

# О'ЗБЕКИСТОН QONUNCHILIGI ТАHLILI

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# MUNDARIJA

## 12.00.01 – DAVLAT VA HUQUQ NAZARIYASI VA TARIXI. HUQUQIY TA'LIMOTLAR TARIXI

### 8 **ESHTURDIYEVA FARANGIZ BAXODIR QIZI**

Qonun ijodkorligi jarayonida lobbizmni tartibga solishning siyosiy-huquqiy zaruriyati

## 12.00.03 – FUQAROLIK HUQUQI. TADBIRKORLIK HUQUQI. OILA HUQUQI. XALQARO XUSUSIY HUQUQ

### 16 **MAMANAZAROV SARDOR SHUHRATOVICH**

Biotexnologiya sohasida ishlab chiqarish sirlari (nou-xau): nazariy-huquqiy tahlil

### 24 **ALLAKULIYEV MIRJALOL DAVRONBEKOVICH**

O'zbekiston fuqarolik huquqida delikt majburiyatini amalga oshirish bilan bog'liq muammolar: qiyosiy-huquqiy tahlil va takomillashtirish yo'llari

## 12.00.06 – TABIIY RESURSLAR HUQUQI. AGRAR HUQUQ. EKOLOGIK HUQUQ

### 36 **SADIKOVA DILAFRUZ RADJABOVNA**

Qayta tiklanuvchi energiya manbalaridan foydalanishda sun'iy intellektning o'rni: AQSh, Yevropa Ittifoqi va O'zbekiston qonunchiligi misolida

## 12.00.10 – XALQARO HUQUQ

### 48 **USMANOVA SURAYYO BULTAKOVNA**

JSTga qo'shilish jarayonida turizmga oid milliy qonunchilikni muvofiqlashtirish masalalari

### 58 **BEKIMBETOVA TUMARIS BEKPOLAT QIZI**

Milliy tartibga solish tizimiga raqamli xizmatlar to'g'risidagi akt yondashuvini joriy etish istiqbollari

### 68 **XOLMIRZAYEVA SHOXISTA ARZIQUL QIZI**

Transmilliy xavf sifatida noqonuniy migratsiya: nazariy va amaliy tahlil

## 12.00.12 – KORRUPSIYA MUAMMOLARI

### 75 **AHMADJONOV MURODULLO NURALI O'G'LII**

Korrupsion tarmoqlar murakkabligini o'rganishning ilmiy modeli

# СОДЕРЖАНИЕ

## 12.00.01 – ТЕОРИЯ И ИСТОРИЯ ГОСУДАРСТВА И ПРАВА. ИСТОРИЯ ПРАВОВЫХ УЧЕНИЙ

### 8 ЭШТУРДИЕВА ФАРАНГИЗ БАХОДИР КИЗИ

Политическая и правовая необходимость регулирования лоббизма в законодательном процессе

## 12.00.03 – ГРАЖДАНСКОЕ ПРАВО. ПРЕДПРИНИМАТЕЛЬСКОЕ ПРАВО. СЕМЕЙНОЕ ПРАВО. МЕЖДУНАРОДНОЕ ЧАСТНОЕ ПРАВО

### 16 МАМАНАЗАРОВ САРДОР ШУХРАТОВИЧ

Производственные секреты (ноу-хай) в сфере биотехнологий: теоретико-правовой анализ

### 24 АЛЛАКУЛЛИЕВ МИРЖАЛОЛ ДАВРОНБЕКОВИЧ

Проблемы реализации деликтных обязательств в гражданском праве Узбекистана: сравнительно-правовой анализ и пути совершенствования

## 12.00.06 – ПРИРОДОРЕСУРСНОЕ ПРАВО. АГРАРНОЕ ПРАВО. ЭКОЛОГИЧЕСКОЕ ПРАВО

### 36 САДИКОВА ДИЛАФРУЗ РАДЖАБОВНА

Роль искусственного интеллекта в использовании возобновляемых источников энергии: на примере законодательства США, Европейского союза и Республики Узбекистан

