

Institutionalizing Pre-Legislative Public Opinion Research in Uzbekistan: Toward Evidence-Based and Socially Legitimate Lawmaking

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Abstract: *This thesis argues for the institutionalization of pre-legislative public opinion research in Uzbekistan's law-making process. Despite existing legal provisions, the absence of mandatory mechanisms results in inconsistent use of public opinion studies. Drawing on evidence-based lawmaking practices, the thesis proposes requiring analytical conclusions from specialized public opinion research organizations for draft laws of social significance. This approach would strengthen the empirical basis, transparency, and social legitimacy of legislation.*

Keywords: *pre-legislative public opinion research; evidence-based lawmaking; legislative drafting; sociological research; public participation; social legitimacy of law; regulatory impact; Uzbekistan; law-making process.*

In contemporary legal systems, the process of lawmaking is increasingly understood not merely as a technical exercise in drafting normative texts, but as a complex, evidence-driven activity aimed at responding to real societal needs. Effective legislation requires a preliminary analytical phase in which social problems, public expectations, and potential regulatory impacts are systematically examined. Within this framework, the study of public opinion plays a crucial role in ensuring that laws are socially grounded, legitimate, and capable of achieving their intended objectives.

According to the first part of the 23rd article of the Law “On normative legal acts” when preparing a draft normative legal act, the developer:

shall study the state of legislation, the practice of its application on the subject of legal regulation of the draft normative legal act;

shall identify gaps and contradictions that negatively affect the legal regulation of a certain area of public relations, as well as the public need for legal regulation, the reasons and conditions that affect the effectiveness of legislation;

shall conduct an inventory of legislation in order to identify normative legal acts regulating the relevant area of public relations;

shall summarize and use the proposals of state bodies and other organizations, as well as individual citizens, media materials, consultations and recommendations of scientific and other organizations, scientists and specialists, data from other means of revealing public opinion;

shall take into account the generally recognized principles and norms of international law, and also shall study the experience of legal regulation in other states;

shall study the results of scientific research, publications in the media, the worldwide information network Internet, applications of physical persons and legal entities related to the subject of legal regulation of the draft normative legal act;

shall determine the need for financial and economic expenses necessary for the implementation of a normative legal act, the size and sources of their coverageⁱ.

According to Article 16 of the Law “On the Procedure for Preparing Draft Laws and Submitting Them to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan”, a subject entitled to legislative initiative has the right, prior to submitting a draft law to the Legislative Chamber, to organize the study of public opinion, including with the participation of representatives of civil society institutions and research organizations. The procedure and forms for studying public opinion regarding the draft law are determined by the subject entitled to legislative initiativeⁱⁱ.

Despite the existence of legal grounds for studying public opinion in the law-making process, the absence of clearly defined normative mechanisms and procedures for its implementation gives rise to a number of practical problems. In particular,

initiators of draft laws approach the study of public opinion in different ways or bypass this stage altogether.

In order to address this situation, it is considered expedient to introduce a pre-legislative public opinion assessment institution into the process of drafting laws. In this context, the use of sociological research and analytical conclusions prepared by organizations specialized in studying public opinion is of particular importance.

The process of legislative drafting in contemporary legal systems is no longer viewed merely as the technical formulation of normative texts. Increasingly, it is recognized that effective lawmaking requires a preliminary phase in which societal needs, preferences, and potential impacts are systematically analyzed. Pre-legislative public engagement, particularly through social research centers or dedicated analytical institutes, serves as a mechanism for collecting empirical data on social problems prior to initiating a draft law. This ensures that proposed legislation addresses real societal issues, enhances legitimacy, and contributes to effective implementationⁱⁱⁱ.

The rationale for institutionalizing this process stems from the observation that legislation developed without empirical grounding often fails to achieve intended outcomes and may encounter public resistance. In this context, dedicated social research centers act as a bridge between society and the legislative process, providing evidence-based analysis to inform policy decisions.

The Netherlands Institute for Social Research (SCP) functions as a key analytical body supporting Dutch policymaking. Its mandate includes conducting large-scale surveys, social impact assessments, and empirical studies on social, economic, and cultural phenomena. SCP reports serve as the primary evidence base for the development of policies and legislation, ensuring that proposed laws respond to empirically identified societal needs)^{iv}.

For example, SCP studies on social inequality, labor market dynamics, and public attitudes toward welfare policies have been directly used to design legislative reforms, highlighting the practical importance of pre-legislative social research.

In Switzerland Swiss Centre of Expertise in the Social Sciences (FORS) collects and analyzes data on political participation, public opinion, and demographic trends. Its research informs policy development and legislative drafting, ensuring that laws are responsive to the needs and behaviors of the population^v.

This model emphasizes the integration of scientific evidence into pre-legislative decision-making, aligning with principles of transparency and accountability.

