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Legal policy as a fundamental basis for forming the concept of law-making policy

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Abstract: This article comprehensively highlights the theoretical and practical aspects of the concept of legal policy, its role and functional significance in public administration. As the subject of the study, legal policy is considered an important direction of state policy. The author analyzes the dual nature of legal policy — as policy based on law, and as law used as an instrument of political governance. The study reveals the theoretical foundations of the interaction between politics and law, emphasizing the need for their balance and consistency as a condition for democratic reforms. The methodological basis includes general theory of law, systematic, functional, and analytical approaches. The article scientifically substantiates the structure of legal policy, its types and forms of expression, in particular, the relationship between lawmaking policy and law enforcement policy. As a result, it is established that effective implementation of legal policy serves as a guarantee of democratic development. The conclusion emphasizes that legal policy represents the nationwide nature of state policy and is the main driving force of legal reforms. This approach contributes to establishing legal policy as an independent and leading category of legal theory.

Keywords: Legal policy, state policy, lawmaking, law enforcement, political-legal system, legal regulation, democracy, rule of law.

Introduction: In the process of building a modern rule-of-law state, the inseparable link between politics and law is gaining ever greater importance. In particular, legal policy is an important avenue of state activity aimed at regulating society through law and ensuring social stability, while defining its theoretical foundations

remains one of the pressing issues of jurisprudence.

The purpose of this article is to provide a theoretical analysis of the essence and content of the concept of legal policy, its structure and principal types, and to elucidate the place of legal policy within the policy of law-making.

Within the scope of the study, the views of scholars such as A.P. Mazurenko, N.I. Matuzov, A.V. Malko, L.A. Korobova, O. Rybakov, N.V. Putilo, K.V. Shundikov, N.V. Isakov, and V.V. Subochev on legal policy are examined. Their approaches allow legal policy to be considered as an effective strategy of legal regulation. At the same time, other approaches are critically examined as well—such as the narrow view of politics as a process carried out exclusively by legal instruments.

METHODS

The study explores the dual nature of the concept of legal policy on the basis of the interrelationship of its components—the policy of law-making and the policy of law enforcement. The hierarchy of normative legal acts and the influence of legal policy on the principle of the rule of law were also examined.

As its methodology, the research employed methods of systems analysis, the logical-analytical method, comparative analysis, and interpretation of normative documents. The object of the study is the theoretical model of legal policy, while the subject is the mechanisms for exercising state power through legal policy.

RESULTS

The theory of state and law, like any other branch of jurisprudence, possesses a distinctive categorical apparatus composed of general scholarly concepts that mirror various phenomena of legal reality. It is well known that most of these concepts have reached us from ancient times, while a significant part was shaped by jurists of the modern and contemporary eras. Yet the process of cognition is irreversible, and the dialectic of its development demands the creation of new concepts—among which the notion of legal policy undoubtedly belongs. It is no exaggeration to state that legal policy is a unique phenomenon. Its uniqueness lies, above all, in the fact that it objectively pertains simultaneously to both law and politics.

It should be especially emphasized that politics, by its very nature, seeks the normative shaping of political relations, which, when necessary, must assume the form of legal relations—finding expression in laws, treaties, constitutions, and other state decisions. Thus, it is precisely the connection with law that turns politics into a factor ensuring social stability and the sustainability of social relations. Otherwise, a continuous chain of political changes arises (a zone of political instability), leading to great hardships for people. Practice shows that under normal conditions law and politics can act as allies, closely cooperating with each other and assisting one another in achieving common goals. This is possible if politics is legally oriented and develops and is implemented by legal means, corresponding to the ideals of law—that is, if it is legal in nature.

In a modern democratic political system, law performs at least two principal functions: first, it protects the private interests of individual citizens and their associations; second, it recognizes, confirms, or rejects the possibilities of particular actions by political actors—that is, it legitimizes politics while simultaneously ensuring the legitimacy of the decisions adopted. [1, 34-p].

