

A COMPARATIVE ANALYSIS OF REGULATORY IMPACT ASSESSMENT IN THE LEGISLATIVE PROCESS AND THE ROLE OF PARLIAMENT.

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Abstract. This scientific article provides a comparative-legal analysis of the importance of the regulatory impact assessment (RIA) institute in implementing legislative reforms and the role of parliament in this process.

The article highlights the mechanisms of parliamentary oversight, the procedure for conducting RIA of draft laws, independent expert institutions and public participation based on the experience of the United Kingdom, Germany, South Korea and the European Union. Specifically, the Regulatory Policy Committee (RPC) and parliamentary oversight of RIA quality in the UK, the Bundestag's sustainability impact assessment rules in Germany, the activities of the Regulatory Reform Committee (RRC) in South Korea, and the role of the European Parliament's Impact Assessment Directorate in the European Union are analyzed.

The current state of the regulatory impact assessment system in the Republic of Uzbekistan will also be reviewed, and scientific and practical proposals will be put forward to strengthen the role of parliament (the Oliy Majlis). These proposals are aimed at conducting RIA of draft laws at the parliamentary stage, introducing an independent evaluation mechanism, and adapting international experience to national conditions.

Keywords: regulatory impact assessment (RIA), legislative reforms, parliamentary oversight, comparative law, United Kingdom, Germany, South Korea, European Union, Uzbekistan.

In the context of globalization processes, the rapid development of the digital economy, and the deepening of market relations, the effectiveness of public administration largely depends on the constant improvement of the legislative system. In modern states, legislative reforms are not limited to the adoption of new laws; they also require an **ex-ante** and **ex-post** assessment of their economic, social, environmental, and institutional consequences. From this perspective, the institution of **Regulatory Impact Assessment (RIA)** is widely used in international practice as an important tool for improving the quality of lawmaking.

The Regulatory Impact Assessment (RIA) mechanism facilitates the reduction of excessive regulation, the optimization of costs, and the selection of alternative solutions by conducting a systematic analysis of how draft laws influence the business environment, citizens' rights and interests, the state budget, competitiveness, and institutional stability. The experience of Organisation for Economic Co-operation and Development (OECD) member countries demonstrates that the effective implementation of Regulatory Impact Assessment enables a reduction in the number of laws, enhances their quality, and strengthens public confidence.

However, the actual effectiveness of the Regulatory Impact Assessment (RIA) system largely depends on the active participation of the parliament. As the supreme legislative body, parliament not only discusses and adopts normative legal acts, but also possesses the authority to

conduct independent expert review of RIA reports submitted by the executive branch, verify their completeness and reliability, take into account the interests of stakeholders, and exercise oversight over the implementation of laws.

International experience (as illustrated by the examples of the United Kingdom, Germany, South Korea, and the European Union) shows that the parliament's active involvement in the RIA process has significantly improved the quality of legislation. This is because it helps achieve a balanced integration of political and technical assessments.

In the Republic of Uzbekistan, significant steps have also been taken in recent years to introduce the Regulatory Impact Assessment (RIA) system. In particular, Presidential Decree No. PQ-5025 dated 15 March 2021 established the procedure for Regulatory Impact Assessment and designated the Ministry of Justice as the coordinating authority.

Nevertheless, the role of the Oliy Majlis in the RIA process remains limited, which negatively affects the quality of draft laws and their practical effectiveness.

Theoretical Foundations of Regulatory Impact Assessment

Regulatory Impact Assessment (RIA) is a systematic and evidence-based process of analysing the potential economic, social, environmental, and institutional consequences of initiatives aimed at developing new normative legal acts or amending existing regulations. According to the definition provided by experts of the Organisation for Economic Co-operation and Development (OECD), Regulatory Impact Assessment is an important policy tool that assists decision-makers in evaluating the necessity of regulation, its effectiveness, and alternative options. It should be implemented from the initial stages of the law-making process and become an integral part of policy development.

