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ON THE ISSUE OF THE MEANING AND CONCEPT OF SCIENTIFIC AND EXPERT SUPPORT FOR PARLIAMENTARY ACTIVITIES

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Abstract: The article is devoted to the issues of the meaning and concept of scientific and expert support of parliamentary activities. In it, these issues are revealed from the point of view of the development of parliamentary and more active involvement of representatives of the expert community in various areas of parliamentary activity. Scientific and expert support of parliamentary activities is important in terms of strengthening the scientific validity of the issues considered by the parliament, especially, in the activity on the adoption of laws, other important strategic documents that determine the priority areas of domestic and foreign policy. It is noted that in recent years, such involvement of scientists, experts, specialists from various fields of knowledge, representatives of civil society has become a vital necessity. This ensures constant communication between the parliament and various sectors of society, timely identification of problems that concern citizens and, most importantly, the search for the most optimal and scientifically verified ways to solve them. The issues of the significance and concept of scientific and expert support of parliamentary activities are considered by the author through the prism of national experience, in particular, the activities of the Parliament of Uzbekistan - the Oliy Majlis, as well as with a wide retrospective of the opinions of Uzbek and Russian scientists on this issue.

Keywords: Scientific And Expert Support, Parliamentary Activity, Parliamentary, Parliamentary Control, Quality, Lawmaking, Specialists.

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Annotation

“Scientific and expert support is today an integral part of the work of any government body, as well as non-state entities representing the interests of professional and business communities. With the increasing volumes of knowledge necessary to make informed legislative decisions, it becomes one of the factors for increasing the rationality of management, the quality of legislation, and helps to minimize negative results.”¹.

In addition, the issues of scientific and expert support for parliamentary activities are currently relevant and important problems both from the point of view of the development of parliamentary, as the most effective form of popular representation, and in opposition to what is becoming increasingly widespread in foreign countries not only among the expert community, but also political elite doctrine

¹ See: Buribaev E.A., Khamzina Zh.A. Scientific and expert support for notary activities. Article in the Journal "De Jure". - Astana. 2019. No. 7 (176). P.16

of “rational (or rationalized) parliamentary”².

The interaction of parliament with the scientific and expert community is one of the most important conditions for its effective work.

In the 21st century, there is no doubt that any government decisions should be made with the involvement of scientists, experts, as well as representatives of civil society in an open dialogue. This is aimed at improving analytical and information support for parliamentary activities, searching for compliance of the working methods of the parliamentary apparatus with the modern level of management and communications technologies.

This also applies to resolving issues related to the organization of parliamentary events, as well as the formation of a positive image of the chamber³.

As the famous Uzbek scientist, professor F.Kh. Otahonov noted, “We will not be mistaken if we say that the effectiveness of parliamentary control, the implementation of the representative function of parliament, taking into account the interests of all regions, largely depends on the place, potential and quality of the scientific factor in the activities of parliament.”⁴

We fully support the opinion that scientific, expert and technological support for the decision-making process is one of the conditions for the effectiveness of public administration. This is especially important when addressing interdisciplinary problems and the need for prompt legislative measures⁵

In recent years, interest in the problems of information and analytical support for parliamentary activities has increased all over the world. At the same time, this interest is supported by measures that can be divided into two groups.

The first group of measures is related to the creation within the structure of parliaments of specialized scientific and expert institutions that are professionally involved in information and analytical support for the activities of parliament in its various forms. Currently, such structures have been created in many countries, including the parliaments of the USA, Germany, France, Italy, Japan, the Republic of Korea, etc. Moreover, in many countries, scientific expert institutions are created under parliamentary committees.

The second group of measures was aimed primarily at establishing and strengthening comprehensive ties with the scientific and expert community in order to attract them to various parliamentary events. Moreover, these connections are also established in two ways: the first is the use of the potential of scientific and expert institutions, individual scientists and specialists on a paid contractual basis. This path is most often used in the practice of developed democratic countries. The second way is to consolidate at the legislative level the right of parliament, its bodies and deputies to request various materials and information from scientific and expert institutions, as well as to include scientists and experts in parliamentary events. This path is used not only in the CIS member states, including the Republic of Uzbekistan, but also in such developed countries as Sweden, Switzerland, Spain, Austria, Belgium, Iceland, Luxembourg, as well as in Bosnia and Herzegovina, Cyprus, Latvia, Serbia, Slovenia, Montenegro, Estonia.

² According to the Big Legal Dictionary. Edited by A.Ya.Sukharev, V.E.Krutsikh, A.Ya.Sukhareva - M: Infra - 2003.

³ Scientific and expert maintenance of activity of Parliament and development of its interaction with civil society. Collection of materials. Series: International experience of parliamentary activities. Current topics. – M. – 2016. P. 8

⁴ Otakhanov F.Kh. Actual problems of scientific and information-analytical support of the Oliy Majlis chambers. // Statya v sbornike materialov mejdunarodnoy konferentsii "Actual problems of providing scientific and information-analytical activity of Parliament" - T. - 2021. P. 6

⁵ Fedorov N.V. Opening speech at the international conference “International experience of parliamentary activities.” Collection of materials of the international conference - M. 2020. P. 4.

