



## SCIENTIFIC THEORETICAL ANALYSIS OF THE CATEGORY OF NORMAL CREATIVITY

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**Abstract.** *In this thesis, the category of norm creation, which is one of the main types of law creation, is analyzed from a scientific and theoretical point of view. Also, in this thesis, scientific and practical suggestions are given regarding the basic concepts of norm creativity.*

**Key words:** *norm, right, law, order, state, source.*

In scientific-theoretical sources and research works, it is possible to show the following scientific approaches of scientists regarding the concepts of "law creativity", "norm creativity", "law creativity" and their different aspects.

A group of scholars note that law creation is a component of the relatively broader process of law creation. According to them, the creation of law is a process aimed at the formation and formalization of a legal norm, which lasts for a long time. This process: analysis of the social situation, its legal regulation to understand the need to apply; create a general idea of the future legal rule; includes actions such as the development and adoption of a legal norm. The last stage of law creation is law creation [1].

According to H.T. Odilkoriev, the process of norm creation is the sum of the actions of norm creators aimed at creating new normative legal documents in the order established by the Constitution, making additions and changes to existing normative legal documents, as well as canceling outdated normative legal documents, and it is a normative - includes defining relations that need to be regulated by a legal document, preparing a draft of a regulatory legal document, discussing and adopting it [2].

In our opinion, the activity aimed at creating, changing and canceling mandatory rules of conduct is "law creation", and only the activity of developing, changing and canceling regulatory legal documents should be understood as "norm creation".

At the same time, it is appropriate to understand the concept of "law-making" only as the activities of the legislative body of the state to create laws regulating social relations, to amend and add to the existing ones, and to cancel them.

It can be said that one of the manifestations of the creation of rights is the issuing of orders of an individual nature, with formal precision, authorizing and imposing obligations by the head of a certain organization or institution.



Based on the above, from the point of view of creating, changing and revoking universally binding rules of conduct, "law-making" is a broader category that includes the concepts of "norm-making" and "law-making".

M.K. Najimov defined the creation of norms as a process that encompasses the identification and assessment of the legal needs of society and the state, the formation and adoption of legal documents by authorized entities in the prescribed manner, and emphasized the following aspects. Norm creation is a process that includes identification and evaluation of legal needs of society and the state, formation and adoption of legal documents by authorized entities in the prescribed manner; identify the body (entity) authorized to adopt this or that legal act; choosing the form of the act intended to be adopted; preparing, adopting or changing a legal act within the framework of the relevant procedure [3].

Although there are theoretical approaches related to the concept of norm creation in the scientific literature, it can be shown that the concept of "norm creation initiative", "norm creation activity", "subjects of norm creation" has not been developed in our national legislation based on the analysis of industry norms.

Based on the organizational and legal nature of norm creation, it should be noted that this activity has the following specific features:

firstly, the fact that this activity covers the stages of preparation of drafts of normative legal documents, which are one of the direct sources of law, their legal examination, and the stages of agreement, discussion, acceptance (issuance) with interested bodies and organizations;

secondly, adoption by a person or body authorized to adopt a regulatory legal document;

thirdly, the existence of separate procedures for the implementation of law-making activities, which is one of the main directions of this activity, in accordance with the procedure established by legislation;

fourth, the participation of the local population in this activity.

Based on the conducted research, in our opinion, it is appropriate to give a legal description of the concept of norm creativity as follows: "Norm creativity is the formation of preliminary proposals that are the basis for the development of a draft of a normative legal document, planning of project development activities, organization of project preparation, project development, activities covering such processes as passing the project through legal and other types of expertise and state registration,



project discussion, project agreement with interested bodies and organizations, participation in project review, project review, acceptance and approval.

Also, from the point of view of the process of development, amendment and cancellation of laws and regulations, it is appropriate to divide the activities of norm creation into two types, i.e. law creation and creation of legal documents.

It is appropriate to define the concept of "norm creation technique", which applies to all types of regulatory legal documents, as a set of rules, methods and tools used in the development, legal-technical formalization, adoption of drafts of regulatory legal documents.

In conclusion, it should be noted that the scientific research carried out on the creation of norms, in turn, serves to increase the quality of activity of norm creation and ensure consistent and uniform application of the single right.

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