

The Role of International Treaties in Legal Regulation in The Republic of Uzbekistan

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Abstract: This article analyzes the concept of a normative treaty as the main source of law, the specific features and types of international treaties as a special type of normative treaty, the formation and legal examination of their drafts, and the significance of international treaties in the legal regulation of international relations in the Republic of Uzbekistan.

Keywords: normative treaty, international treaty, expert review, international relations, legal regulation, ratification, Constitution, international law.

In recent years, reforms aimed at radically reforming various spheres of public life in the Republic of Uzbekistan, along with national legislation, have been carried out in accordance with generally recognized norms of international law. It is known that in international law, as a type of normative agreement, an international agreement is widespread. Normative agreement, which is one of the main sources of law, is an agreement between two or more parties that establishes, changes, or cancels legal norms within their competence. A normative contract is the result of the registration of the agreed will of the subjects of lawmaking, the type, form of legislation, since it can be defined as contractual legislation that establishes legal norms [1].

The purpose of concluding international regulatory agreements in our country is to ensure the well-being of society and human rights.

The historical experience of humanity shows that as a result of the main spiritual and moral values and civilizational processes formed over centuries, the fundamental rights of the individual have acquired the form of a Constitution. We need to continue working on developing a culture of respect for human rights and freedoms in our society [2].

Today, our social life requires achieving the most important goal enshrined in our Constitution - the comprehensive provision of human interests.

At the same time, the head of our state defined the main principle "Human interests are above all" as the basis of all reforms being carried out in the republic to protect the rights and freedoms of citizens.

The New Uzbekistan Development Strategy lays the foundation for the development of a new principle: "human - society - state" [3]. The essence of the above strategy is to strengthen the role of civil society institutions, protect human rights, reduce poverty, provide every person with a guaranteed source of income, and achieve sustainable environmental development.

The procedure for the conclusion, publication, registration, and storage of international treaties of the Republic of Uzbekistan is determined by the Law "On International Treaties of the Republic of Uzbekistan".

If a draft law (law) on the ratification of international treaties of the Republic of Uzbekistan includes the ratification of several international treaties, then such a draft law (law) is formalized in accordance with the general rules applicable to draft laws (laws) containing unnamed articles.

In the draft law (law) on ratification, the name of an international treaty of the Republic of Uzbekistan must be absolutely identical to the original signed name of this international treaty.

It is known that regulatory agreements are a special type of agreement that can be concluded:

- on behalf of the state - interstate treaties;
- on behalf of governments - intergovernmental treaties;
- state bodies within their competence - interdepartmental agreements.

To obtain more accurate information about the subject and characteristics of this type of normative agreement, it is necessary to consider their types.

Interstate regulatory agreements are special legal documents, the subjects of which are states represented by their representatives, usually presidents.

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Intergovernmental regulatory agreements are special legal acts in which state governments operate by their representatives, as a rule, prime ministers or other representatives of higher state authorities (depending on the form of government).

- Agreement between the Government of the Republic of Uzbekistan and the Government of the Kyrgyz Republic on cooperation in the field of industrial property protection;

- Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Azerbaijan on cooperation in the field of protection of copyright and related rights;

- Agreement between the Government of the Republic of Uzbekistan and the Government of Georgia on Cooperation in the Field of Industrial Property Protection;

- Agreement on Cooperation in the Field of Legal Protection and Protection of Intellectual Property and the Establishment of an Interstate Council on Legal Protection and Protection of Intellectual Property;

- Agreement between the Government of the Republic of Uzbekistan and the Government of the Republic of Turkey on the Protection of Copyright and Related Rights, etc.

In general, it should be noted that the foreign policy of the state is one of the priority tasks of any modern state. Modern realities of statehood development show that no state can provide its full development without establishing bilateral and mutually beneficial relations with other states. At the same time, the scale of all types of relations creates an objective need to highlight the most priority areas of cooperation - economics, security, science and culture, etc. [4].

Interdepartmental normative agreements are special legal acts in which state bodies, ministries, committees, and state agencies operate by their representatives, as a rule, ministers, chairpersons of state authorities, or other representatives.

State bodies, in coordination with the Ministry of Foreign Affairs of the Republic of Uzbekistan, on issues within their competence, may submit a proposal to start an examination of the draft international treaty or the issue of the expediency of the Republic of Uzbekistan's participation in a multilateral international treaty.

The expert examination is conducted jointly with the state body whose competence includes issues regulated by an international treaty, interested state bodies, as well as the Ministry of Foreign Affairs of the Republic of Uzbekistan.

The Ministry of Justice of the Republic of Uzbekistan conducts a legal examination of the draft international treaty or the text of a multilateral international treaty to which the Republic of Uzbekistan intends to participate, for compliance with the legislation of the Republic of Uzbekistan.

During the legal expertise, the following are checked for compliance with the draft or text of a multilateral international treaty to which the Republic of Uzbekistan intends to participate:

- generally recognized principles and norms of international law;
- international obligations arising from other international treaties of the Republic of Uzbekistan;
- legislation of the Republic of Uzbekistan in the field of foreign policy activity;

- requirements of legal technique and the practice of formalizing international treaties of the Republic of Uzbekistan.