The validity of this approach is confirmed by the view that a genuinely democratic political regime does not exclude the struggle for political power. However, the role of law in this process lies in ensuring the creation and strengthening of just political and state institutions and legal norms that correspond to the natural rights and freedoms of individuals, provide non-violent and lawful forms of conflict resolution, and facilitate civilized political discourse. [2, 14-p].

Thus, it can be said that law serves as an effective stabilizer of political life, an expression and safeguard of justice, and a barrier to the voluntaristic attempts of leaders and officials at all levels. In the twentieth century, the idea also emerged that “law is a means of governance and the implementation of policy in life.” [3, 21-p]. This proposition can be reinforced by emphasizing that law is a mechanism for the exercise of legitimate political power, grounded in the following managerial and social characteristics:

- the open and public nature of the norms applied in law;
- the diversity of sanctions employed within the legal framework, allowing for the selection of the most appropriate means of regulating social life;
- the clear delineation and strict definition of the rights and duties of participants in legal relations;
- the relative stability of legal norms and their low susceptibility to arbitrariness and the personal qualities of office-holders;
- the “uniformity” of the law, which functions as a “universal, equal criterion for all.” [4, 14-p].

In this connection, it should be especially noted that the very idea that law serves as a means of governance and the implementation of policy underlies the

development, practical formation, and realization of the theoretical foundations of legal policy. Moreover, legal policy has come to be understood not only as a "means of governance" but also as a "means of limiting power by law." As N.V. Putilo observes, "the phenomenon of legal policy is inherent in any state. A serious conversation about the legitimacy of state power is possible only from the 'heights' of legal policy." [5,128-p].

The interaction between law and politics can be highly effective, provided one is always able to find the optimal balance between them. Such balance is usually achieved when politics assumes a legal character. The very term "legal policy" shows that the two phenomena are closely linked and follow the same vector of development. In other words, they perform the same functions while employing their own methods. If politics is the art of what is attainable and expedient, law is the art of what is good and just. These functions do not contradict each other. [6, 29-p]. In my view, it is difficult not to agree with the correctness of this assertion.

It should be noted that the phrase "legal policy" is important from the standpoint of various disciplines—most often from such fields of knowledge as jurisprudence and political science. Accordingly, either the political-science or the legal aspect of this phenomenon becomes determinative. It is clear that in the legal sciences the term "legal policy" has a completely different meaning than in political science. Therefore, it should be stated at once that in this study the concept of "legal policy" is examined precisely from the perspective of the general theory of law.

At the same time, it should be observed that the term "legal policy" has been most systematically employed by legal scholars at the sectoral level, in particular by specialists in the field of criminal law. An independent doctrine of criminal policy has already taken shape here. However, despite the topic's relatively thorough treatment, scholars have yet to reach a consensus—particularly regarding the nature and essence of this type of state policy. In the literature, criminal policy is interpreted in various ways. The substance of these differences is set out well by A. I. Korobeev. [7,41-p]. At the same time, debate primarily centers on the relationship between the concepts of "criminal policy" and "policy in the sphere of combating crime," whereas the question of the nature of such policy is scarcely discussed. This indicates that the term is used rather formally, without specific semantic content and without attempts at a deep scholarly analysis of the concept it conveys.

To confirm this, we cite the viewpoint of N. A. Belyaev, who holds that politics as a whole is an ideological category, that is, "a set of ideas formulated by the bodies that determine policy." [8, 12-p]. Boshqa holatda u jinoyat siyosati - davlat tomonidan ishlab chiqilgan va jamiyat rivojlanishining obyektiv qonunlariga asoslangan davlat va jamoat organlari hamda tashkilotlarining mehnat ahli manfaatlarini jinoiy tajovuzlardan jazo qo'llash yo'li bilan himoya qilish bo'yicha faoliyat yo'nalishidir, deb ta'kidlab, urg'ularni o'zgartiradi[9, 15-p]. In another instance he shifts the emphasis, asserting that criminal policy is a line of activity pursued by state and public bodies and organizations to protect the interests of working people from criminal encroachments through the application of punishment—an activity devised by the state and based on the objective laws of social development \[9, p. 15]. Such a sharp shift in emphasis when describing the concept in question—from a "complex of ideas" to a "line of activity"—does not clarify the essence of this complex politico-legal phenomenon. The example cited is not the only one; therefore, it is advisable to analyse in greater detail the characteristic definitions of legal policy offered in the literature.

