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INFLUENCE OF JUDICIAL NORM-CONTROL ON ENSURING HUMAN RIGHTS

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ABSTRACT

Currently, one of the most important areas of the legal doctrine of most foreign countries is the creation of a fair and stable legislative system. The complexity and acuteness of this issue is manifested not only in identifying and introducing effective norms into the process of legal regulation of social relations, but also in understanding its methodological and conceptual foundations, correctly defining the essence and subjects of legal regulation. In this case, scientific research is being conducted to further improve the work of rule-making in developed countries, including ensuring the legality and promotion of legislation, conducting a comprehensive examination, including prevention of disputes over departmental regulations. The norm has a special place in the field of creativity of legislative acts. In particular, a separate approach is needed on the part of public administration bodies when issuing departmental legal documents. The control over these documents by the court will prevent human rights violations. This article describes this problem.

Keywords :Administrative justice, departmental normative-legal document, jurisdiction, public-legal dispute, administrative court.

INTRODUCTION

The formation of an effective judicial system requires a clear division of cases within the competence of different judicial bodies, in order to ensure timely legal and fair consideration of cases. Cases are the responsibility of the legislators among the courts, they must develop a clear order of rules and criteria for limiting the powers of courts to verify the legality (constitutionality) of regulations that are clear, meaningful, consistent and, most importantly, understandable, as well as in court. At this stage of development, rules and criteria for determining the jurisdiction of courts to review regulatory documents should correspond to the powers of various courts and avoid conflicts, and measures should be taken to eliminate them if conflicting circumstances are identified. To do this, first of all, it is necessary to develop the current procedural norms in the legislation in accordance with modern requirements. To date, a number of measures have been taken to create an effective and fair judicial system in Uzbekistan and to address problems that have arisen in the past. For example, the Code of Administrative Procedure (CAP) was adopted, and according to this code, the authority to consider mass legal disputes was transferred to the administrative courts. As a result, it was established that the conduct of disputes under departmental regulations is regulated by this Code. However, it was noted that working with such a function was poorly implemented and some problems arose due to the lack of clearly explained mechanisms. As a result, in a number of cases, the rights and interests of citizens and legal entities protected by the Constitution and laws are violated. This led to the formation of insecurity of citizens before the judicial authorities and state bodies. To eliminate such shortcomings, administrative courts were created, and consideration of such cases was determined to come into their competence. In this

case, according to the Article 30 of CAP, the consideration of cases of conflict of departmental regulatory legal acts was classified as cases falling under the jurisdiction of the Supreme Court. However, the implementation of such a system in practice was not fully compensated by scanning for the shortcomings that arose today, and we can see some shortcomings in practice. In particular, insufficient research work has been carried out on the theoretical foundations of court decisions on the recognition of departmental regulatory legal acts invalid. In addition, the institution of court resolution of cases on the recognition of departmental normative legal acts as invalid is considered an innovation for the legislation of our country and an integrated system for the consideration of such a case is not formed by scanning. Implementation of departmental normative-legal regulations of the current legislation to as certain that it is not valid in the past period gives rise to a number of legal problems that need to be addressed. This may be followed by the following: Firstly, the cases on recognition of departmental normative legal acts as invalid are not settled in detail in the issue of suitability; Secondly, the affiliation of cases to the judiciary to invalidate departmental normative legal acts is not fully regulated; Thirdly, the procedural procedure for examining cases on the invalidity of departmental regulatory legal acts is not perfect; Fourthly, the execution of court documents on the recognition of departmental regulatory legal acts invalid is not regulated in detail.

LITERATURE REVIEW

In particular, foreign scientists and practitioners Yu.Starilov, Y.Pudelka, Y.Deppe, M.Xartvig, J.Marku, E.Ksalter, J.Vedel, N.Mamontov, D.Baxrax, E.Tsoller, E.Luparyov, V.Radchenko, R. Difenbach, M.Lesaj, B.Parmankulova, N.Salisheva, A.Solovyova, Yu.Tikhomirov, N.Kuplevaskiy, N.Xamaneva, Ch.A.Bashirov and others in their scientific work [1] on the scientific, theoretical, legal and practical foundations of administrative justice, its organization, principles, and procedure for pre-trial settlement of public disputes and cover specific aspects of the activities of the judiciary in this area, study problems in this area and formulate proposals for their solution. Uzbek scientists L.Khvan, J.Nematov, E.Khojiev, M.Akhmedov, G.Khakimov, A.Li, M.Doniyorov, U.Shokirov, I.Khamedov and others [2] conducted various researches on various topics of administrative justice .

