

Examination of Normative Legal Acts and its Role in Improving Legal Regulation

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Annotation: This article analyzes the problems of examination of a normative legal act, ways to improve the effectiveness of legislation.

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Law is the most important regulator of social relations. It is through legal regulation that the necessary order in the life of society is achieved. I. Kant warned that law can serve both as a means of limiting arbitrariness and a means of violating human freedoms. The guideline must be kept not on the law as such, but on the true right, reflecting the urgent and future needs of social development. The result of the complex and time-consuming work of state bodies, law in this context is understood as a system of legal acts. In the system of political and administrative reforms in the state, the requirements for the organization of the rule-making process carried out by public authorities have increased, since the quality of rule-making activity is the quality of the law itself. Despite the attempts of the state to make changes in the legal system, the bureaucratization of law and normative conflict, the obsolescence of legal norms, the instability of legal regulation, and many other shortcomings are still active.

Today, with full confidence, it can be argued that the regulatory framework requires constant improvement, as it must meet the needs of modern society, new tasks and goals. The state must carry out legal regulation of social relations, control how effective its mechanism is. It is said in the scientific literature that the legal policy of the state, with its influence, covers all aspects of legal regulation - from the formulation of law in the form of normative legal acts to ensuring their implementation. In connection with this content of legal policy, lawyers distinguish several areas (forms): law-making (rule-making), law enforcement, law enforcement and interpretive law. A special role is assigned to the law-making direction among the named forms of legal policy, and this is due to the fact that legal acts act as a natural channel through which law realizes its energy. In the main goals of the state, the issue of creating an effective legislative framework, ensuring unity in the system of legal norms, subjective rights, duties, and prohibitions has always been acute.

The executive authorities take an active part in the formation of the legal policy of the state, they practically implement its provisions in their rule-making. The main purpose of which is to determine the tasks of improving legal regulation in the authorized areas of activity. To date, practice shows that the current regulatory legal acts contain a significant number of norms that significantly reduce the effectiveness of legal regulation. This application of the law sometimes brings the opposite result. The day-to-day application of the law is evidence of its flaws, which, among other problems, contribute to the abuse of power and, as a result, breed corruption.

There is an acute issue of bringing normative legal acts in line with current legislation, preventing rule-making errors in them. Thus, the efficiency increase is facilitated by the examination of legal acts and draft legal acts, which is one of the significant elements of the law-making (legislative) process. The main goal of the expertise is the development and adoption of new, high-quality regulatory legal acts that comply with legislation.

The term "expertise" comes from the Latin word "expertus", which means "experienced, knowledgeable." For example, a modern economic dictionary understands expertise as analysis, research conducted by involved specialists (experts), an expert commission, culminating in the issuance of an act, conclusion, in some cases - a certificate of quality, conformity; verification of the authenticity of banknotes, securities, documents; checking the quality of goods, works, services. Expert activity is "a purposeful, qualified procedure that characterizes the satisfaction of demand for assessing a situation, phenomenon

(action), determining the patterns of its development, followed by identifying trends and building a forecast based on one's own and (or) borrowed methodology." V. A. Zokoev believes that in order to conduct any type of expert activity, it is necessary to be a qualified specialist in a certain field of knowledge, to be able to apply this knowledge in the research activities of the desired object and subject, to be able to formalize the results of the study, that is, new knowledge about the object obtained as a result of the study and the subject in the prescribed manner in the form of a qualified opinion.

Examination of legal acts is a kind of research carried out by persons with special knowledge in order to improve the quality of legal acts that give a real assessment of the possible consequences of their implementation. Examination of legal acts and draft legal acts makes it possible to eliminate existing shortcomings, errors, and also eliminate negative factors at the early stages of lawmaking.

In his work, the expert must perform a set of actions: assess the compliance of the regulatory legal requirements of the draft legal norms with acts of higher legal force, assess the consistency of the draft provisions with acts of the same order of legal force (for example, the consistency of the draft departmental normative act with other departmental acts), compare the internal consistency of legal norms and other elements of the draft normative legal act, to investigate the provisions that contribute to the creation of conditions for the manifestation of corruption, to check compliance with the rules for drafting the draft normative legal act, to formulate and propose options for the developers of the draft normative act to eliminate the identified errors, to competently draw up the results of the expert opinion.

In conclusion, it should be noted that, despite the positive dynamics in the field of combating corruption (in particular, the introduction of the institution of anti-corruption expertise and its legislative support), in practice, both organizational and legal problems often arise, for the solution of which it is advisable to continue improving legal regulation.

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