A number of authors understand legal policy as a policy founded on law. For instance, K. V. Shundikov defines legal policy as a set of legal ideas, attitudes, principles, aims, tasks, priorities, and also legal means directed toward ensuring an optimal level of development and functioning of social relations. In his view, the distinguishing feature of legal policy is that it is grounded in law and is manifested in the state's adoption of the relevant normative acts and the implementation of law-enforcement activity on their basis. [10,149-p].

Thus, this term is understood as a policy carried out by legal means. It is in this sense that the term is used in a number of scholarly studies devoted to issues of legal policy. It is well known that policy can be implemented by various means: organizational, economic, technical, and also legal. Numerous normative legal acts can be cited as confirmation of this.

Another matter is that if one characterizes legal policy solely as a policy conducted "through law" or "by means of legal instruments," such an understanding substantially limits the meaning and potential of this phenomenon. Accordingly, the literature contains the opinion that a policy may be considered legal if it is carried out within the framework of the law. In particular, Y. Y. Permyakov writes: "If power relies on law, there is every reason to regard it as legal policy." [11,6-p]. Such an assertion cannot be accepted even in part, for this position reflects merely an instrumental approach to the essence of law, assigning the leading role in this unique tandem to concrete policy rather than

to law. This understanding of the concept of legal policy creates a dissonance with the theory and practice of the rule-of-law state. At the same time, as practice has repeatedly shown, where policy "relies only on law" yet "is not confined by it," the likelihood arises of both unexpected policy shifts and outright arbitrariness. In such circumstances, policy fashions a law convenient to itself "for the convenience of leaning on it."

There are, however, other approaches to describing the essence of legal policy. For instance, V. V. Subochev maintained that legal policy is the most optimal form of governing and regulating social relations, grounded in an optimal combination of legal instruments and juridical structures that together constitute an effective mechanism of legal regulation—one that manifests itself in various forms, encompasses all levels of authority, accords with the elaborated concept of the state's development strategy, and pursues socially beneficial goals. [12, 145-p].

O. Rybakov, for his part, suggests examining the concept of legal policy in both a narrow and a broad sense. In the narrow sense, legal policy is the development and implementation of tactics and strategy in the sphere of creating and applying law on the basis of the general principles of humanism. In the broad sense, it is, above all, the activity of state and local authorities, public associations, and individuals that encompasses a system of ideas, goals, measures, and methods ensuring the functioning and reproduction of a legal mechanism grounded in the Constitution and the norms of international law, aimed at realizing the interests, rights, and freedoms of the individual in interaction with his or her duties. [13, 30-p].

The definitions cited constitute an attempt at a profound scholarly analysis of the phenomenon under study; however, in our view, they are marked by excessive detail and breadth, which hampers a clear understanding of the meaning of the concept they address.

Analysis of research results

In our view, a more successful approach to defining legal policy is demonstrated by N. I. Matuzov and A. V. Malko in their works on the subject. Thus, N. I. Matuzov maintains that legal policy, as a general type of policy (as a general concept), is a complex of measures, ideas, tasks, goals, programs, and methods implemented in the sphere of legal influence and through law. [14, 28-p][15, 15-p]. The given definition quite fully reflects the essence of the phenomenon in question, since, on the one hand, it points to the organic connection of legal policy with the ideas, tasks, and attitudes directed toward the study of this politico-legal phenomenon, and, on the other, it orients toward the implementation of strategic and tactical decisions in the sphere of legal influence and by means of law.

According to A. V. Malko, "legal policy is a scientifically grounded, consistent, and systematic activity of state and local authorities in the cultured use of legal means to achieve such goals as improving an effective mechanism of legal regulation, fully safeguarding the rights and freedoms of the individual and citizen, strengthening discipline, legality, and law and order, forming rule-of-law statehood, and developing a high level of legal culture in the life of society and the individual." [16, 15-p].

