

LEGAL CHARACTERISTICS OF INVALIDATION OF DEPARTMENTAL NORMATIVE LEGAL ACTS BY THE COURT

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ABSTRACT: The article analyzes the departmental normative legal document, including from the point of view of its specifics. On the basis of scientific and legal sources, the concept and types of review of the legality of departmental normative legal acts of the judicial administration are analyzed.

KEYWORDS: departmental normative legal act, judicial review of the legality of the departmental normative legal act, judicial review, administrative court, court decision

INTRODUCTION

Today, the adoption of departmental regulatory legal acts in our country is being improved. In particular, these procedures have also been translated into electronic format. However, no matter how perfect departmental regulatory legal acts are, it is very important that it is possible to verify the legality of departmental regulatory legal acts in the procedural order established by the court on the initiative of individuals and legal entities. Thanks to this, a balance is achieved between state authorities and the protection of the rights and freedoms of individuals and legal entities.

THE MAIN FINDINGS AND RESULTS

In fact, article 44 of the Constitution of the Republic of Uzbekistan establishes a guarantee to every person of the right to defend their rights and freedoms through the court, to appeal to the court about illegal actions of state bodies, officials, public associations [1].

From the content of this norm, it can be understood that individuals and legal entities have the opportunity to defend their rights and legitimate interests through the court, which are violated by state bodies and their officials.

It is also clear that according to article 2 of the Code of Administrative Procedure of the Republic of Uzbekistan [2], the tasks of administrative proceedings also include the task of strengthening the rule of law in the field of administrative and other public legal relations. And strengthening the rule of law, in our opinion, is primarily connected with judicial control. But the peculiarity of judicial control in the case of an Administrative Court is that it can be carried out only on the initiative of the relevant interested person, including an individual and a legal entity.

In the scientific literature, it can be seen that the concept of recognition of departmental normative legal acts as invalid by the court is also connected and analyzed by the court with the concept of verifying the legality of a normative legal document. But the concept of "checking the legality of a regulatory legal document by a court" is considered a relatively broad concept, and this concept includes judicial control over the conduct of constitutional proceedings and examination of the legality of a regulatory legal document within the framework of administrative proceedings. Below we will touch upon the aspects of this concept that cause controversy.

Until now, the concept of "verification by the court of the legality of a regulatory legal act" has not been analyzed within the framework of our national legislation.

However, in the foreign scientific literature it can be seen that this concept has been studied in cooperation with judicial control and other manifestations of judicial activity. Accordingly, in some scientific views, it is also possible to find opinions that the concept of verification by a court of the legality of a normative legal act should not be separated from the concept of judicial control as a separate category.

In our opinion, the concept of verification by the court of the legality of a regulatory legal act is a category with special characteristics, although it concerns judicial control. Because during judicial control, the legality of documents is checked not only of a regulatory nature, but mainly of an individual nature.

Some researchers note that the concept of checking the legality of a normative legal act by a court is analyzed only on the basis of the control of the Constitutional Court. That is, in the understanding of checking the legality of a regulatory legal act, the main attention will be paid

to checking the compliance of a regulatory legal act with a regulatory legal act. In this regard, N.V.Vitruk stated that the supervision of the Constitutional Court is a check of the constitutionality of the actions, decisions and inaction of these officials [3].

We can partially agree with this idea. However, the court's verification of the legality of a normative legal act should be studied not only within the framework of the Constitutional Court case, but also within the framework of the administrative court case. Consequently, the verification of the legality of a normative legal act by the court is carried out not only by the Constitutional Court, this issue can also be considered within the framework of the Proceedings of the Administrative Court.

Based on the legislation of Uzbekistan, the following features of the court's verification of the legality of the departmental regulatory document can be distinguished.

Firstly, by checking the legality of the departmental regulatory legal act by the court, one can see the dependence on the creativity of the norm, which is expressed in the loss of its force by the current legislative act. The invalidation of a departmental regulatory legal act means its invalidation and, accordingly, its complete legal disqualification and removal from the regulatory system [4].

Secondly, the court's verification of the legality of a departmental regulatory legal act is a manifestation of the action of these courts to verify regulatory legal acts. Judicial control over departmental regulatory legal acts is carried out by the Supreme Court of the Republic of Uzbekistan. The regulatory and legal review of khujatni by the court is carried out in order to determine its legality. The Court checks the compliance of departmental normative legal acts with the Constitution of the Republic of Uzbekistan and legislation having high legal force. The departmental regulatory legal act as a result of the audit, the court either confirms its legality or recognizes it as illegal. In particular, according to the Code of the Republic of Uzbekistan on the Conduct of Administrative Court cases, a judicial departmental regulatory legal document may be considered as a violation of the rights and legitimate interests of citizens guaranteed by the Constitution and laws of the Republic of Uzbekistan, and this departmental regulatory legal document may be invalidated in whole or in part.

Thirdly, the verification of the legality of the departmental regulatory legal act by the court is the activity of this administrative justice. Verification of the legality of the departmental

regulatory document is carried out in accordance with the procedure established by the Code of Administrative Procedure of the Republic of Uzbekistan.

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