RESEARCH METHOD

In relevance to the court. Undoubtedly, one of the main problems in the judicial process in Uzbekistan today is the issue of invalidation of departmental regulations. Unfortunately, the adoption of CAP did not completely abolish jurisdiction. The emerging controversial aspect of the consideration of disputes of the Supreme Court on departmental normative legal acts is that we see that such cases do not have a clear border with the jurisdiction of the constitutional court. Constitutional law of the Republic of Uzbekistan “On the constitutional court of the Republic of Uzbekistan” adopted on May 31, 2017, defines the issues within the competence of the court, in accordance with which the constitutional court determines the conformity of decisions of bodies of local public administration, interstate treaty and other obligations of the Republic of Uzbekistan Constitution of the Republic of Uzbekistan [3]. At the same time, the work on consideration of a dispute on regulatory legal acts adopted by ministries, state bodies and departments is not within the competence of the Constitutional Court. On the contrary, it

was established that the consideration of such disputes falls within the competence of the Supreme Court. However, in accordance with the Constitution of the Republic of Uzbekistan, it is defined as "the Constitutional Court of the Republic of Uzbekistan considers the work to bring the documents of the legislative and executive authorities in accordance with the Constitution." This means that the consideration of this type of dispute, in general terms, is within the competence of the Constitutional Court and can create a controversial situation when considering such disputed cases. In turn, according to the Article 179 of CAP, a citizen or a legal entity with respect to which a departmental regulatory document is in force considers that the document violates its rights and legitimate interests guaranteed by the Constitution and Law of the Republic of Uzbekistan, it has the right to appeal to the court, and this means that a citizen can appeal to the Supreme Court if his/her rights established by the Constitution are violated by a departmental normative legal act. This question may not seem like a problem at the moment. But the fact that a citizen has the right to appeal directly to the Constitutional Court can create certain difficulties. One of the things that we should pay attention to when covering issues in the courts is to clarify the boundaries between arbitration courts and administrative courts and find out whether there will be problems with Arbitration courts in the future. The study found that in many foreign countries, the jurisdiction of these courts has problematic cases when considering disputes about departmental decisions. In particular, we see from the legislation of the Russian Federation that we can see some inconsistencies in the jurisdiction of courts of General jurisdiction and arbitration when considering disputes about departmental orders. Some legal publications conclude that disputes about regulatory legal acts should be excluded from the jurisdiction of arbitration courts as the main criterion of jurisdiction and transferred to the courts of General jurisdiction. Belonging to the judgment. Despite the large number of departmental regulatory documents that contradict the Constitution and legislation of the Republic of Uzbekistan, the fact that citizens have fewer cases of going to court indicates the need to study the practice of this area. In this category, it can be assumed that there are certain problematic aspects when cases are referred only to the Supreme Court. If, in addition to this opinion, we take the legislation of the Russian Federation as an example, then Article 20 of the Code of Administrative Procedure of the Russian Federation [5] considers the following administrative cases as the first instance of the Supreme Court of the Russian Federation, regional court, city court of federal significance, autonomous regional court. , representative bodies of city authorities are authorized to view dispute work on their documents. Or we see that with such work in the Azerbaijani state, the right to appeal to the court of appeal and to appeal to a higher court is ensured. In Germany, too, this type of work is not considered the highest authority [6]. Proceedings. Departmental regulatory legal documents the third problem in the judicial review of cases that are recognized as invalid, these are problems directly related to the consideration of the case. Despite the fact that chapter 22 of the CAP is given a special procedure for considering this kind of work, today a number of problems arise. Of these, the subject has the right to apply to the court. In accordance with applicable law, citizens and legal entities have the right to apply to the court. In accordance with Article 179, a citizen or legal entity in respect of whom a departmental regulatory document is applied, the right to apply to the court with a statement declaring this document to be fully or partially invalid is guaranteed. But October 9, 1997 in the Cabinet of Ministers In

accordance with paragraph 3 of Resolution No. 469 "On Measures to Ensure the Legality of Normative Acts of Ministries, State Bodies and Departments", the Ministry of Justice has the right to apply to the judicial authorities with claims for annulment of documents not registered by the state, restoration of violated rights, and compensation for damage caused. However, the law does not define the procedure for the Ministry of justice to apply to the court on this issue and the mechanism for consideration of this category of cases by the court. This problem is also related to the fact that in this code, the legislature grants the right of appeal only to individuals and legal entities. For example, referring to the legislation of the Russian Federation, Article 251, Part 2 of the Civil procedure code provides that the President of the Russian Federation, the Government of the Russian Federation, the legislative (representative) body of the Russian Federation, a high-ranking official, and local self-government have the right to apply to a court of General jurisdiction to declare a legal document fully or partially illegal. Execution of court documents. The CAP states that the court can decide on the determination of the procedure and deadline for the execution of the decision on the settlement within the scope of the issues that will be resolved when a decision is made on the settlement. According to Article 182 of this Code, a decision made by a court following a consideration of a case on the recognition of a departmental regulatory legal act shall enter into force from the moment of its adoption. The departmental regulatory legal act or parts thereof, recognized by the court in whole or in part as invalid, shall not apply from the moment the court decision comes into force and shall be carried out in accordance with the legislation adopted by a body with a relatively high legal force. Also, according to Article 183 of this Code, a decision to enter into legal force in a case on the recognition of a departmental regulatory legal act is sent by the court to the official publications of state bodies, on which the disputed document was published, and immediately published in these publications.

CONCLUSION

In general, today in the field of justice the tasks for the future to improve the activities of administrative courts are an effective factor determining the following: - Further improvement of the system for ensuring constitutional human rights and freedoms, primarily their protection from unlawful actions and decisions of state bodies and officials;

- Effective protection of the rights and interests of citizens and legal entities in the event of judicial opposition;
- Improving the enforcement practice of administrative courts and creating a solid legal framework necessary for the effective functioning of the system;
- If we go deeper into the prospects for improving the legislation on judicial review of cases on the recognition of departmental regulatory legal acts as unrealistic, it is necessary, first of all, to ensure their solution by analyzing the above problems when considering this type of case.

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