The scholarly value of such a definition lies in the fact that

first, legal policy is characterized as a scientifically grounded and systematic activity conducted not only by state bodies but also by non-state entities;

second, it is not an abstract activity, but a purposeful one connected with law—both within the sphere of legal influence and by means of law;

third, this understanding of legal policy makes it possible to view the phenomenon as "the result of abstract intellectual work," placing the notion and category of legal policy among the important concepts that hold a worthy place in the general theory of state and law.

A similar viewpoint is upheld by I. S. Morozova, who understands legal policy as state activity aimed at creating legal conditions that give rise to—and ensure the functioning of—processes and changes in society that are beneficial to the state. [17, 150-p]. This viewpoint is close to that of the author, yet in our opinion it does not sufficiently highlight the strategic orientation of this activity and its systematic nature. After all, any policy—whether in the sphere of law, economics, science, or education—implies not only urgent, day-to-day, routine activity; as A. V. Malko noted, real policy is linked with anticipating situations, predicting new "movements" of reality, and presupposes scientific forecasting, planning, and so forth. In public consciousness, policy is always understood as an activity that is strategically and tactically elaborated, aimed at the future, and carried out in accordance with a pre-established plan.

A definition close to this approach is the following: legal policy as the state's strategy of activity in the sphere of legal regulation. It is in this sense that A. P. Korobova employs the category "legal policy." She emphasizes that, by its very nature, legal policy is state activity in the domain of legal regulation. The specificity of this activity

consists in the development and/or implementation of strategic legal ideas—that is, ideas that determine the directions of society's overall development. At the foundation of legal policy lies legal ideology. [19, 7-p].

This definition of legal policy is attractive for its originality in interpreting the phenomenon in question; however, it is essential to exercise moderation—that is, to think and act in such a way that, in so crucial a sphere of nationwide policy as legal policy, ideology does not prevail over law. At the same time, it is impossible to deny that any policy is always a form of ideology, or, in other words, an activity with a definite inner orientation. It is important that this orientation be directed toward the interests of society as a whole rather than those of narrow political groups.

In his doctoral dissertation, which is devoted specifically to the problems of legal policy, N. V. Isakov presents a well-substantiated approach to defining the concept that interests us. Legal policy is understood as a distinctive politico-legal phenomenon that takes shape through the systematic, scientifically grounded activity of the state and public associations, and is directed toward defining the strategy and tactics of society's legal development, improving the mechanism of legal regulation, safeguarding the rights and freedoms of the individual and citizen, and shaping relations for the construction of a rule-of-law state. [20, 30-p].

Despite the soundness of this approach, the author's logical progression raises certain questions. The definition offered does not yield a clear conclusion regarding the nature of legal policy. On the one hand, it refers to a politico-legal phenomenon; on the other, to a systematic, scientifically grounded activity of the relevant actors, which, in our view, appears more plausible. At the same time, demonstrating the simultaneous strategic and tactical orientation of this activity is of particular scholarly value, for it is well known that strategy without tactics is dead. This is confirmed by the fact that even the finest "strategic ideas" cannot be realised on their own without clear tactical steps for their implementation.

The viewpoints presented allow us to regard legal policy as a special form of expressing state policy, a powerful means of transforming society within the constitutional framework. With its help, the legal consolidation and implementation of the country's political course, the will of its leaders and power structures, are effected. It safeguards the social order, develops, and improves social relations.

Proceeding from the above, it can be said that, in its content, legal policy is a complex phenomenon of dual nature. On the one hand, its meaning lies in the fact that it is policy based on law; on the other, it is law used as an instrument of domination and governance in the political sphere of society.

The necessity of legal policy in contemporary conditions stems from the fact that, without it, no other kinds of policy can be carried out in a civilized and reliable manner. An ill-considered and weak legal policy, an imperfect and hollow legal framework, contradictions in legal documents, and undefined priorities likewise lead to failures in the implementation of social, economic, and national policy. [21, 15-p].

