



FOREIGN COUNTRIES' EXPERIENCE IN THE PROCESS OF LOCAL NORM CREATION

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ABSTRACT. This thesis analyzes the experience of foreign countries in organizing the process of local norm creation. Based on the practice of Germany, the United Kingdom, Estonia and the United States, it examines the issues of normative powers of local government bodies, public participation, legal control, electronic consultation and ensuring the legality of local normative acts. The thesis substantiates that local norm creation is not only a process of adopting local acts, but also a means of legal regulation at the level closest to the population, expression of territorial interests and implementation of the principle of subsidiarity.

Keywords: local norm creation, local governance, openness, subsidiarity, electronic participation.

Local norm creation occupies a special place in modern democratic public administration. While laws adopted at the central level determine the general directions of social life, normative acts at the local level are directly related to the everyday needs of the population, territorial development, communal services, land relations, local infrastructure, the business environment and social services. Therefore, in the experience of foreign countries, local norm creation is assessed not as ordinary executive activity at the lower level, but as a mechanism for legally expressing territorial interests, identifying public needs and developing independent normative solutions within the framework of the law.



In analyzing the international legal foundations of local norm creation, the European Charter of Local Self-Government occupies an important place. The Charter interprets local self-government as the right and real capacity of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population [1]. This approach defines two main criteria for local norm creation: first, local bodies must have real powers; second, these powers must be exercised within lawful limits. Thus, local normative autonomy is not absolute freedom, but a legal authority limited by legality, proportionality and the interests of the local population.

Germany's experience demonstrates a strong model of constitutional guarantees in local norm creation. Article 28 of the Basic Law of Germany guarantees municipalities the right to regulate local affairs under their own responsibility within the limits prescribed by law [2]. This provision recognizes local government not merely as an administrative link executing decisions of higher authorities, but as a public-law subject capable of adopting independent normative decisions within its territory. Such a model also provides an important conclusion for Uzbekistan: for local norm creation to be effective, local bodies must be provided with clear powers, organizational independence, a financial basis and guarantees of legal protection.

In the experience of the United Kingdom, local norm creation is mainly manifested through the institution of byelaws - local rules. According to official explanations, byelaws are local legal rules adopted by a local council on the basis of powers granted by general or special legislation, requiring a particular action to be performed or prohibited within a specific territory [3]. They usually regulate public order, parks, markets, open spaces, cemeteries and other matters of local significance. This experience shows that the subject matter of local normative acts



should be as clear as possible, their adoption must rely on powers established by higher legislation, and they must be publicly promulgated for citizens.

Estonia's experience is distinguished by the development of digital participation mechanisms in both local and national norm creation. E-democracy tools provide citizens with the opportunity to participate remotely in political and normative processes [4]. In addition, the Estonian e-Consultation System makes it possible to track the movement of drafts, search for documents, participate in public consultations and submit comments on documents in the coordination process [5]. This experience shows that, in local norm creation, it is not enough merely to publish a draft; the further fate of citizens' proposals, including the reasons for accepting or rejecting them, should also be open.

In the United States, local norm creation is often explained through the concept of home rule. According to this approach, in certain states, cities and municipalities have the authority to adopt independent normative decisions on matters of territorial significance on the basis of their local charters. However, this authority is not unlimited: local acts must not contradict the state constitution, state laws or federal law [6]. The U.S. model reveals an important idea of local self-government: a local body, as the subject that best understands the needs of the population, may put forward normative initiatives, but it must act within general constitutional and legal limits.

One of the common features in the experience of foreign countries is the special attention paid to openness and public participation. In the Recommendation of the Organisation for Economic Co-operation and Development on Open Government, open government is assessed as a culture of governance that promotes transparency, integrity, accountability and stakeholder participation [7]. This principle becomes even more important in local norm creation. Since a local act affects the population at the closest level, if a draft decision is developed without the



participation of citizens, entrepreneurs, civil society institutions and experts, such an act may become disconnected from practical needs or create an excessive administrative burden.

From the point of view of Uzbekistan's experience, foreign models provide a number of useful conclusions. The Law of the Republic of Uzbekistan 'On Normative Legal Acts' regulates relations connected with the types and legal force of normative legal acts, as well as their planning, initiation, preparation, expert review, coordination, adoption, promulgation and organization of implementation [8]. This means that local norm creation is also an integral part of the general lawmaking process. Therefore, acts adopted by local state authorities must also be based on the principles of competence, legal certainty, openness and accountability.

In Uzbekistan, the 'E-qaror' electronic system is of great importance in the digitalization of local norm creation. Resolution No. 390 of the Cabinet of Ministers dated 22 June 2021 establishes the procedures for developing, coordinating, adopting, registering and publishing drafts of decisions and orders of local state authorities through the 'E-qaror' electronic system [9]. This procedure provides an opportunity to move closer to the principles of openness and procedural control found in foreign countries. In particular, the requirement not to bypass the electronic system shows that, in local norm creation, a digital procedure is not merely a technical convenience, but a procedural condition ensuring the legality and accountability of an act.

In conclusion, the experience of Germany, the United Kingdom, Estonia and the United States shows that the effectiveness of local norm creation depends on three main factors: clear powers, open consultation and strong legal control. The German model demonstrates constitutional guarantees, the British model shows the clarity of the subject matter of local rules, the Estonian model emphasizes electronic participation, and the U.S. model illustrates the balance between local autonomy and



higher legal control. For Uzbekistan, the main proposal is that reasoned responses to proposals on drafts of local acts should be ensured, the full life cycle of an act should be traceable in the 'E-qaror' system, and the practice of assessing the socio-economic impact of local normative acts should be strengthened.

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