

THE ROLE AND SIGNIFICANCE OF INCORPORATION IN THE PROCESS OF SYSTEMATIZING LEGISLATION

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Abstract

This article provides a detailed analysis of incorporation, one of the main forms of systematizing legislation. Incorporation is the process of combining existing normative legal acts into compilations without changing their content, and its specific features that distinguish it from codification are substantiated. The article discusses various types of incorporation, including official, unofficial, and semi-official forms, as well as modern electronic incorporation and their practical relevance. In particular, the electronic incorporation system in Uzbekistan is examined, along with its advantages and existing shortcomings, based on a social survey. The author also presents practical recommendations for improving the legislative systematization process.

Keywords: Systematization of legislation, incorporation, semi-official incorporation, electronic incorporation.

Introduction

Systematization of legislation is an important legal process that regulates the legal system and allows for the application of legal norms with clarity and convenience. There are several types of systematization of legislation, each with its own approach and purpose. In this article, we will examine the concept of incorporation, its role in the legal system, and how it differs from other types of systematization. The term “incorporatio,” derived from Latin, means “to unite into one body” and is noteworthy as a pure form of systematizing legislation.

In the course of our research, we will analyze the conceptual foundations of incorporation, its classical and modern forms, particularly its development in the form of electronic incorporation, as well as its practical application and existing issues in Uzbekistan. Based on these analyses, we will draw specific conclusions regarding the importance of incorporation in legislation and ways to improve it.

METHODOLOGY

The aim of this study is to offer solutions to theoretical and legal issues related to understanding the concept of incorporation. The main goal of the research is to analyze the concept of incorporation from a theoretical perspective, identify existing problems in practice, examine them, and propose alternative legal and organizational solutions. To achieve these goals, the



author used various methods such as sociological analysis, comparative analysis, and logical analysis.

DISCUSSION AND RESULTS

The term *incorporation* originates from the Latin word “*incorporatio*,” meaning “to unite into one body” [1]. We hold the view that incorporation can be regarded as a pure type of systematization of legislation. To substantiate this opinion, it is appropriate to define the concept of incorporation and analyze its specific characteristics.

Incorporation is the process of combining existing normative legal documents into collections or compilations without altering their norms [2]. In our opinion, this definition helps to understand the general meaning of incorporation and briefly highlights its difference from codification. However, to fully comprehend incorporation, each of its features must be analyzed.

First, in incorporation, a normative legal document is changed only externally, not internally. Legal scholar T.A. Zheldybina also emphasizes this feature of incorporation and notes that it distinguishes it from codification. That is, in the process of codification, the norms of legal documents are also altered, and existing conflicts or gaps are resolved—unlike in incorporation [3]. Indeed, this feature can be considered the main distinguishing factor between incorporation and codification. Because, as previously mentioned, codification increasingly reflects elements of legislative drafting, while incorporation does not; instead, it demonstrates the true nature of systematization since documents are changed only externally, without legislative intervention. In the process of incorporation, legal norms cannot be amended.

Second, incorporation aims to facilitate the search for normative legal documents. This is its main goal and one of its primary differences from codification. To achieve this goal, various methods of incorporation are used, such as chronological, alphabetical, and subject-based systems. In chronological incorporation, documents are compiled based on the year they were adopted. In alphabetical incorporation, documents are arranged according to the alphabet. However, the most popular and widely used method is subject-based incorporation, where legal documents are systematized according to their topic. Many scholars define subject-based incorporation as the most essential and important method.

Third, incorporation does not resolve conflicting norms by merging them. It is known that during codification, conflicting norms are resolved within the process itself. In contrast, in incorporation, legal norms remain unchanged, and thus such conflicts are not addressed.

Fourth, the result of incorporation is not a new normative legal document. The incorporated document is not considered a new, separate legal act. Rather, the result of incorporation is a base of legal documents arranged in a certain order, not a new legislative act.

Fifth, the subjects implementing incorporation can vary. Based on the subject performing it, incorporation can be classified into three types:

- Official incorporation – when legislative documents are systematized in the form of collections by the body that issued them. For example, the bulletins of the Chambers of the Oliy Majlis of the Republic of Uzbekistan and the collected laws published periodically represent official incorporation.



- Unofficial incorporation – when systematized collections are prepared by organizations or entities not specially authorized to do so (e.g., by legal publishers or research institutes).
- Semi-official (officiose) incorporation – when collections or compilations of legislative documents are published by bodies authorized to systematize legislation (typically by the Ministry of Justice). Since independence, the Ministry of Justice of the Republic of Uzbekistan has published multi-volume chronological collections titled “New Laws of the Republic of Uzbekistan.” Currently, the “Collection of Legal Documents of the Republic of Uzbekistan” is being published.

Although the above describes traditional incorporation, in our opinion, electronic incorporation is becoming increasingly significant today. As its importance rises, the relevance of traditional incorporation diminishes. Russian scholars have also mentioned this in their works [4]. The Belarusian legislature defines electronic incorporation as the systematization of legislative documents in electronic form and their publication on a public website. In Russia today, incorporated legal documents are not only published on official government websites (<http://pravo.gov.ru>), but also on widely used private websites such as “ConsultantPlus”, “Garant”, and “Kodeks”.

In Uzbekistan, the best example of an incorporated legal database is <https://lex.uz>. This website compiles all normative legal documents and continuously provides updated versions, making it one of the most reliable sources. This national legal database is maintained by the Ministry of Justice.

However, we believe that there are some issues in the electronic incorporation system in Uzbekistan. In a social survey conducted among law students, the following problems were identified [5]:

- The search system based on keywords does not always yield effective results. Moreover, the system has poor capabilities to identify context or synonyms. A more advanced system utilizing current artificial intelligence technologies should be developed.
- Subject-based incorporation should be included in the electronic system. As a result, citizens can quickly and easily access systematized legal documents relevant to their interests, and find solutions to their legal concerns.
- Language issues in documents should be corrected. Some documents are available only in Russian, which is inappropriate considering that Uzbek is the state language. Moreover, practices should be established to publish legal documents in English as well, which would greatly assist researchers.

We believe that if such technical shortcomings are addressed, access to legal documents and their application in practice would become more effective in our country.

CONCLUSION

The above analysis demonstrates that incorporation stands out as a pure and significant form of systematizing legislation. Its main advantage lies in maintaining the original content of legal norms while making them accessible in a systematized format. This simplifies the practical application of law and contributes to the enhancement of legal awareness.

With the advancement of modern technologies, electronic incorporation has become a particularly relevant issue. Although Uzbekistan already has an electronic incorporation system



in place, its effectiveness should be improved by addressing a number of technical and content-related deficiencies. These include enhancing the search system using artificial intelligence, implementing subject-based incorporation, and ensuring that legal documents are available in full and in various languages.

In conclusion, the modern forms of incorporation can make legislative systematization more efficient, convenient, and accessible to the public. This is a crucial step toward building a law-based state.

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