## 12.00.10 – МЕЖДУНАРОДНОЕ ПРАВО

### 48 УСМАНОВА СУРАЙЁ БУЛТАКОВНА

Вопросы гармонизации национального законодательства о туризме в процессе вступления в ВТО

### 58 БЕКИМБЕТОВА ТУМАРИС БЕКПОЛАТ КИЗИ

Перспективы имплементации подхода Digital Services Act в национальную систему регулирования

### 68 ХОЛМИРЗАЕВА ШОХИСТА АРЗИКУЛ КИЗИ

Незаконная миграция как транснациональная угроза: теоретический и практический анализ

## 12.00.12 – ПРОБЛЕМЫ КОРРУПЦИИ

### 75 АХМАДЖНОВ МУРОДУЛЛО НУРАЛИ УГЛИ

Научная модель изучения сложности коррупционных сетей

# CONTENTS

---

## 12.00.01 – THEORY AND HISTORY OF STATE AND LAW. HISTORY OF LEGAL DOCTRINES

### 8 **ESHTURDIEVA FARANGIZ BAKHODIR KIZI**

The political and legal necessity of regulating lobbying in the law-making process

---

## 12.00.03 – CIVIL LAW. BUSINESS LAW. FAMILY LAW. INTERNATIONAL PRIVATE LAW

### 16 **MAMANAZAROV SARDOR SHUHRATOVICH**

Secrets of production (know-how) in the field of biotechnology: theoretical and legal analysis

### 24 **ALLAKULIEV MIRJALOL DAVRONBEKOVICH**

Challenges in the implementation of tort liability in the civil law of Uzbekistan: comparative legal analysis and ways to improve

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## 12.00.06 – THE LAW OF NATURAL RESOURCES. AGRARIAN LAW. ENVIRONMENTAL LAW

### 36 **SADIKOVA DILAFRUZ RADJABOVNA**

The role of artificial intelligence in the use of renewable energy sources: on the example of the legislation of the USA, the European Union, and Uzbekistan

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## 12.00.08 – CRIMINAL LAW. CRIMINAL-EXECUTIVE LAW

### 48 **USMANOVA SURAYYO BULTAKOVNA**

Issues of harmonizing national legislation related to tourism in the process of joining the WTO

### 58 **BEKIMBETOVA TUMARIS BEKPOLAT KIZI**

Prospects for implementing the digital services act approach in the national regulation system

### 68 **KHOLMIRZAEVA SHOKHISTA ARZIQUL KIZI**

Illegal migration as a transnational risk: theoretical and practical analysis

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## 12.00.12 – CORRUPTION PROBLEMS

### 75 **AHMADJONOV MURODULLO NURALI UGLI**

A scientific model for examining the complexity of corruption networks

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## THE POLITICAL AND LEGAL NECESSITY OF REGULATING LOBBYING IN THE LAW-MAKING PROCESS

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**Abstract.** We examine the political and legal necessity of regulating lobbying in the law-making process to promote transparency, accountability, and equal access to influence policy. Based on comparative literature from the United States, Canada, European Union, Latvia, and Poland, the study shows that such lobbying can serve as a legitimate channel for representing interests rather than corruption when properly integrated into a legal system. Using comparative-legal, analytical, and system-structural data, the research assesses Uzbekistan's current legislative practices and highlights the risks of uncontrolled lobbying. It is argued that the Law on Lobbying will become an institutional pillar to ensure transparent interaction between government agencies and interest groups, eliminate conflicts of interest, and uphold the rule of law. The findings contribute to the modernization of Uzbekistan's legal system and enhance public trust in democratic governance.

