

Impact Factor:

ISRA (India) = 1.344
ISI (Dubai, UAE) = 0.829
GIF (Australia) = 0.564
JIF = 1.500

SIS (USA) = 0.912
PIHHI (Russia) = 0.179
ESJI (KZ) = 1.042
SJIF (Morocco) = 2.031

ICV (Poland) = 6.630
PIF (India) = 1.940

SOI: [1.1/TAS](#) DOI: [10.15863/TAS](#)

International Scientific Journal Theoretical & Applied Science

p-ISSN: 2308-4944 (print) e-ISSN: 2409-0085 (online)

Year: 2015 Issue: 11 Volume: 31

Published: 30.11.2015 <http://T-Science.org>

Shuhrat Shavkatovich Mirzayev

PhD in Juridical sciences

The "Juridical sciences" Department

The Mirzo Ulugbek National University of Uzbekistan

naumenko06@mail.ru

SECTION 32. Jurisprudence.

LEGAL REGULATION IN THE RULE ACTIONS SYSTEM

Abstract: In this article the issue of legal regulation mechanism wider phenomenon of 'legal regulation', the first category covers the second one is consider. In fact (and this is recognized by most researchers) legal regulation mechanism is part of the broader phenomenon such as a legal regulation.

Key words: legal regulation, legal behaviour, legal consciousness, forms of the right.

Language: English

Citation: Mirzayev SS (2015) LEGAL REGULATION IN THE RULE ACTIONS SYSTEM. ISJ Theoretical & Applied Science 11 (31): 144-146.

Soi: <http://s-o-i.org/1.1/TAS-11-31-23> **Doi:**  <http://dx.doi.org/10.15863/TAS.2015.11.31.23>

Review of the scientific literature on legal regulation, functioning of the right shows an interesting picture: in most of the studied papers examine issues not strictly legal regulation and its mechanism. As a result, it seems that the issue of legal regulation mechanism wider phenomenon of 'legal regulation', the first category covers the second one. In fact (and this is recognized by most researchers) legal regulation mechanism is part of the broader phenomenon such as a legal regulation. In turn, the legal regulation is covered by the phenomenon of the regulations. I think, it would be correct in this case to consider the category of "legal regulation" to determine its relationship with the category of 'law action'.

Joining the opinion of V.V. Dedyukhin that 'law action is a system category, as elements which are the different types of legal work' [2. 3], said - the eligibility includes items such as legal action and legal regulation. Legal regulation is carried out by means of a system of legal influence on public relations for the purpose of ordering. In turn, the legal effects have varied impact of the complex process of law for the whole social life, i.e., public relations, consciousness and behaviour. These legal conditions do not match; they have some differences that manifest themselves in the following. First of all, the subject of legal action is much broader subject of legal regulation. Legal impacts include some objects that are not subject to active legal regulation, but outside the scope of influence of law. Legal effect - is efficient, legal and organizational impact on social relations as a special system of proper remedies (rule of law, legal, implementation and application of acts)

and other legal phenomena (justice, legal culture, legal principles, the law-making process). Legal regulation has the character of a specially-legal exposure, resulting in its fixed rights and obligations of entities and legal effect and can not wear this nature. Thus, the legal regulation is one of the species of the right. Held the distinction between action and regulation, therefore, allows us to determine the place and role of each element of the mechanism of legal regulation in the general system of legal influence mechanism, define relationships and interactions between these elements.

As noted above, the legal regulation as a legal phenomenon has diverse complex systemic. It is isolated mechanism [3. 69, 73], type [4. 24], tools [5], principles [6. 26], methods, and others. Despite the fact that the legal regulation of consecrated a lot of special scientific papers, they show a largely static and elemental approach. At the same time little attention to such properties as the complexity and dynamic nature of cognitive legal action.

Currently, justified the conclusion that the law formed the theory of legal regulation [7]. Study trends in the development of legal sphere allowed Y.A. Tikhomirov comes to the conclusion that the legal regulation - is the institutional and cognitive mechanism for establishing regulatory and legal rules of behavior (activity), mandatory or recommended, their maintenance and implementation [7. 27]. Initial elements (there are five) of this definition Y.A. Tikhomirov calls purpose and subject of legal regulation, its subject and object, process and stage techniques (methods), and the results of a new cycle. At the same time, according to the scientist, 'the



Impact Factor:

ISRA (India) = 1.344	SIS (USA) = 0.912	ICV (Poland) = 6.630
ISI (Dubai, UAE) = 0.829	PIHIQ (Russia) = 0.179	PIF (India) = 1.940
GIF (Australia) = 0.564	ESJI (KZ) = 1.042	
JIF = 1.500	SJIF (Morocco) = 2.031	

continuity of regulation - an indicator of its effectiveness' [7. 29].

Thus, we can note the following features of legal regulation: a) the complex nature of regulation, including its legal, economic, cultural, social and behavioural aspects; b) assessment and targeted regulation of the process of formation of the objectives, concepts, forecasts, models and forms of legal action, enforcement, evaluation of their effectiveness and measures deviations from the models and standards [8. 12]; c) multi-level nature of the regulation, including on the legal nature of the various regulators and self-regulation; d) the principles of regulation - anticipatory reflection, variation, the objectives of a new legal conditions; typology of regulatory regimes [9. 17], etc.

