



NATIONAL AND INTERNATIONAL EXPERIENCE IN THE PROCESS OF LEGAL CREATIVITY

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Abstract:

In our article, the essence of the legal creativity process, its importance in the development of society and the state, and its formation based on national and international experience are thoroughly analyzed. First of all, the constitutional foundations of the legal creativity process in the Republic of Uzbekistan, subjects implementing the right of legislative initiative, the increasing participation of the public, and the practical results of legal reforms are highlighted. The experience of legal creativity in foreign countries, including the principles of transparency, preliminary impact assessment, and priority of human rights applied in developing draft laws in European, US, Canadian, and Scandinavian states, are extensively examined.

The advantages of harmonizing national legislation with international standards are analyzed, including protecting human rights, effectively combating corruption, improving the judicial system, and ensuring active participation of civil society institutions. Our work shows ways to harmonize national and international experience and reveals Uzbekistan's strategic directions on the path to building a rule of law and democratic society.

Keywords: legal creativity, national experience, international experience, legislation, human rights, rule of law, civil society.

Introduction:

Legal creativity is the process of developing, adopting, and improving normative-legal documents that regulate state and social life. This process requires not only the activity of legislative bodies but also the cooperation of the broad public, scientific institutions, and civil society institutions. Legal creativity has special significance as



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the foundation of building a democratic state, an important mechanism for guaranteeing human rights and freedoms, and a means of ensuring social stability. In today's era of globalization, legal creativity must be organized based not only on national experience but also on international standards and advanced foreign practices. Therefore, harmonizing national legislation with international standards, on one hand, increases the state's prestige in the international arena, and on the other hand, serves to effectively protect citizens' rights.

Main Part

After the Republic of Uzbekistan gained independence, the process of legal creativity was elevated to a new stage. The Constitution adopted in 1992 served as a solid foundation for building a rule of law and civil society. Based on this foundation, hundreds of laws were adopted in various fields, and legal reforms were implemented.

In national experience, legal creativity is characterized by the following aspects:

1. **The right of legislative initiative** – implemented by deputies of the Oliy Majlis, the President, the Cabinet of Ministers, and other subjects. This forms the institutional system of legal creativity.
2. **Scientific expertise** – in developing draft laws, conclusions of representatives of legal science, practicing specialists, and independent experts are taken into account.
3. **Public participation** – in recent years, draft laws have been put to broad public discussion, and opinions of citizens and non-governmental organizations are being taken into account.
4. **Foundation on national values** – the laws being created are adapted to our people's historical traditions, spiritual values, and national mentality.

As examples, we can cite the Law "On Combating Corruption," the "Family Code," the Law "On Education," and the Law "On Public Services." While meeting the needs of modern reforms, they also comply with international standards.

In world states, legal creativity is implemented in various forms and methods. Nevertheless, there are general principles that have important significance in the process of building a rule of law.



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1. **Transparency and openness** – In European states, public opinion is widely studied in developing draft laws, and civil society institutions actively participate in parliamentary discussions.
2. **Impact assessment** – In US and Canadian experience, the economic, social, and legal consequences of draft laws are studied and assessed in advance.
3. **Compliance with international standards** – Conventions, declarations, and recommendations developed by the UN, EU, and other international organizations are used as primary sources in legal creativity.
4. **Priority of human rights** – In international law, human rights are viewed as the highest value. For this reason, advanced foreign legislation is directed toward ensuring human rights.

For example, in the legislative systems of Germany and France, guaranteeing citizens' constitutional rights is defined as a primary task. In Scandinavian countries, protecting ecological and social interests receives special attention in the law-making process.

Today, Uzbekistan is widely implementing international practices in the legal creativity process while preserving national values. In particular:

- **Protection of human rights** – Uzbekistan has joined international conventions and is applying them to national legislation. For example, based on the Convention "On the Rights of the Child," the Law "On Guarantees of Children's Rights" was adopted in Uzbekistan.
- **Reform of the judicial system** – To harmonize fair trial principles with international standards, judicial independence and openness of court decisions are being ensured.
- **Fight against corruption** – Based on the experience of international organizations, mechanisms for preventing corruption are being introduced into legislation.
- **Civil society participation** – Democratic principles are being strengthened by putting draft laws to public discussion.

As a result of harmonizing national and international experience, Uzbekistan is achieving significant successes on the path to building a rule of law.



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Conclusion

Legal creativity is a complex and responsible process that directly affects all aspects of state and social life. Its effectiveness depends, on one hand, on relying on national values, historical experience, and society's needs, and on the other hand, on applying international standards and advanced practices. The legal reforms being implemented in the Republic of Uzbekistan in recent years are not only responding to internal needs but are also harmonizing with the demands of the international community.

In national experience, the activity of legislative initiative subjects, increasing public participation, and the application of scientific expertise have significant importance in the legal creativity process. At the same time, foreign experience – assessing the preliminary impact of laws, ensuring transparency in law-making, giving priority to human rights – serves as an important example for our legislative practice.

The process of applying international legal standards to national legislation increases Uzbekistan's prestige in the international arena, more broadly guarantees citizens' rights and freedoms, and creates a solid foundation for building a rule of law. For this reason, harmonizing national and international experience in the legal creativity process should be constantly considered as a priority task of state policy.

Overall, organizing the legal creativity process based on modern principles is one of the most important factors in forming a stable legal system in Uzbekistan, strengthening democratic values, and developing a just civil society.

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