**Keywords:** lobbying, law-making, political-legal reform, interest groups, transparency, legal policy

## QONUN IJODKORLIGI JARAYONIDA LOBBIZMNI TARTIBGA SOLISHNING SIYOSIY-HUQUQIY ZARURIYATI

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Qonunchilik va huquqiy siyosat instituti tayanch doktoranti

**Annotatsiya.** Maqolada shaffoflik, hisobdorlik va davlat siyosatiga ta'sir ko'rsatishga teng imkoniyatni ta'minlash maqsadida qonun ijodkorligi jarayonida lobbichilik faoliyatini tartibga solishning siyosiy va huquqiy zaruriyati ko'rib chiqiladi. AQSh, Kanada, Yevropa Ittifoqi, Latviya va Polsha qonunchiligi va ilmiy adabiyotlarining qiyosiy tahlili asosida lobbizm, agar u qonuniy jihatdan to'g'ri rasmiylashtirilgan bo'lsa, korruption ta'sir ko'rsatish shakli emas, balki manfaatlarni ifodalashning qonuniy vositasi bo'lishi mumkinligi ko'rsatilgan. Tadqiqotda qiyosiy-huquqiy, tahliliy va tizimli-tuzilmaviy yondashuvlardan foydalangan holda muallif O'zbekistonning zamonaviy qonunchilik amaliyotini baholaydi va tartibga solinmagan lobbichilik xavfini aniqlaydi. "Lobbichilik faoliyati to'g'risida"gi qonunning qabul qilinishi davlat organlarining manfaatdor guruhlar bilan shaffof hamkorligini ta'minlash, manfaatlar to'qnashuvining oldini olish, qonun ustuvorligi prinsipini mustahkamlashda institutsional asos bo'lib xizmat qiladi. Olingan natijalar milliy huquqiy tizimni

*modernizatsiya qilish va aholining demokratik boshqaruvga bo'lgan ishonchini oshirishga xizmat qiladi.*

**Kalit so'zlar:** lobbizm, qonun ijodkorligi jarayoni, siyosiy-huquqiy islohot, manfaatdor guruhlar, shaffoflik, huquqiy siyosat

## ПОЛИТИЧЕСКАЯ И ПРАВОВАЯ НЕОБХОДИМОСТЬ РЕГУЛИРОВАНИЯ ЛОББИЗМА В ЗАКОНОДАТЕЛЬНОМ ПРОЦЕССЕ

Эштурдиева Фарангиз Баходир кизи,  
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и правовой политики  
при Президенте Республики Узбекистан

**Аннотация.** В статье рассматривается политическая и правовая необходимость регулирования лоббистской деятельности в процессе правотворчества с целью обеспечения прозрачности, подотчетности и равного доступа к влиянию на государственную политику. На основе сравнительного анализа законодательства и научной литературы США, Канады, Европейского союза, Латвии и Польши показано, что при надлежащем правовом оформлении лоббизм может выступать легитимным инструментом представительства интересов, а не формой коррупционного воздействия. Используя сравнительно-правовой, аналитический и системно-структурный подходы, в исследовании автор оценивает современную законодательную практику Узбекистана и выявляет риски нерегулируемого лоббизма. Обосновывается, что принятие закона о лоббистской деятельности станет институциональной основой для обеспечения прозрачного взаимодействия государственных органов и групп интересов, предотвращения конфликта интересов и укрепления принципа верховенства права. Полученные результаты способствуют модернизации национальной правовой системы и повышению доверия общества к демократическому управлению.

**Ключевые слова:** лоббизм, правотворческий процесс, политico-правовая реформа, группы интересов, прозрачность, правовая политика

### Introduction

Lobbying is an essential aspect of governance in the 21st century, as it constitutes a process of communication between society and the state and serves as a structured channel for such communication. In transitional democracies like Uzbekistan, however, where there is a lack of a legal framework for lobbying, decision-making remains opaque, and political influence cannot be extended equally to all citizens. As defined in strategic documents such as "Uzbekistan – 2030" and PD-5505 (2018), aimed at the modernization of the national legal system, there is a need for the institutionalization of transparent mechanisms through which legitimate social and economic interests can exert influence on legislation. The reform of lobbying must also be understood from a legal perspective, not as an institution of corruption, but as a lawful process regulated in order to balance the public and private spheres.