The main objectives of Regulatory Impact Assessment (RIA) are as follows:

1. To improve the quality of legislation and ensure that normative legal acts are grounded in scientific evidence;
2. To reduce excessive bureaucratic burdens and administrative costs;
3. To enhance the business and investment environment and increase competitiveness;
4. To protect citizens' rights and interests while taking into account social impacts;
5. To strengthen transparency, accountability, and stakeholder participation in public governance;
6. To forecast in advance the effects on the state budget, the environment, and long-term sustainable development.

Regulatory Impact Assessment (RIA) is typically conducted in two forms: ex-ante (prior assessment) and ex-post (post-implementation assessment). While ex-ante RIA serves to compare alternative options before the adoption of a draft law, ex-post RIA analyses the actual effects of the adopted regulation and proposes necessary corrections and amendments.

Stages of the Regulatory Impact Assessment Process

The Regulatory Impact Assessment (RIA) process consists of the following main stages, based on the minimum requirements recommended by the Organisation for Economic Co-operation and Development (OECD) Best Practice Principles:

- **Problem identification and definition** — identifying the nature, scale, and causes of the problem (to the extent possible using quantitative indicators);

- **Setting policy objectives** — defining the specific objectives of the regulation and the expected results;
- **Development of regulatory options** — considering both regulatory and non-regulatory alternative options;
- **Cost-Benefit Analysis** — conducting quantitative and qualitative analysis of the economic, social, environmental, and distributional effects of each option;
- **Stakeholder consultation** — ensuring the participation of the public, business community, civil society, and experts;
- **Selection of the preferred option and preparation of recommendations** — justifying the most effective option and establishing mechanisms for monitoring and ex-post evaluation.

These stages are flexible and can be simplified or further elaborated depending on the institutional capacities of the respective country. For instance, simplified Regulatory Impact Assessment (RIA) is applied to projects with minor impacts, whereas projects with significant impacts require an extended RIA based on a comprehensive Cost-Benefit Analysis.

Theoretically, Regulatory Impact Assessment constitutes a central element of the concepts of “regulatory improvement” or “smart regulation.” It facilitates the transition of the legislative process from a predominantly political approach to an evidence-based one, helps eliminate excessive regulation, and promotes the efficient allocation of resources. International experience demonstrates that the effective implementation of Regulatory Impact Assessment results in a reduction in the number of laws, a decrease in administrative burdens, and enhanced public confidence.

In the Republic of Uzbekistan, the Regulatory Impact Assessment (RIA) institution was introduced in 2021 by Presidential Decree No. PQ-5025 “On Measures to Further Improve the Regulatory Impact Assessment System.” It is mandatory for normative legal acts that affect entrepreneurial activity, citizens’ rights, and the environment.

However, challenges remain in fully translating theoretical principles into practice. These include the quality of calculations, the weakness of ex-post evaluation, and the limited involvement of the parliament.

The Institutional Role of Parliament in the RIA Process

In modern democratic systems, parliament serves as the final authority in the law-making process and plays a significant institutional role in Regulatory Impact Assessment (RIA). It not only adopts draft laws, but also performs key functions such as independently verifying the quality, completeness, and reliability of RIA reports submitted by the executive branch, ensuring political balance, and protecting public interests.

International experience shows that the active participation of parliament in the Regulatory Impact Assessment process contributes to improving the quality of legislation, reducing excessive regulation, and strengthening accountability.

The main functions of parliament within the Regulatory Impact Assessment (RIA) system should include the following:

1. **Expert Examination of Draft Laws** Parliamentary committees and specialised units review draft laws submitted by the government together with the accompanying RIA conclusions. If the Regulatory Impact Assessment report is deemed insufficient, the

cost-benefit analysis is weak, or alternative options have not been adequately considered, the draft law may be returned to the executive body for further elaboration.

