

The Institutional Relationship between Regulatory Impact Assessment and Legal Expertise in the Rule-Making Process of the Republic of Uzbekistan

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Abstract: This article examines the theoretical and legal foundations of the Institute for Regulatory Impact Assessment (RIA) and its relationship to other types of legal expertise in the rule-making process. Through the use of comparative analysis methods, both structural intersections and distinguishing features of RIA from legal expertise have been identified, including procedural elements, goals, methodological approaches, and forms of citizen participation.

Key words: regulatory impact assessment, legal expertise, monitoring of legislation, institutional mechanisms, legal regulation.

The study of the essence of legal categories and phenomena is most effectively carried out through their comparison with institutions and procedures similar in content. This comparative approach allows not only to identify the unique features of the phenomenon under study, but also to determine the degree of its integration into a broader system of legal regulation. With regard to regulatory impact assessment procedures (RIA) in the Republic of Uzbekistan, this method opens up opportunities for in—depth analysis of the features, objectives and methodological foundations of this institute in comparison with other forms of expert analysis of draft regulatory legal acts.

Despite the widespread use of the term "expertise" in scientific and regulatory literature, there is still no well-established theoretical definition of the essence of legal expertise as an institution in legal science. Even less well—developed is the classification of such examinations, both from the point of view of their doctrinal justification and from the point of view of legislative regulation. This is especially true for the expert analysis of normative legal acts and their drafts, which creates methodological and applied difficulties in their identification and differentiation.

Substantiation of the institutional role of RIA procedures requires consideration of not only the essential characteristics of examinations, but also their functional relationship with such legal instruments as monitoring legislation, forecasting legal consequences and legal modeling. In the legal doctrine of the Republic of Uzbekistan, there is a growing trend towards the perception of RIA as an integrated element of the legal monitoring system, ensuring an improvement in the quality of regulatory regulation through the early identification of excessive, unjustified or antagonistic norms that can lead to regulatory instability or corruption-related consequences..

Thus, the need for a conceptual and functional differentiation of regulatory impact assessment (RIA) procedures and other forms of expertise used in standard-setting activities is revealed. Unlike traditional types of expertise, RIA forms a unique set of characteristics that determine its institutional specificity. These characteristics include: a focus on preventive regulatory diagnostics, an emphasis on transparency and inclusion of a wide range of stakeholders, as well as the use of methods for quantitative and qualitative assessment of the social and economic consequences of future regulation.

At the same time, it is methodologically justified to classify the RIA and actual impact assessment (AIA) procedures into the category of socio-legal expertise, which implies a comprehensive analysis of the proposed norms, taking into account their impact on entrepreneurial activity, investment

attractiveness, competitive environment and legal stability. Consequently, in the Republic of Uzbekistan, it may be justified to consolidate the provision on the close integration of RIA mechanisms into the general system of legal monitoring, including a post-normative assessment of law enforcement.

In addition, the comparative analysis demonstrates that, unlike expert assessments focused exclusively on specialists, the RIA mechanism involves the active involvement of citizens, businesses and civil society institutions. This suggests that there are elements of crowdsourcing assessment in RIA, which reflects the modern paradigm of public administration, in which priority is given not only to professional expertise, but also to taking into account social expectations and value orientations of the population [1]. Thus, RIA is not just an analytical procedure, but an institutionalized channel for legitimizing regulatory initiatives through public participation.

Continuing the research, it is necessary to pay special attention to the formalization of classification approaches to various types of expertise used in rulemaking, and to clarify the institutional place of regulatory impact assessment (RIA) in this system. Taking into account the legislative practice of the Republic of Uzbekistan, it is advisable to identify at least three classification criteria: by subject of implementation, by object of regulation, and by forms of public participation in the expert assessment process.

From the point of view of the subject criterion, examinations are divided into state (performed by authorized bodies), independent (initiated by non-governmental structures) and mixed. At the same time, RIA in the Republic of Uzbekistan is a special form of expert procedure carried out by government agencies with the mandatory participation of representatives of the business sector, the scientific community and the general public. This ensures the principle of multilateral cooperation and reduces the risk of unilateral regulatory interpretation when assessing the impact of regulatory initiatives.

