

xxxviii The Law of the Republic of Uzbekistan on Normative Legal Acts, No. LRU-682, Article 19 (LexUz 2021).

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xliii The Resolution of the President of the Republic of Uzbekistan, No. PQ-75, (LexUz 2024).

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<sup>i</sup> The Resolution of the President of the Republic of Uzbekistan, No. PQ-5025, Regulation on the Procedure of Regulatory Impact Assessment of Normative Legal Acts and Their Drafts (LexUz 2021).

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<sup>lvii</sup> The Constitution of the Republic of Uzbekistan, Article 99 (LexUz 2023).

<sup>lviii</sup> The Constitutional Law of the Republic of Uzbekistan on the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 434-II, Article 32 (LexUz 2002).

<sup>lix</sup> The Constitutional Law of the Republic of Uzbekistan on the Senate of the Oliy Majlis of the Republic of Uzbekistan, No. 432-II, Article 28 (LexUz 2002). The Constitutional Law of the Republic of Uzbekistan on the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, No. 434-II, Article 33 (LexUz 2002).

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