For example, in the United Kingdom, a “Red” rating (not fit for purpose) issued by the Regulatory Policy Committee (RPC) creates additional pressure from both the public and parliamentarians when the RIA report is presented to Parliament. In the European Union, the European Parliament’s Impact Assessment Directorate independently scrutinises the European Commission’s Regulatory Impact Assessments and may request additional assessments regarding significant proposed amendments.

2. Oversight of the Executive Branch. Parliament monitors the effectiveness of the government’s regulatory policy and exercises control over the quality of the Regulatory Impact Assessment (RIA) process. This serves as an important mechanism of democratic checks and balances, helping to limit the powers of the executive branch. In Germany, the Bundestag discusses draft laws taking into account the recommendations of the National Regulatory Control Council (Normenkontrollrat – NKR) and evaluates administrative burdens. Overall, parliament views Regulatory Impact Assessment not merely as a technical document, but as a tool for scrutinising the basis of political decisions.

3. Representation of Public and Stakeholder Interests. Parliamentarians represent the interests of voters, regions, and various social groups, and discuss social, territorial, or distributional impacts that may not have been adequately taken into account in the Regulatory Impact Assessment (RIA). Through parliamentary deliberations, the RIA process becomes more transparent, and the views of stakeholders can exert real influence on draft laws. This role is particularly important in the experience of South Korea, where approximately 90% of draft laws are initiated by members of the National Assembly and often bypass Regulatory Impact Assessment. Therefore, active parliamentary participation is essential.

4. Post-Legislative (Ex-Post) Scrutiny. Assessing the practical outcomes of a law after its entry into force is one of the modern functions of parliament. Parliamentary committees compare the expected and actual effects of the law and propose necessary amendments. In the United Kingdom and the European Union, ex-post evaluation is actively applied by parliament, which contributes to the continuous improvement of the law-making process. In Uzbek legislation (Presidential Decree No. PQ-5025), the committees of the chambers of the Oliy Majlis are also mandated to participate in ex-post evaluation five years after a law enters into force, and subsequently every five years.

Although parliamentary participation in Regulatory Impact Assessment (RIA) is often limited in international practice — with the government usually preparing the RIA reports — parliament’s capacity to conduct independent expert scrutiny and political evaluation significantly improves the overall quality of legislation.

At the same time, the large volume of draft laws initiated by parliament in South Korea and certain other countries poses a challenge to ensuring comprehensive application of the Regulatory Impact Assessment mechanism.

In the context of Uzbekistan, the role of the Oliy Majlis in the Regulatory Impact Assessment (RIA) process remains limited. Parliamentary review is mainly confined to documents prepared by the Ministry of Justice and other ministries.

Strengthening the institutional role of parliament is a critical condition for improving the quality of the law-making process.

International Experience: Comparative Analysis

In modern democratic states, the Regulatory Impact Assessment (RIA) mechanism is one of the primary tools for enhancing the quality of law-making. The role of parliament in this process varies depending on the country's legal system, federal structure, and political culture.

The following section provides a comparative analysis of the experience of the United Kingdom, Germany, South Korea, and the European Union. Particular attention is paid to parliament's functions in expert examination, oversight, and stakeholder participation.

United Kingdom

In the United Kingdom, an Impact Assessment (IA) is prepared for every major legislative proposal. The IA documents submitted by the government undergo independent scrutiny by the Regulatory Policy Committee (RPC) and are subsequently forwarded to Parliament. Committees of the House of Commons and the House of Lords, particularly the Secondary Legislation Scrutiny Committee, thoroughly examine the IA and prepare separate reports on the practical implications of the draft laws.

The key strength of the UK experience lies in the strong and independent nature of parliamentary scrutiny. A "Red" rating ("not fit for purpose") issued by the RPC carries significant weight and generates additional pressure from parliamentarians. This enhances the quality of legislation and ensures greater transparency. However, a notable drawback is that the process can sometimes be lengthy, potentially slowing down the legislative pace.