Lobbying, as Professor Sven E. Feldmann of the University of Melbourne notes, "is the strategic exchange of pertinent information by a small number of people with economic means to a significant number of legislators." Likewise, Professor Iskander De Bruycker of Maastricht University observes that "economically powerful groups, seeking political influence, must choose between direct contact with political elites or indirect pressure through the public sphere (both are lobbying)." In legal terms, Professor A. Y. Sukhareva

defines lobbying as “the means by which individuals or groups influence legislators by any formal, written, oral, or other means in support of, or with regard to, draft legislation.” Such academic viewpoints suggest that lobbying, when appropriately regulated, constitutes a political exercise aimed at expressing pluralistic interests within a democratic order.

Where there are no, or only low levels of, formal mechanisms in law-making, asymmetry of influence emerges, public confidence erodes, and the rule of law is weakened. Interests in Uzbekistan’s contemporary legal system are primarily represented through informal mechanisms such as personal contacts, consultative councils, or sectoral associations (Institute of Legislation and Legal Policy, 2022). This wide scope of informal practice undermines the constitutional expectation that law-making should reflect “the will of the people expressed through representative institutions.” The absence of lobbying legislation contributes to a fragmented legal environment in which selected groups exert disproportionate influence over key legislation, such as the Land Code (Revision 2023) and the Law on Advertising (Committee of the Oliy Majlis, 2023). The purpose of this study is to examine the political and legal aspects of lobbying in Uzbekistan, evaluate practices where foreign best practices are being followed, and propose theoretical recommendations for creating a transparent, ethical, and balanced lobbying framework consistent with democratic principles of governance.

This research is based on comparative-legal, system-structural, and sociological analyses of lobbying as an element of democratic governance. The study applies doctrinal legal analysis, a comparative research method (examining Uzbekistan’s legislation in comparison with foreign law), and an analytical-empirical methodology, including the examination of evidence regarding lobbying’s role in the legislative process. The phenomenon of lobbying in contemporary law-making lies at the intersection of political science, administrative law, and public policy. The theoretical foundation of the study is the assumption that all pluralistic societies contain interest groups that seek to shape public policy decisions. As David Truman observed, “interest group activity is the natural corollary of democratic participation and facilitates a legitimate structure of media for communication between citizens and government” (Truman, 1951). However, the absence of legal constraints results in what political scientists describe as “shadow lobbying”—informal influence practices conducted outside the public eye (OECD, 2022). In such circumstances, decisions tend to be dominated by economically powerful actors, while socially disadvantaged groups are excluded from meaningful participation.

The research also draws upon a comparison of legislated lobbying frameworks in several jurisdictions that have established formal regulation:

United States – The Lobbying Disclosure Act (1995) and its 2007 amendments establish a mandatory federal registry. More than 12,000 lobbyists are publicly registered, and lobbying contacts, expenditures, and clients are reported on the U.S. Congress website (United States Congress, 1995).

Canada – Under the Lobbying Act (2008), lobbying is defined as “any oral or written communication with a public office holder intended to influence legislation.” The Office of the Commissioner of Lobbying maintains an online register at both federal and provincial levels (Government of Canada, 2008).

European Union – The Transparency Register (revised in 2021) is a joint database of the European Parliament, the Commission, and the Council. It requires mandatory registration, disclosure of objectives, and financial information from all entities seeking to influence EU legislation (European Union, 2021).

Latvia – The Interests Transparency Law (2018) mandates disclosure of all meetings between parliamentarians and interest representatives. Consequently, each Member of Parliament's website provides details of lobbying communications, significantly enhancing public trust (Republic of Latvia, 2018).