In the UK, the Government Social Research Service (GSR) provides ministries with quantitative and qualitative data to support decision-making. Pre-legislative engagement is grounded in evidence-based policymaking, where data on public attitudes, social behavior, and potential policy effects inform draft proposals. GSR reports help legislators anticipate societal responses, reduce unintended consequences, and enhance policy legitimacy^{vi}.

This structured evidence-gathering differs from post-draft consultations, as it directly informs the decision to propose legislation, rather than merely commenting on an already drafted text.

By Decree of the President of the Republic of Uzbekistan dated June 25, 1997, “On Improving Legal Education, Raising the Legal Culture of the Population, Improving the System of Training Legal Specialists, and Enhancing Public Opinion Research”, the “Social Opinion” Public Center was established, operating under republican public organizations not subordinate to the government, with the following main objectives:

studying public opinion regarding compliance with human rights and freedoms, the deepening of political-legal and socio-economic reforms, and other urgent issues of social relations;

collecting, generalizing, and analyzing public opinion about the country's social and economic life, state policy, and government activities;

identifying priority directions of public opinion regarding urgent socio-economic reform issues and the population's understanding of decisions made by state authorities and senior government bodies;

determining the main directions of people's worldview formation, as well as the state and content of political, socio-economic, moral, and legal consciousness;

studying the level of the population's political and legal culture and identifying the main directions for its development;

organizing fundamental and applied research to improve the methodological foundations of public opinion studies;

conducting social surveys in accordance with scientific and methodological requirements.

These activities constitute the main tasks of the Center.

By the Resolution of the President of the Republic of Uzbekistan No. PQ-467 dated December 31, 2024, "On Measures to Effectively Organize Strategic Analysis and Research Activities in the Areas of the Country's Social, Political and Economic Development", the Coordinating Council on Strategic Planning and Development under the President of the Republic of Uzbekistan was established.

The main tasks of the Coordinating Council include analyzing pressing problems and challenges in socio-economic, socio-political, technological, humanitarian, environmental and other fields; developing proposals for addressing them; generating ideas and initiatives for the country's strategic development; as well as planning and

approving the conduct of sociological research aimed at forming a practical and objective database on issues of the country's internal political development.

In addition, the Presidential Resolution “On Additional Measures to Organize Analytical and Research Activities” No. PQ-48 dated February 10, 2025^{vii} was adopted, according to which a Research Support Fund is to be established under the Coordinating Council on organizing the activities of analytical and research structures.

The Fund's resources shall be allocated, *inter alia*, to:

conducting research in line with the areas of activity of the Coordinating Council;
providing grants for the preparation of analytical materials and the conduct of research;

carrying out research on public opinion studies and social surveys.

In this context, it is considered expedient to introduce a pre-legislative public opinion research institute in the process of drafting legislation. Particular importance should be attached to the use of sociological studies and analytical conclusions prepared by organizations specializing in public opinion research.

It should be made mandatory to obtain conclusions from organizations specializing in public opinion research with regard to draft laws of social significance;

such conclusions should be annexed to the concept paper or supporting (explanatory) documents of the draft law;

the information contained therein should be used to substantiate the necessity, objectives, and anticipated social impacts of the draft law.

This approach corresponds to the evidence-based lawmaking principle widely applied in the practice of foreign countries and serves to enhance the transparency, substantiation, and social legitimacy of the legislative process.

It is considered expedient to introduce a pre-legislative public opinion research institute in the process of drafting laws. In this context, particular importance should be

attached to the use of sociological studies and analytical conclusions prepared by organizations specializing in public opinion research.

Therefore, it is advisable to establish a mandatory requirement to obtain conclusions from public opinion research organizations for draft laws of particular social significance. For this purpose, it is proposed to supplement the Law “On Normative Legal Acts” with Article 23¹, and the Law “On the Procedure for Preparing Draft Laws and Submitting Them to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan” with Article 16¹, with the following content:

Article 16¹. Procedure and Forms of Public Opinion Research

Public opinion research shall be conducted at the pre-drafting stage of a draft law or during the preparation of the draft law concept.

Public opinion research may be carried out in the following forms:

conducting sociological surveys;

organizing focus group discussions;

monitoring public opinion;

obtaining analytical conclusions from organizations specializing in public opinion research.

For draft laws of social significance, obtaining analytical conclusions from organizations specializing in public opinion research shall be mandatory.

Analytical conclusions prepared by public opinion research organizations shall be used to:

substantiate the necessity of drafting the law;

identify issues subject to legal regulation;

determine proposed legal regulation mechanisms.

These conclusions shall be annexed to the concept paper or supporting (explanatory) documents of the draft law and shall be taken into mandatory consideration during the review of the draft law.

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