The draft international treaty or the text of a multilateral international treaty in which the Republic of Uzbekistan plans to participate may be submitted for economic, financial, scientific, environmental, linguistic, as well as other types of expertise.

The proposal to conclude an international treaty on behalf of the Republic of Uzbekistan is submitted to the President of the Republic of Uzbekistan by the Ministry of Foreign Affairs of the Republic of Uzbekistan. Other state bodies, together with or in agreement with the Ministry of Foreign Affairs of the Republic of Uzbekistan, submit to the President of the Republic of Uzbekistan a proposal on the conclusion of an international treaty on behalf of the Republic of Uzbekistan on issues within their competence.

A proposal on the conclusion of an international treaty of the Republic of Uzbekistan on behalf of the Government of the Republic of Uzbekistan is submitted by the Ministry of Foreign Affairs of the Republic of Uzbekistan to the Cabinet of Ministers of the Republic of Uzbekistan. Other state bodies, together with or in agreement with the Ministry of Foreign Affairs of the Republic of Uzbekistan, submit to the Cabinet of Ministers of the Republic of Uzbekistan, on behalf of the Government of the Republic of Uzbekistan, proposals for the conclusion of an international treaty of the Republic of Uzbekistan on issues within their competence.

The proposal to conclude an interdepartmental agreement of the Republic of Uzbekistan is submitted to the President of the Republic of Uzbekistan or the Cabinet of Ministers of the Republic of Uzbekistan by a state body containing the issues regulated by this agreement.

Decisions on holding negotiations and signing international treaties are made, unless otherwise provided by other legislative acts of the Republic of Uzbekistan:

- the President of the Republic of Uzbekistan - in relation to contracts concluded on behalf of the Republic of Uzbekistan;
- in relation to contracts concluded on behalf of the government - by the Cabinet of Ministers;
- in relation to interdepartmental agreements of the Republic of Uzbekistan - by the heads of state bodies whose competence includes issues regulated by these agreements, in agreement with the President of the Republic of Uzbekistan or the Cabinet of Ministers.

The President of the Republic of Uzbekistan, as head of state, conducts negotiations and signs treaties and agreements of the Republic of Uzbekistan, ensures compliance with the treaties, agreements concluded by the republic and its assumed obligations [5].

Consent to the obligation of the Republic of Uzbekistan to an international treaty may be expressed by signing an international treaty, exchanging notes, letters, or other documents constituting an international treaty, ratifying, approving, accepting, acceding to an international treaty, or by other means agreed upon by the parties to the treaty.

In accordance with the Constitution of the Republic of Uzbekistan, the ratification of an international treaty is carried out by the chambers of the Oliy Majlis of the Republic of Uzbekistan by adopting a law on the ratification of an international treaty.

International treaties are subject to equal ratification, as a result of which the parties participating in the negotiations agree on further ratification.

The chambers of the Oliy Majlis of the Republic of Uzbekistan have the right to ratify other international treaties.

On the basis of the law on the ratification of an international treaty, a ratification certificate is signed by the President of the Republic of Uzbekistan, sealed with its seal and the signature of the Minister of Foreign Affairs of the Republic of Uzbekistan.

The decision on the temporary application or termination of the application of an international treaty or part thereof by the Republic of Uzbekistan is made by the body (official) that made the decision

to sign the international treaty.

International treaties enter into force for the Republic of Uzbekistan after the Republic of Uzbekistan expresses its consent to the obligation of an international treaty for it in accordance with this Law and in the manner and within the time limits provided for by the international treaty or agreed upon by the contracting parties.

When signing, ratifying, approving, accepting, or acceding to international treaties, comments may be made in compliance with the terms of the treaty and the norms of international law.

Notes to international treaties of the Republic of Uzbekistan may be terminated at any time in the manner in which they were concluded.

Acceptance or objection to a reservation made by another contracting party to an international treaty of the Republic of Uzbekistan is carried out by the body (official) making the decision to give consent to the international treaty for the Republic of Uzbekistan in accordance with the international treaty itself and the norms of international law.

Amendments and additions may be made to international treaties of the Republic of Uzbekistan in accordance with the terms of international treaties of the Republic of Uzbekistan and international law by agreement between the parties.

International treaties of the Republic of Uzbekistan are subject to strict and mandatory execution in accordance with the norms of international law of the Republic of Uzbekistan.

In cases where, in pursuance of an international treaty of the Republic of Uzbekistan, it is necessary to adopt a legislative act of the Republic of Uzbekistan, interested state bodies, in coordination with the Ministry of Foreign Affairs and the Ministry of Justice of the Republic of Uzbekistan, shall submit proposals for the adoption of a relevant act on the implementation of the norms of the international treaty of the Republic of Uzbekistan.

Monitoring of the implementation of international treaties of the Republic of Uzbekistan is carried out by the Ministry of Foreign Affairs of the Republic of Uzbekistan on the basis of a unified electronic database of international treaties of the Republic of Uzbekistan, inventory and monitoring of their implementation [6].

In conclusion, it should be noted that international treaties play an important role in the legal regulation of international relations.

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