Poland – The Law on Lobbying in the Law-Making Process (2005) requires all interested entities to register with the Ministry of Justice. Each draft law must indicate the stakeholders involved in its preparation (Republic of Poland, 2005).

Comparative analysis demonstrates that regulating lobbying strengthens legal accountability by shifting influence from informal exchanges to transparent and traceable activities. These jurisdictions show that legal recognition of lobbying reduces the risk of political corruption, limits regulatory capture, and contributes to higher-quality legislation (OECD, 2010).

For methodological purposes, the study was conducted in the following stages:

Stage 1: Identification of how lobbying currently operates within Uzbekistan's legislative system (through consultative councils, expert working groups, and public-stakeholder interventions).

Stage 2: Comparison with international legal standards on lobbying disclosure and ethics.

Stage 3: Development of strategies for incorporating these standards into Uzbekistan's national law-making process.

Information was obtained from official legislative platforms (e.g., regulation.gov.uz), legal comparison databases, and academic literature. The analysis also draws on Uzbekistan's strategic reform documents, including PF-5505 (2018) "On Improving Normative-Legal Activity" and UP-158 (2023) "Uzbekistan – 2030 Strategy." Accordingly, the methodological approach aligns with the concept of participatory governance (UNDP, 2021), which emphasizes that effective law-making requires the institutionalization of feedback channels among citizens, businesses, and the state in shaping the public and national governance agenda.

### Main part

An examination of the development of Uzbekistan's law-making process demonstrates that interest representation exists, albeit largely through informal and unregulated channels. There are also more established legal institutions; however, they are neither centralized nor fully formalized in Uzbekistan. Such organizations operate under ministries, within the Oliy Majlis through temporary working groups, and informally through legislators and private organizations (UNDP, 2021).

Although these mechanisms were developed in the name of professional advice, in practice they have increasingly blurred the line between consultation and private lobbying, creating risks of unintended influence on legislative decision-making. For example, in the context of the Land Code (2023 revision), over 800 public proposals were submitted through regulation.gov.uz, yet only about 15% were incorporated into the final version of the text (Khakimov, 2020). There was no official benchmark or public report indicating which recommendations were accepted or rejected. Similarly, the Law on Advertising was strongly influenced by mobile operators and IT firms, with amendments favoring economically dominant sectors (Regulation.gov.uz, 2023).

These cases demonstrate that lobbying functions *de facto* but not *de jure*: it lacks a legitimate legal framework capable of guaranteeing equality and transparency. This situation is inconsistent with the commitments undertaken to enhance the quality of normative legal

acts under PD-5505, including the principles of “public consultations and evidence-based evaluation of draft legislation.” Without a legal foundation for lobbying, however, such consultations remain largely formal and lack enforceable transparency rules.

The absence of regulation leads to three principal risks:

Asymmetric influence – well-connected actors can shape legislation through private meetings and informal arrangements;

Public distrust – citizens perceive the law-making process as serving elite interests, eroding confidence in representative institutions;

Policy inefficiency – laws designed to serve narrow economic interests fail to deliver broader social benefits.

International experience indicates that mitigating these vulnerabilities requires transparent legislation enabling the registration and disclosure of all lobbying activities. As noted in an OECD report, “transparency and integrity in lobbying are key for protecting public decision-making from undue influence and for building a trust environment between the public and government” (Agency for Information and Mass Communications, 2022).

To adapt these lessons to Uzbekistan’s political and legal environment, several institutional measures are required:

*Adoption of a Law on Lobbying.* Such a law should broadly define lobbying as “any direct or indirect attempt by an individual or organization to influence decisions made by the legislature or the executive through communication with public officials.” It should establish:

- a mandatory register of lobbyists administered by the Oliy Majlis or an independent agency;
- disclosure requirements for all meetings, communications, and financial expenditures;
- ethical guidelines and codes of conduct for both public officials and lobbyists.