In this regard, U. Rybakov stresses that a balanced, systemic, strategically justified, and economically grounded policy is necessary—one that serves the interests of both the individual and the state. In his view, legal policy is not merely a fiction or an ideal remote from everyday realities; rather, it is law itself, which constitutes an indispensable component—indeed, the very foundation—of the category of truth reflected in legislation.[22, 6-p]. Consequently, legal policy is closely connected with law. It possesses an essential unity and fundamental compatibility with law. The literature stresses that legal policy does not—and cannot—exist in a pure, distilled form, without any "external interference," because it serves as a collector and conduit of diverse opinions, needs, and interests (economic, social, cultural) and therefore carries their imprint. Legal policy brings together different spheres of human activity, synthesizing them in norms and institutions, which, in turn, exert a stabilizing influence upon them. [23, 9-p].

According to A. Mazurenko, legal policy is the most optimal, rational, effective, and cultured form of governing society. In principle, any reasonable policy should be legal—that is, it must conform to laws and legal norms, always remain within the legal framework, and meet international standards and the ideals of human rights. [24, 24-p].

To accomplish its tasks, legal policy must be realistic and scientifically grounded, rest on a system of fundamental principles, and set the directions of its activity in such a way that priorities of decisive significance for the development of society and the state remain at the center of attention.

As its primary priority, legal policy must be directed toward safeguarding the most important values in the sphere of legal regulation—above all, the inalienable rights and freedoms of the individual. Yet to genuinely respect and protect human rights, it is essential to create the necessary conditions, among which are the formation of a rule-of-law state and a civil society—goals that, in turn, constitute the main objectives of the country's legal development. In this connection, it is

necessary to carry out political, economic, legal, and other actions—alongside the use of legal-policy instruments—through which every person enjoys not only political rights but also the requisite set of social and economic rights and opportunities.

Summarizing current legal and socio-political realities, the need for legal policy lies chiefly in the fact that without it democratic reforms cannot be implemented. In addition to the aforementioned goals, it must aim at fostering law-abiding citizens, raising their legal culture and legal consciousness, and overcoming legal nihilism.

When formulating a country's legal policy, it is essential—alongside ensuring its full conformity with internationally recognized standards based on global experience—to take into account the specific features of that state. It is fundamentally important that legal policy can be formed only when the ruling elite possesses the political will, the rule of law prevails over politics, and society enjoys stability, accepted order, and predictable conditions.

The analysis carried out allows us to view legal policy as a complex phenomenon with legal, political, social, and ideological aspects. In the Republic of Uzbekistan, these facets are in fact insufficiently balanced; a clear priority of politics over law is often observed. A scientifically grounded legal policy should correct this situation and serve as an important instrument for implementing democratic legal reforms.

Proceeding from the above, legal policy, in our view, should be understood as the scientifically grounded, consistent, and systematic activity of state and non-state structures aimed at creating the conditions necessary for formulating and implementing the strategy and tactics of the country's legal development.

At the same time, the cutting edge of legal policy must be directed first and foremost toward devising legislative measures against arbitrariness, bureaucracy, corruption, crime, terrorism, and disrespect for individual rights. This means that legal policy primarily presupposes active steps in the sphere of law-making, which are primary in relation to all other forms of legal activity.

This is confirmed by the fact that the country's legal policy encompasses various facets and lines of activity of the relevant actors in the field of law—its creation, interpretation, and application. Therefore, from a theoretical standpoint, it is essential to grasp clearly that the structure, functions, content, types, and forms of expression of legal policy are interrelated, underpinning and mediating the implementation of legal policy as a whole.

The literature notes that the legal policy of our state, like that of many other states (including CIS countries), consists of the following main directions, which can fully be regarded as its forms of implementation:

- law-making;
- law enforcement;
- interpretation of legal norms;
- scientific-theoretical (doctrinal) activity;
- legal education, etc.

In our view, the universal forms for implementing legal policy are law-making and law enforcement. These principal directions of legal policy—being the most important and the most comprehensive in terms of content—ought to be recognized as independent types of legal policy, that is, as a policy of law-making and a policy of law enforcement. In light of their particular significance, we shall dwell on them in detail.