Germany

In Germany, the National Regulatory Control Council (Nationaler Normenkontrollrat – NKR) is an independent advisory body that assesses the administrative burdens and bureaucratic impacts of draft laws. The NKR's conclusions are attached to the draft bill and submitted to the Bundestag. The Bundestag has its own Scientific Services (Wissenschaftliche Dienste), which provide parliamentarians with independent analytical opinions. Draft laws are evaluated in terms of economic burden, constitutional compliance, and sustainability.

Approximately 10% of bills initiated by parliament may fall outside the scope of NKR review.

The main strength of the German system is its high level of professional expertise. The NKR functions as an effective "watchdog" in limiting bureaucracy. Its weaknesses include the complex federal coordination process between the Bundestag and the Bundesrat, as well as the limited coverage of parliamentary initiatives.

South Korea

In South Korea, the Regulatory Reform Committee (RRC) plays a central role. It operates under the co-chairmanship of the Prime Minister and a representative from the civil sector and reviews all regulatory proposals submitted by central government agencies. The National Assembly (parliament) studies public opinion through digital platforms (regulatory information portal), discusses draft laws, and utilises fast-track legislative mechanisms. The RRC examines thousands of proposals annually (often submitted online) and conducts in-depth analysis of major projects.

The main strengths of the South Korean experience are its high level of digitalisation, speed, and strong civic participation. The 1998 reforms enabled the elimination of numerous excessive

regulations. However, its drawbacks include the fact that the emphasis on speed can sometimes limit thorough discussion and high-quality expert scrutiny. Additionally, the coverage of Regulatory Impact Assessment for bills initiated by parliament remains incomplete.

European Union

In the European Union, the European Commission applies a comprehensive Impact Assessment (IA) system for legislative initiatives. The independent Regulatory Scrutiny Board (RSB) evaluates the quality of all Impact Assessments and provides recommendations. The European Parliament has its own Directorate for Impact Assessment and Foresight (EPRS), which independently scrutinises the Commission's Impact Assessments, conducts additional evaluations, and carries out ex-post assessments. This multi-layered control mechanism (Commission – RSB – Parliament) is based on the principles of subsidiarity and proportionality.

The main advantages of the EU system are its multi-layered and independent scrutiny, along with a high degree of transparency and public participation. Its drawbacks include bureaucratic complexity and the lengthy duration of the process.

The above experiences demonstrate that the effectiveness of parliamentary involvement in the Regulatory Impact Assessment process depends on the existence of independent expert institutions, the use of digital tools, and robust ex-post evaluation mechanisms. The experience of the United Kingdom and the European Union highlights strong independent oversight, Germany emphasises professional expertise, while South Korea stands out for its digitalisation and speed.

Regulatory Impact Assessment and Strengthening the Role of Parliament in the Context of Uzbekistan: Pressing Issues and Proposals

In the Republic of Uzbekistan, large-scale reforms have been implemented in recent years aimed at improving the quality of normative legal acts, eliminating excessive barriers to entrepreneurial activity, and ensuring transparency in public administration. In particular, Presidential Decree No. PQ-5025 dated 15 March 2021 introduced the Regulatory Impact Assessment (RIA) system and designated the Ministry of Justice as the coordinating body. This decree made Regulatory Impact Assessment mandatory for normative legal acts that affect entrepreneurship, citizens' rights, and the environment, and incorporated elements of both ex-ante and ex-post evaluation. In addition, a public discussion portal is currently in operation, and mechanisms for the open discussion of draft laws are being further developed.

However, the issue of deeply integrating the Regulatory Impact Assessment (RIA) institution with the activities of parliament — namely, the Oliy Majlis — remains highly relevant. At present, the RIA process is predominantly managed by the executive branch (ministries and the Ministry of Justice), while the Oliy Majlis performs only limited expert review and oversight functions at the stage of considering draft laws. This situation may negatively affect the quality of legislation, its practical effectiveness, and public confidence.