*Establishment of a Parliamentary Transparency Register.* Drawing on Latvia’s Interests Transparency Register, Uzbekistan could introduce a publicly accessible online database documenting formal meetings between deputies, ministries, and interest groups. This system could be integrated with regulation.gov.uz and linked to each draft law to track lobbying interactions.

*Enhanced Public Involvement.* Public consultations should move beyond formality. Their outcomes – indicating which proposals were accepted, modified, or rejected – should be published with accompanying rationales. This would align with the Digital Uzbekistan–2030 strategy on open government and data transparency.

*Lobbying Ethics Training and Supervision.* Mandatory ethics training should be introduced for government officials and lobbyists. Complaints and declarations related to lobbying misconduct could be reviewed by an ethics commission under the Oliy Majlis.

*Regulatory Impact Assessment (RIA).* Every draft law should be accompanied by an RIA evaluating potential socio-economic consequences and identifying affected interest groups. This reflects the global emphasis on evidence-based legislation (World Bank, 2021).

Institutionalizing these measures would transform lobbying from a hidden sphere of influence into a formal democratic mechanism of participation. As demonstrated by the experiences of the EU and Canada, regulation is not only necessary to deter corruption risks but also enhances the quality of legislation. As De Bruycker and Beyers (2018) observe, lobbying regulated through transparency rules “can be a legitimate path for evidence-based advocacy rather than private privilege.”

For Uzbekistan, formalizing lobbying through legislation would strengthen feedback mechanisms between society and the state and provide a participatory foundation for modern legal policy. It would also improve the country's standing in global assessments of the Rule of Law and the Corruption Perceptions Index (Transparency International, 2024), reinforcing its image as a transparent and accountable government.

Research indicates that lobbying is not solely a political behavior but also a natural component of law-making and therefore inherently legal to some extent. The absence of regulatory tools in Uzbekistan reflects an earlier stage of political and institutional development, where influence remains informal and uncoordinated. From a legal and political perspective, lobbying's legitimacy depends on transparency, equality of access, and accountability. As the OECD emphasizes, "regulating lobbying is not about restricting participation; it is necessary to ensure that all voices can be heard in an open and fair framework" (OECD, 2022). In the absence of legislation, however, lobbying is skewed in favor of wealthy and powerful actors, contradicting constitutional principles of equality before the law.

Comparative analysis with advanced democratic systems shows that it is not the existence of lobbying itself, but rather the transparency of institutions, that determines democratic quality. In the United States, public disclosure requirements allow civil society and the media to scrutinize potential conflicts of interest, with registered lobbyists reporting quarterly contacts and expenditures (United States Congress, 1995). Canada's Lobbying Act (2008) similarly imposes criminal liability for unregistered lobbying (Government of Canada, 2008). The European Union's Transparency Register (2021) embodies the principle that "participation in decision-making is a right accompanied by the duty of openness" (European Union, 2021). Latvia's Interests Transparency Law (2018) provides a particularly instructive example for transitional states: requiring Members of Parliament to publish all lobbying meetings normalized the practice and increased public trust (Republic of Latvia, 2018). Poland's Law on Lobbying (2005) also formalized the link between draft legislation and influencing actors (Republic of Poland, 2005). These models demonstrate that regulation does not eliminate lobbying but reframes it as a professional and accountable practice. As Bennedsen and Feldmann explain, "the vote of confidence procedure works effectively when interest groups reveal their preferences within institutionalized channels rather than through informal pressure" (Bennedsen & Feldmann, 2003).

Despite these benefits, several institutional and cultural barriers hinder the adoption of lobbying legislation in Uzbekistan:

Political-administrative inertia – decision-makers may perceive lobbying regulation as a threat to bureaucratic control over information flows;

Weak civil society capacity – NGOs and professional associations often lack the legal expertise to engage in transparent lobbying;

Normative overlap – existing laws on public councils, anti-corruption, and access to information address related issues but lack integration;

Ethical resistance – lobbying continues to carry negative connotations in post-Soviet legal culture.