The law-making form is embodied chiefly in the adoption, amendment, and rescission of normative legal acts and treaties. The main problem here lies in binding them into a single system. In this process, an important role is played by the legislator's ability to harmoniously combine new and previously adopted normative acts on the basis of a properly developed strategy and tactics on the part of the subjects of law-making.

It is well known that one of the most complex problems of legal reform in the realm of law-making is upholding the principle of strict sequence in the adoption of acts—stemming from the hierarchical structure of the national normative legal system, including the strict dependency in the order of their issuance. At the pinnacle of this hierarchical ladder stands the Constitution of the country, followed by laws, resolutions of the chambers of the Oliy Majlis, decrees and resolutions of the President, government resolutions, departmental documents, and decisions of local state authorities. For example, one of the pressing problems of Russian law-making is ensuring the scrupulous observance of the universally recognized and mandatory hierarchical order of normative legal acts. Because a correct and consistent resolution of this issue has exceptionally important practical significance—especially in situations where conflicts arise between legal norms and it is difficult to determine which norm should be applied in practice.

The literature emphasizes that the rule of law is recognized as one of the fundamental principles of the legal system. This principle presupposes a special role and significance of the legislative form in regulating relations in society, as well as the possibility of preventing (or at least limiting) state arbitrariness. One

of the most important forms of manifestation and qualitative indicators of the rule of law is that, when a collision arises between legal norms and subordinate acts, priority is accorded to the rule of law. This is particularly crucial in the work of the courts and other law-enforcement bodies. [25,131-p]. Unfortunately, in practice both law-enforcement officials and law-makers sometimes lose sight of the principle of the rule of law and the hierarchical structure of the legal system.

Observance of a strict hierarchical relationship among normative legal acts is one of the mandatory and most important requirements imposed on the law-making process, guaranteeing the most effective regulation of social relations through law.

To address these and a number of other problems in Uzbekistan's law-making system, a balanced, scientifically grounded law-making policy must be employed.

An important link between the state's law-making activity and the practical application of legal norms is the policy of law enforcement. It ensures their unity and interconnection in matters of legal regulation. The policy of law enforcement embodies the main directions of the strategy and tactics of state governance while simultaneously expressing the state's position in the practical implementation of legal norms. [26, 26-p].

Law-enforcement policy not only establishes the managerial conditions necessary for the optimal implementation of the legislator's will, but also enables the state to concentrate its efforts on the most important areas of legal regulation; it likewise stimulates law-making bodies to adopt legal requirements that most closely correspond to the objectives of legal policy and take into account the capacities and needs of law-enforcement practice (one of the significant forms of interaction between the subjects of law-making and law enforcement—especially the right of legislative initiative of higher judicial instances—is precisely the right of legislative initiative).

Practice-oriented proposals and recommendations for improving existing legislation, emanating from the subjects of law-enforcement policy, will help to overcome its declaratory features and enhance the effectiveness of legal influence.

The existence and specific characteristics of law-enforcement policy are determined primarily by the following key factors:

- The law-enforcement activity of multifunctional and complex state bodies and officials. Successful implementation of this activity requires the state to pursue a unified and consistent law-enforcement policy. This, in turn, calls for coordination and a systemic approach in all aspects of law enforcement.
- The effective realisation of the legislator's will. This process presupposes taking into account the changing dynamics of social relations, the strategic goals and tasks of the state, and the growing needs and interests of society. Therefore, law-enforcement policy must ensure an optimal match between laws and their practical application.
- State interests in regulating and overseeing law-enforcement processes. This requires managing law enforcement in accordance with the will of the state, ensuring its effectiveness, and maintaining the stability of the legal system.

Law-enforcement policy is directly linked to law-enforcement processes and the activity of specialized bodies and is of primary importance chiefly as a means of safeguarding the general interests of the state and enhancing the effectiveness of legal regulation. A lawful and realistic law-enforcement policy likewise serves as a necessary guarantee for the practical protection of the rights and freedoms of the individual, his or her honor, and dignity. In a certain sense, it is precisely at this stage that legal policy becomes "real policy," because it is implemented in the activity of law-enforcement bodies and directly influences the behavior of legal subjects. The strengthening of guarantees of individual rights, the rule of law, and public order, the implementation of legal responsibility without undue constraints, and other pressing issues are moving from outwardly appealing formulas within the state to actual practice. V. L. Rudkovskiy notes that this circumstance underscores the particular significance of law-enforcement policy in ensuring the stability of state power, public order, and the legality of state authority. [27,222-p].