In Uzbekistan's practice, the following key issues can be identified concerning regulatory impact assessment and parliamentary involvement:

First, the expert capacity and independent analytical capabilities of parliamentary committees are limited, with insufficient specialized research and analytical services available for deputies and committee staff. Second, the public consultation mechanism is not always effective, and the influence of stakeholder opinions (from business and civil society) on regulatory impact assessment reports is weak. Third, the mechanism for regular ex-post

monitoring and evaluation of the effectiveness of adopted laws is weak or not fully developed. Fourth, the parliament's role in the regulatory impact assessment process is largely confirmatory, with limited rights for independent expert review and revision.

Policy Recommendations

To improve the Regulatory Impact Assessment (RIA) institution and strengthen the role of the Oliy Majlis in the context of Uzbekistan, it is advisable to put forward the following proposals:

1. Establishment of an Independent Regulatory Impact Assessment Centre (or Unit) under the Oliy Majlis. This centre could conduct independent expert reviews of draft laws, perform assessments in accordance with international standards, and prepare analytical conclusions for deputies.

2. Introduction of mandatory parliamentary review of RIA conclusions for every major draft law. If the Regulatory Impact Assessment report is deemed insufficient, the draft law should be returned to the executive body for revision and additional assessment.

3. Strengthening scientific-analytical services in parliamentary committees. Creation of small teams consisting of economists, lawyers, and sectoral experts in each committee, and equipping them with digital tools (e.g., an e-RIA platform).

4. Full implementation of the ex-post evaluation institution. Introduction of a mechanism whereby the committees of the Oliy Majlis conduct mandatory monitoring 3–5 years after a law enters into force and submit draft laws on necessary amendments. This would strengthen the ex-post elements already envisaged in Presidential Decree No. PQ-5025.

5. Expansion of open hearings with the participation of citizens, businesses, and other stakeholders. Systematic collection of public opinions through digital platforms, live broadcasting of parliamentary hearings, and introduction of mandatory consideration of public comments in RIA reports.

If these proposals are implemented, the Regulatory Impact Assessment (RIA) mechanism will cease to be merely a tool of the executive branch and will instead become a genuine instrument of parliamentary oversight and improvement of the quality of law-making. Consequently, the transparency, effectiveness, and alignment of legislation with the interests of society will be significantly enhanced.

In conclusion, within the framework of Uzbekistan's "New Uzbekistan" strategy, strengthening the role of parliament is a vital prerequisite for reinforcing the rule of law and supporting economic reforms. It is essential to pursue consistent efforts in this direction by adapting international best practices to national conditions.

The conducted comparative legal analysis demonstrates that the effectiveness of the Regulatory Impact Assessment (RIA) system is significantly reduced when it is confined solely to the executive branch. The experience of the United Kingdom, Germany, South Korea, and the European Union confirms that the active and independent participation of parliament serves as an important guarantee for improving the quality of legislation, preventing populist or insufficiently evidence-based decisions, reducing excessive bureaucratic burdens, and strengthening accountability in public governance.

By performing functions of expert review, political balancing, and representation of public interests in the Regulatory Impact Assessment process, parliament elevates law-making to the level of evidence-based policy-making.

As international experience clearly demonstrates, independent expert institutions, digital platforms, and ex-post evaluation mechanisms are essential for ensuring effective parliamentary participation. These mechanisms make it possible to consider not only technical assessments but also political and social consequences.

In the Republic of Uzbekistan, the reforms implemented in recent years — particularly the introduction of the Regulatory Impact Assessment (RIA) system through Presidential Decree No. PQ-5025 dated 15 March 2021 — represent a significant step towards improving the quality of normative legal acts. However, the deeper integration of the RIA process with the activities of the Oliy Majlis remains a pressing issue. At present, Regulatory Impact Assessment is primarily managed by the executive branch. The limited expert capacity of parliamentary committees and the weakness of ex-post monitoring may reduce the practical effectiveness of legislation.

In general, the development of Regulatory Impact Assessment and the strengthening of parliament's role is not merely a legal-technical matter, but a strategic direction for enhancing the quality of public governance, accelerating economic development, and increasing public confidence in society.

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