This challenge requires reframing lobbying as an ethical, regulated process embedded in the architecture of law-making. As Sukhareva notes, "communication between lawmakers and interest groups is inevitable; what matters is the legal framework that defines its boundaries" (Sukhareva, 2008). Defining such a framework would legitimize interest representation while protecting legislators from undue pressure.

Institutionalizing lobbying regulation would produce measurable benefits:

- more structured stakeholder participation, improving legislative quality;
- traceable interaction and reporting mechanisms that reduce corruption risks;
- compliance with global governance standards, strengthening investor confidence;
- expansion of participatory democracy, reinforcing the constitutional role of the Oliy Majlis as the representative of the people.

Moreover, integrating RIA tools would ensure that every legislative proposal includes an assessment of its impact on interest groups (World Bank, 2021). This aligns with evidence-based policy-making, where lobbying information informs decision-making rather than distorting it. Overall, Uzbekistan stands at a crossroads: continuing informal influence will perpetuate opacity, while codifying lobbying will transform it into a legitimate instrument of democratic governance.

### Conclusion

The study concludes that the regulation of lobbying in Uzbekistan is both a legal and political necessity. In an environment characterized by rapid modernization and institutional reform, the absence of a legal framework for lobbying negatively affects several key factors: opaque communication between the state and society, asymmetry of influence in decision-making processes, and erosion of public trust in democratic institutions. Drawing on examples from the United States, Canada, the European Union, Latvia, and Poland, the study demonstrates that legalizing lobbying does not undermine democracy.

On the contrary, by institutionalizing equality of access and transparency of influence, democratic governance is strengthened. As Feldmann reminds us, “The strategic transmission of information from economic actors to legislators becomes legitimate only when it is publicly visible and procedurally constrained” (Bennedsen & Feldmann, 2003). In this sense, visibility transforms influence into participation.

The research yields several conceptual findings:

Lobbying as an element of democratic governance. Lobbying is an inherent component of democratic systems. Denying its existence does not eliminate influence; rather, it drives it into informal and opaque channels. Legal regulation transforms lobbying into a participatory democratic mechanism. Registration, disclosure requirements, and ethical rules ensure that interest representation is measurable, transparent, and accountable.

Necessity of a comprehensive Lobbying Law. A lobbying law in Uzbekistan should clearly define the subjects, rights, duties, and liabilities of lobbyists and public officials. It should establish a Transparency Registry under the Oliy Majlis and mandate public disclosure of meetings and communications between interest representatives and decision-makers.

Digital integration and transparency. Integration with digital platforms such as regulation.gov.uz would enable real-time disclosure of proposals and facilitate their timely consideration, in full alignment with the Digital Uzbekistan-2030 strategy.

In addition, each draft law should be subject to a mandatory Regulatory Impact Assessment (RIA) to ensure that the socio-economic consequences of lobbying activities are empirically evaluated (World Bank, 2021). The establishment of an independent parliamentary ethics commission would protect legislators from undue pressure and preserve the legitimacy of public policy. Collectively, these measures would bring Uzbekistan closer to OECD and EU standards of open government, reduce corruption risks, and operationalize the rule of law as a practical and measurable governance principle.

Ultimately, incorporating lobbying into the legal system does not constitute a concession to private interests but represents a new phase of anti-corruption policy – replacing clandestine influence with lawful transparency. Implemented effectively, such reforms would enhance public accountability and citizen participation, improve legislative quality, strengthen Uzbekistan's standing in international rule-of-law and corruption perception indices, and lay the foundation for a modern, democratic, and responsive legal system. Accordingly, lobbying regulation should become a central pillar of Uzbekistan's evolving law-making policy, ensuring that legislative decisions during the reform period reflect a balanced articulation of public interests within a transparent and law-governed state.

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# О'zbekiston Qonunchiligi Tahlili

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## ОБЗОР ЗАКОНОДАТЕЛЬСТВА УЗБЕКИСТАНА

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