Taking into account the importance of more thoroughly developing and implementing the principal types and directions of legal policy, it can be said that they constitute the real expression of the state's will in the sphere of legal regulation. This view is also supported by N. I. Matuzov, who holds that one of the most important features of legal policy is its state-volitional character and authoritative-imperative content. [28, 34-p].

According to Matuzov, legal policy is termed "legal" precisely because:

1. it is based on law and connected with law;
2. it is carried out by legal methods;
3. it predominantly encompasses the legal sphere of

activity of individuals and their communities;

4. it relies on the possibility of coercion;

5. it is open—that is, collective and official in nature;

6. it differs from other forms of policy by its normative-organizational foundations.

These factors reveal in depth not only the theoretical basis of legal policy but also its practical significance.

CONCLUSIONS

The findings of the study conducted have demonstrated the necessity of reassessing legal policy as a fundamental component of state policy through a scientifically grounded approach. Legal policy is a politico-legal mechanism based on law, ensuring social stability, possessing a strategic orientation, and serving not only the lawful exercise of state power but also as a means of strengthening legal consciousness, culture, and trust within society. It manifests itself as a harmonious expression of law-making, law enforcement, and normative-legal thinking.

Legal policy is likewise the principal (substantive) foundation for the formation of all its types. This is explained by the fact that they share a unity of nature and common characteristics. Each of them is an activity carried out within the framework of legal policy, which appears as an integral part of that policy—that is, as a separate, specific variety.

Viewed from this standpoint, the status of law-making policy—and its subordinate position vis-à-vis legal policy—becomes evident. The policy of law-making serves to create the necessary conditions for devising and implementing not the general directions of legal development, but one of its crucial areas: the strategy and tactics within the framework of law-making. Hence, legal policy is the broader concept in relation to the policy of law-making. In other words, they are connected in a "whole-and-part" relationship.

As an overall conclusion, it should be noted that if legal policy—and, in particular, its law-making component—is scientifically grounded and developed in accordance with real life, it can become a nationwide policy and a reliable instrument of democratic reforms at the national level.

Based on the results of the study, the following proposals are put forward:

1. Legal policy, as one of the basic categories of the theory of state and law, must possess a systemic concept establishing its independent scholarly status, and, on the basis of this concept, a generally accepted scientific definition of the term "legal policy" should be developed. Within the specialties recommended by the Higher Attestation Commission, a separate line of research may be established.

2. An official procedure should be introduced for the preliminary assessment (expert examination) of normative legal acts developed by bodies of state authority, in particular by subjects of legislative initiative, for their compliance with the strategy of legal policy. These powers have been formally entrusted to the Institute of Legislation and Legal Policy under the President, and legislation should stipulate that an expert opinion issued by this body entails such consequences as the amendment or repeal of the draft normative legal act. It is also possible to establish, under the Legislative Chamber of the Oliy Majlis, a "Center for the Assessment and Harmonization of Legal Policy."

3. A separate Law of the Republic of Uzbekistan "On the Fundamentals of Legal Policy" must be drafted and adopted. This instrument should enshrine the goals, principles, actors, principal directions, and implementation mechanisms of legal policy, as well as clearly define the interrelationship between the policy of law-making and the policy of law enforcement.

4. The subject "Legal Policy" should be introduced as an independent discipline in the curricula of higher legal education institutions, thereby instilling in students a scholarly worldview that forms the basis for a deep understanding of the interrelationship between politics and law.

5. A criterion of "harmony and consistency of legal policy" must be incorporated into the indicators used to evaluate the effectiveness of the legal reforms being implemented in the country, thus creating a system that determines whether adopted documents conform to the current legal policy.

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