In the Republic of Uzbekistan, special attention has been paid to the issues of scientific and expert support for the activities of government bodies, including the country's parliament - the Oliy Majlis, especially over the past five years. Thus, on the initiative of the President, at the end of 2017, the Institute of Legislative Problems and Parliamentary Research under the Oliy Majlis was created, which was given the status of a state research expert institution, the main function of which is to provide information and analytical support for the activities of the chambers of parliament. Measures to further improve the activities of this institute, strengthening its human resources and material and technical base were provided for in the state programs for 2018-2020, as well as in the Development Strategy for 2022-2026.

In addition, at present, each committee of the chambers of the Oliy Majlis has established scientific expert councils from among leading scientists and experts in various fields of science and technology, which also perform the function of scientific expert advice to committee members.

And finally, the Decree of the President of the Republic of Uzbekistan "On measures to organize the activities of public councils under government bodies" dated July 4, 2018, which approved the proposal to create a public council under every government agency, including law enforcement agencies, the Council of Ministers of the Republic of Karakalpakstan, regional khokimiyats and the city of Tashkent. The practice of implementing this resolution has shown that public councils often include well-known scientists and practical experts who provide, among other things, scientific and expert advice to the leadership of government bodies.

At the same time, a study of the practice of activities of scientific advisory services under the parliament of Uzbekistan indicates that the country's parliament, deputies and senators do not use the full potential of these institutions, which is largely due, on the one hand, to insufficient awareness of parliamentarians about the true capabilities of such services; on the other hand, the insufficient efficiency of the activities of scientific expert services, which may be due to the lack of special knowledge and skills specifically in the implementation of scientific and expert support for parliamentary activities.

All of the above issues, as well as the fact that until now they have not been the subject of comprehensive fundamental study in legal science, determine the scientific and theoretical relevance of the study of the institute of scientific and expert support for parliamentary activities in the context of the further development of domestic parliamentary in Uzbekistan. Moreover, these issues also have practical significance, since their study will enrich the existing methodology and methods of scientific and expert assistance to the activities of the chambers of the Oliy Majlis.

Strengthening the scientific potential of the parliament, like any other government body, is currently acquiring particular relevance due to the increasing trends in all countries of a close relationship between practice and science, the formation of new effective forms of interaction between government bodies and scientific institutions, ensuring not only effective the functioning of government bodies, but also their adoption of effective decisions that actually solve pressing problems of the state, society and citizens. In this regard, we fully support the thesis that scientific and expert support is today an integral part of the work of any government body. With the increasing volumes of knowledge necessary to make informed political decisions, it becomes one of the factors for increasing the rationality of management and helping to minimize negative results.⁶

Despite this, unfortunately, it should be noted that the problems of scientific and expert

⁶ A.P. Torshin. Scientific and expert support for parliamentary activities. Collection of materials. Analytical Bulletin – M. No. 11 (529.P.4)

support for parliamentary activities are new both for the science of parliamentary law and for constitutional law in general. Moreover, the legal literature also pays insufficient attention to the problems of scientific and expert support for parliamentary activities, which, in our opinion, is largely due to the lack of research into the conceptual apparatus of this institution, the lack of scientific knowledge and theoretical approaches to defining fundamental concepts related to scientific research.

The definition of fundamental concepts related to scientific and expert support for parliamentary activities, in our opinion, should begin with the division of this institution into two independent concepts: scientific support for parliamentary activities and expert support for parliamentary activities.

According to reference information, the concept of “scientific support of any activity” is understood as a complex of scientific, scientific-technical, organizational and other activities aimed at obtaining (development) and effective implementation of new knowledge, equipment and technologies to solve problems of any activity. They also provide a slightly different interpretation of this concept, according to which scientific support, for example, of law enforcement activities of internal affairs bodies is understood as a process based on the needs of law enforcement practice, the essence of which is manifested in the assimilation and application of normative, information, methodological documents and materials necessary for adoption and implementation of effective management decisions aimed at strengthening law and order.⁷

When studying the latest interpretation, we noticed one circumstance that, in our opinion, requires scientific clarification. Some scientists, when discussing the institution of scientific support for any activity, understand this concept as legal support, which, in our opinion, is an incorrect statement from the point of view of the methodology of this institute. In this regard, we fully support the opinion of the Russian scientist A.N. Arzamaskin, who proposes to define the category of legal support as a scientifically grounded, consistent system of legal means by which civil society and the state influence social relations, based on the priority of tasks facing society and the goals they pursue.⁸

As for the concept of “expert support for any activity,” it is given interpretations that are fundamentally different in content, which, in our opinion, are not unambiguous and raise many questions.