According to the object criterion of the examination, it is possible to distinguish between those aimed at preliminary analysis of draft regulations and those that are being implemented in relation to existing legal documents. The RIA, along with the assessment of the actual impact, covers both of these levels. In particular, the RIA procedure can be applied both to the conceptual stage of the act's development (which brings it closer to pre-project monitoring) and to an already prepared draft that has passed the stage of interdepartmental coordination. In turn, the assessment of the actual impact, aimed at a retrospective analysis of the results achieved, complements the contour of the regulatory cycle, ensuring its closure and focus on continuous improvement [2].

The third criterion, the forms of public participation, is critically important. The RIA has a unique feature — a public consultation procedure, which includes the possibility of expressing a position by any interested parties, regardless of their professional or legal status. This sharply distinguishes RIA from such examinations as anti-corruption or environmental, in which participation is most often limited either by the status of an accredited expert or by specialized forms (for example, through institutions of the public chamber or professional associations). Public consultations during the RIA have a regulatory obligation, and their results are subject to consideration when making a final decision, which indicates de facto recognition of the expert value of citizens' opinions in the law-making process.

The issue of methodological redundancy and duplication in the simultaneous conduct of several types of expertise deserves special attention. In conditions where the same regulatory act can undergo anti-corruption, legal, linguistic and socio-economic expertise, the task arises of creating a single coordinating platform that would ensure the harmonization of approaches, eliminate the repetition of identical procedures and ensure the rational use of expert resources. RIA, if properly institutionalized, can become such a platform by integrating elements of other expertise, including through mechanisms

for interacting with the results of anti—corruption expertise, with linguistic and legal-technical analysis of texts, as well as with an assessment of the impact on competition and the environment [3].

Thus, it seems legitimate to conclude that the regulatory impact assessment (RIA) procedure, despite its similarities with a number of other expert procedures, has its own regulatory, procedural and methodological originality. The most significant differences are not only in the stages of implementation (including a preliminary analysis at the stage of concept development), but also in the nature of public participation. RIA includes a mandatory element of public consultations, which is absent or is only limited in most other types of expertise of regulatory legal acts.

It should be emphasized that in the Republic of Uzbekistan, the institute for regulatory impact assessment is increasingly integrated into the architecture of state lawmaking. This is reflected in attempts to combine the goals and objectives of the RIA with the objectives of legal monitoring and anti-corruption control. It is significant that the measures taken in the country are aimed at forming an integrated system of legal expertise, where RIA is considered as a central tool providing preventive legal review of draft regulatory legal acts for their proportionality, effectiveness, transparency and social acceptability.

In the context of this convergence of legal mechanisms, the problem of functional and institutional differentiation of RIA with such types of expertise as linguistic, anti-corruption, legal, environmental and economic is of particular interest. Despite the overlap in a number of elements, such as analysis goals, objects, and evaluation methods, RIA demonstrates a broader range of applied methodologies, including quantitative and qualitative methods, cost-Benefit Analysis, as well as crowdsourcing and digital consultation mechanisms. This turns the RIA procedure into a hybrid model of regulatory expertise that combines the features of both scientific and public, social expertise [4].

From a methodological point of view, it is reasonable to use artificial intelligence and algorithmic systems as an auxiliary tool in assessing regulatory impact. Such technologies can help automate some of the quantitative analysis and forecasting of consequences, while freeing up expert resources for more detailed meaningful analysis. This is especially important in the context of the growing volume of regulatory initiatives and the need for rapid response to socio-economic challenges.

Consequently, in the context of modernization of legislation and increasing requirements for its quality, the Republic of Uzbekistan needs to develop a holistic concept of RIA interaction with other institutions of legal analysis. Such a concept should provide for: 1) regulatory differentiation of the types of expertise and the stages of their application; 2) development of digital platforms for public discussions and collection of expert opinions; 3) professional development of specialists involved in the procedures of RIA and legal monitoring; 4) institutionalization of interdepartmental cooperation in conducting regulatory assessment.

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