According to the theory of control means any regulation ordering effects in order to restore order, correctness, driving, development of a phenomenon. Rules designed to regulate social relations, influences the behaviour of people. Thus, under the influence of law is usually understood as the use of all the possible impact on the rights of the consciousness and behaviour of people, all of its forms - educational, motivational and purely legal. Right exerts its influence through complex regulatory granted rights and responsibilities, prohibitions and permitted, establishing legal status. Right as institutional education, as an objective law, consists of many legal rules, rights and obligations, sanctions, other elements of the legal matter. This multi-level, hierarchical structure that exists in society, serving as a specific regulatory phenomenon that has influenced legal system. Only the development of the law could have a positive influence on the governing law and order in society.

M.Y. Osipov, deeply researched the legal regulation as a systemic phenomenon, identified in legal science, several approaches to the concept of 'legal regulation': a) the legal regulation as a unity of three interrelated components of lawmaking, the law realisation, and application of legal liability (P.E. Nedbaylo, V.M. Raw, F.N. Fatkullin, V.A. Shabalin et al.); b) legal regulation as a specific legal effect on the public relations for the purpose of ordering (A.V. Malko, A.V. Polyakov and others); c) the legal regulation of the state as the impact on the behavior of participants in public relations in order to subdue the behavior of individual actors in the society established the rule of law (V.M. Gorshenev et al.); d) legal regulation as the impact on the will of the people (M.F. Orzih et al.); e) legal regulation as a synonym for legal action (E.A. Lukashev, Y.I. Novick et al.); f) The legal regulation of social processes as a guide with the help of the right (E. Bystrikina, M. Lakatos et al.) [10. 11].

Professors S.S.Alekseev and V.P.Kazimirchuk noted that the legal regulation far not covered, all

forms of the right, which include information-psychological, educational, social and others.

Information and psychological (motivational, impulsive) aspect is characterized by the influence of prescriptive (normative) of legal information on the motives of the subjects. There are two main legal means - legal incentives and legal constraints that synthesizes the information and psychological patterns carried out in this process.

Educational (teaching, value - orientation) aspect is the impact of all common ideological legal reality on the inner world of the subject, on the formation of people's minds value ideas on legal education of the individual. This aspect must be distinguished from information and psychological (motivational).

The social aspect is the relationship of legal and other social (economic, political, moral) factors involved in the life of law at all stages of its operation. These factors, taken together, form a social environment of the right: bringing law and regulations to the public; direction behavior of subjects by asking in the legislation socially useful purpose; the formation of the right of socially useful patterns of behavior; social and legal control.

For all the differences in these approaches are discernible features in common - *a process* (activity that lasts over time, usually occur in certain forms and procedures), this effect (organized by the impact on social relations and their subjects, their consciousness and installation), it regulated legal effects (specifically established forms, procedures, rules, methods, etc.), it is productive effects (occurrence of any change in relations, formation or change of consciousness, attitudes, state, behavior, responsibility and other legal consequences). As you can see, the legal regulation is manifested in the activity-regulatory impacts, specifically, the legal aspects and impact.

Legal regulation has its purpose, i.e., desired ideal result, for the sake of which the subject of law-making provides legal regulation of social relations (order and other legal purposes). It has its own object and subject - public relations, events and processes, facts and behavior of their subjects, their consciousness, psychology, attitudes and actions. It is carried out through a variety of means, tools, procedures, laws. He has its own types, methods, techniques and modes. Legal regulation, as well as other kinds of legal activity, has certain functions, i.e., direction of the impact of legal regulation of social relations, manifested in solving specific problems.

Thus, regulatory elements include legal object, object methods, principles, function, purpose, means, methods, types, modes, and, finally, the mechanism of regulation. Legal regulation, being highly organized system legal process itself is part of the broader phenomenon - the action right.

Impact Factor:

ISRA (India) = 1.344	SIS (USA) = 0.912	ICV (Poland) = 6.630
ISI (Dubai, UAE) = 0.829	PIHHI (Russia) = 0.179	PIF (India) = 1.940
GIF (Australia) = 0.564	ESJI (KZ) = 1.042	
JIF = 1.500	SJIF (Morocco) = 2.031	

References:

1. (2013) Konstituciya Respubliki Uzbekistan. Tashkent, Uzbekistan, 2013
2. Dedjuhin VV (2002) Dejstvie prava / Dissertation of the Candidate of Juridical sciences. – SPb., 2002.
3. Kovaleva VV (2007) O ponjatii mehanizma pravovogo regulirovanija // Aktual'nye problemy gosudarstva, prava i upravlenija na sovremennom jetape razvitija rossijskogo obshhestva. Materialy mezhvuzovskoj nauchno-prakticheskoy konferencii (20 nov 2007) – Moscow: Akademiya prava i upravlenija, 2007.
4. Shevyrin EK (2008) Tip pravovogo regulirovanija: teoreticheskie i prakticheskie problemy: Synopsis of the Dissertation of the Candidate of Juridical sciences. – N. Novgorod, 2008.
5. Sapun VA (2002) Teorija pravovyh sredstv i mehanizm realizacii prava. SPb., 2002.
6. Zaharova KS (2009) Sistemnye svjazi principov prava: teoreticheskie problemy Synopsis of the Dissertation of the Candidate of Juridical sciences. – Saratov, 2009.
7. Tihomirov JA (2010) Pravovoe regulirovanie: teorija i praktika. - Moscow: Formula prava, 2010.
8. Tul'teev IT (2008) Pravotvorcheskaja dejatel'nost' i prognozirovanie. Monografija. - T., 2008.
9. Tihomirov JA (2009) O teorii pravovogo regulirovanija: sravnitel'nyj analiz / Zhurnal rossijskogo prava. 2009. № 2.
10. Osipov MJ (2008) Pravovoe regulirovanie kak dinamicheskaja sistema: ponjatie, struktura, funkcii: Synopsis of the Dissertation of the Candidate of Juridical sciences. – Moscow, 2008.