Thus, according to the Russian scientist V.D. Grazhdan, expert support consists of civil servants developing optimal assessments of one or another activity of managed objects and identifying their significance in a given system of social connections.⁹ From this definition it follows that the author understands by this concept, firstly, the activities not of third-party organizations (expert organizations, experts), but of the organization itself, which requires expert support, i.e. internal affairs of the organization. We cannot agree with this approach, since the word “provision” itself etymologically implies external assistance, outside help. Secondly, the researcher assumes that expert support can be carried out by any civil servant, and not by a person with special knowledge and skills in carrying out expert activities. This approach equates the concepts of “expert support” and “analytical support,” which is incorrect from the point of view of the sociology of law.

Thus, we can conclude that scientific and expert support for parliamentary activities are somewhat different concepts from each other, having their own specifics, their own characteristic

⁷ See: Manzhukova O.A. “Legal improvement of scientific support for the activities of internal affairs bodies.” Article in the journal “State and Law”. Section “Legal Sciences”-M.2010.No.6. P.28

⁸ Arzamaskin A.N. Definition of the concept of “legal support”: statement of the problem. Journal “Science and School”. 2016. No. 6. P. 50

⁹ Citizen V.D. State civil service - M. 2007. P.47

features and characteristics.

What should be understood by these two fundamental terminological definitions?

Summarizing the scientific works published and studied by us on this issue, the opinions and statements of scientists during scientific forums, representatives of the expert community, we can give the following definition to the concept of “scientific support of parliamentary activities” - this is the activity of scientific institutions and individual scientists in giving various kinds of expert opinions on issues considered by parliament and its bodies: committees, commissions, factions of political parties, as well as individual deputies on the basis of parliamentary or deputy requests or within the framework of working groups (scientific expert councils) created by parliament or its bodies for their scientific validity and expediency, as well as assessing their quality taking into account the achievements of modern science.¹⁰

Scientific support for parliamentary activities is somewhat different from the concept of “expert support for parliamentary activities” in the following ways.

Firstly, scientific support for parliamentary activities is associated with the substantiation of issues considered by parliament, its bodies and deputies, only from the point of view of the latest scientific achievements, while expert support for parliamentary activities is carried out on the basis of advanced developments in technology and modern technologies.

Secondly, scientific support for parliamentary activities can be carried out in various forms: participation of the scientist in the work of the working group created by parliament and its bodies;

providing scientists (a group of scientists) with advice to a parliamentary body or an individual deputy during their consideration (discussion) of a specific issue (in the process of preparing a document) as an involved scientist;

preparation by scientists (a group of scientists) of scientific information on a specific issue in accordance with a parliamentary or deputy request.

Expert support for parliamentary activities is usually carried out in one form: in the form of an opinion on a specific issue or a draft document.

Thirdly, scientific support for parliamentary activities, as a rule, is not regulated by any procedural rules and is usually carried out arbitrarily, solely on the basis of the power of parliament, its bodies or deputies enshrined in law to involve scientists and specialists from government bodies and scientific institutions in the implementation process their functional responsibilities.

Expert support for state activities, including the work of parliament in many countries, including the Republic of Uzbekistan, is regulated by special laws that establish special requirements, conditions and grounds for the implementation of certain types of expert activities to the person authorized to carry out this type of activity - to the expert. In particular, in the Republic of Uzbekistan, as in many CIS member countries, forensic activity is established at the legal level. In addition, the institution of scientific expertise is established at the level of law, its definition, basic principles and requirements for experts are given (Article 26 of the Law of the Republic of Uzbekistan “On Science and Scientific Activities”; Article 14 of the Federal Law of the Russian Federation “On Science and State Scientific and Technical politics”). For example, in the Law of the Irkutsk Region dated January 17, 1997. No. 4-OZ “On laws and other regional normative legal acts” contains Chapter 5, dedicated

¹⁰ In addition to the above authors, also S.E. Naryshkin. Parliamentary law of Russia in the focus of science. Article in the “Journal of Russian Law” - M. No. 9.2015. P. 7; Efficiency of the law (methodology and specific studies). Responsible editor. Yu.A. Tikhomirov - M.1997.P.26; Law, stability and dynamics. Responsible editor T.Ya.Khabrieva-M.2007. P.14.

to the scientific examination of draft laws and other regional normative legal acts.” It defines the concepts and tasks of scientific examination, its types, status, the obligation to conduct scientific examination of individual bills, the procedure for appointing this examination, the timing of the examination, the requirements for the content of the conclusion of this examination and the register of experts authorized to conduct this type of examination.

From all of the above, we can formulate a definition of the concept of “expert support for parliamentary activities,” by which we mean the activities of a specially authorized specialist in the field of science or technology to conduct a special study - an examination of a draft document presented by parliament, its body or an individual deputy for its scientific and technical validity " At the same time, the expert, in contrast to the scientist (group of scientists) providing scientific support for parliamentary activities, assumes personal responsibility for the quality and reliability of the presented conclusion.

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