



PROSPECTS FOR THE DEVELOPMENT OF REGULATORY IMPACT ASSESSMENT IN THE NATIONAL LEGAL SYSTEM

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ABSTRACT

The article analyzes the prospects for the development of regulatory impact assessment in the legal system of the Republic of Uzbekistan as a tool for improving the quality of law-making and public administration. The main problems of implementing the ODS procedure are considered and the need for its further institutional development, taking into account national peculiarities and foreign experience, is substantiated..

At the current stage of development of public authority in the Republic of Uzbekistan, the formation of a more effective and rational system of public administration remains a priority. A special place in this process is occupied by the regulation of entrepreneurial activity carried out through state regulatory policy, in the structure of which the assessment of regulatory impact acts as an independent and functionally significant institution.

The regulatory impact assessment focuses on a comprehensive analysis of proposed regulatory decisions, taking into account the specifics of the national legal and socio-economic environment. Its application is aimed at identifying redundant or potentially restrictive provisions in draft regulatory legal acts affecting the business sector, as well as at preventing unjustified expenses that may arise from both business entities and the state as a whole. In the context of increasing complexity of socio-economic processes, accompanied by the impact on business of a combination of external factors, including fiscal instruments, control and supervisory activities and other forms of administrative influence, as well as against the background of limited income growth, improving the quality of legal regulation of business relations is of systemic importance. In this regard, the improvement of regulatory solutions can be considered as one of the factors contributing to the sustainable development of the economy. The Institute for Regulatory Impact

Assessment performs the function of coordinating and rationalizing the law-making process, providing an opportunity for the addressees of legal regulation to participate in the discussion and evaluation of proposed regulatory solutions. Due to this, ODS acts as a tool for an institutionalized dialogue between the state and society, allowing it to take into account the positions of stakeholders and thereby increase the degree of validity, predictability and effectiveness of adopted regulatory legal acts. The need for consistent development of institutions aimed at assessing the effectiveness of public authorities, including the legislative bodies of the Republic of Uzbekistan, is confirmed by the conclusions of modern research in the field of law-making. These studies focus on the need for such legal and organizational

mechanisms that would enhance the validity, responsibility and quality of decisions made at the stages of preparation and adoption of regulatory legal act.

In this regard, the formation of a transparent system of legal regulation is of particular importance, characterized by internal consistency, the absence of contradictions and the availability of regulatory material for the recipients to perceive legal regulations. These conditions are prerequisites for sustainable compliance with the requirements of legislation and the formation of public confidence in the activities of state institutions.

At the same time, the expert community draws attention to the fact that one of the key reasons for the instability of the regulatory framework remains the low level of quality of the laws adopted. This problem is greatly aggravated by the accelerated pace of their development and adoption, which is often due to a formal approach to the implementation of tasks, which negatively affects the content of regulations and the effectiveness of their subsequent application.

As a result of the adoption of regulatory legal acts that have not undergone proper professional and analytical study, it becomes necessary to repeatedly adjust them, as well as an increase in the volume of subordinate regulations. Together, this leads to fragmentation of the legal array and a decrease in the quality of legal regulation in general. The widespread practice of repeatedly changing regulations and then canceling them indicates the presence of persistent structural problems in the law-making system and an insufficient level of institutional responsibility in making regulatory decisions.

Among the priorities of the regulatory impact assessment is the reduction of excessive forms of administrative impact, as well as the creation of effective tools for the preliminary identification and exclusion of regulatory legal decisions that do not have regulatory expediency and impose unjustified restrictions. The implementation of this function at the stage of preparation and adoption of regulatory legal acts is aimed at forming a stable and balanced model of legal regulation focused on achieving optimal regulatory results.

International practice shows that the institution of regulatory impact assessment is widely used in the law-making activities of States with a developed legal system. In these countries, this mechanism has proven its practical effectiveness and has subsequently been adapted by national legal systems, including the legislation of the Republic of Uzbekistan.

A distinctive feature of the use of regulatory impact assessment in States with significant experience in its use is the lack of a unified approach to the institutionalization of this procedure. ODS implementation and implementation models are formed individually in each state, taking into account the specifics of the political and legal structure, the level of socio-economic development, historical and cultural factors.

The scope of the regulatory impact assessment is not limited solely to the regulation of business relations. This mechanism is also actively used in other areas of government regulation, including environmental protection and socially significant areas where regulatory decision-making requires taking into account public interests and conducting a comprehensive analysis of the possible consequences of legal impact.

The consistent dissemination and institutional strengthening of regulatory impact assessment in Western legal systems reflects the general trend in the development of the

concept of rational, or so-called "smart" regulation, which is based on the idea of continuous improvement of legal mechanisms and recognition of the potential for their further optimization.

At the same time, the effectiveness of the regulatory impact assessment procedure is largely hampered by the insufficient level of awareness of participants in public and economic relations about the essence, goals and practical capabilities of this institution. This circumstance determines the low degree of their participation in ODS procedures. Despite the formal establishment and functioning of the relevant mechanism, its practical impact remains limited due to the lack of a systematic information policy aimed at clarifying the meaning and instrumental potential of regulatory impact assessment, primarily among economic entities.

A significant part of business entities, whose legitimate interests should be taken into account in the framework of the regulatory impact assessment procedure, primarily representatives of small and medium-sized businesses, currently do not have sufficient knowledge about the existence of this institution, as well as about its practical potential and application possibilities.

An additional limiting factor in the use of regulatory impact assessment mechanisms is the low level of trust among participants in economic relations in their real ability to influence the content and direction of law-making decisions. This circumstance naturally reduces the motivation of subjects to use democratic forms of participation in regulatory processes. In conditions where participation in the assessment procedure is not mandatory, a significant part of potential participants prefer to take a passive position, refraining from involvement in the relevant processes.

As a result, even institutional mechanisms borrowed from foreign practice and proven effective in other legal systems face a number of structural and behavioral limitations that deform the very idea of broad public participation in shaping regulatory decisions. It should be noted that the institute for regulatory impact assessment has been established and is formally functioning, but there is insufficient sustained interest in its development and substantive content in practice. The scientific literature justifiably indicates that the ODS procedure is often perceived as a formal requirement, which leads to a tendency to formalize its application and transform public consultations with interested parties into their imitation.

At the same time, further institutional development of regulatory impact assessment is impossible without systematic efforts to raise awareness among the business community and society as a whole about the importance and possibilities of this tool, expand its scope, reduce administrative barriers to participation, and generate real interest in the use of ODS on the part of government authorities. At the same time, the accumulation of practical social experience of participation in public decision-making is of key importance, which can ensure a stable and effective model of interaction between public authorities and society in the field of regulatory policy..

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