

THE LAW OF THE KYRGYZ REPUBLIC

On Normative Legal Acts of the Kyrgyz Republic

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Based on the Constitution of the Kyrgyz Republic this Law defines the notion and types of normative legal acts and their correlation, general procedure for their development, publication, effect, interpretation and systematization, as well as ways of settlement of legal collisions.

I. GENERAL PROVISIONS

Article 1.

Normative legal act is a written official document in the specified form, adopted by a law-making agency within the limits of its competence and directed at establishment, alteration and cancellation of legal norms, i.e., mandatory orders of temporary or permanent nature meant for multiple application.

System of normative legal acts of the Kyrgyz Republic constitutes:

Constitution of the Kyrgyz Republic, Constitutional Laws of the Kyrgyz Republic, Laws, Regulations of Jogorku Kenesh of the Kyrgyz Republic and of its Chambers, Orders of the President of the Kyrgyz Republic, Regulations of the Government of the Kyrgyz Republic, Acts of Ministries and Administrative Offices of the Kyrgyz Republic, Decisions of Local Government Administrations and Agencies of Local Self-government which meet the requirements of the first part of this Article.

Constitution of the Kyrgyz Republic has the highest legal force in the system of laws and other normative legal acts.

Constitutional laws, laws on changes to borders of the Kyrgyz Republic, on interpretation of the Constitution and of constitutional laws shall be deemed passed after no less than two readings, provided that no less than two thirds of all Deputies of each Chamber of Jogorku Kenesh voted in their favor.

Alteration or annulment of a law adopted by a referendum shall be possible only through referendum.

Article 2.

Agencies of legislative and executive power of the Kyrgyz Republic shall issue normative acts within powers granted to them by the Constitution and Laws of the Kyrgyz Republic.

Article 3.

Normative legal acts of the Kyrgyz Republic must be consistent with the Constitution of the Kyrgyz Republic, as well as with other normative legal acts of the Kyrgyz Republic which in comparison to them have higher legal force.

Ways to secure legality of normative legal acts are as follows:

- 1) recognition of an act as non-constitutional in the established procedure;
- 2) appeal an act in the higher agency;
- 3) claims and applications lodged with the court;
- 4) suspension of effect of an act;
- 5) challenge of the adopted act;
- 6) recognition of an act as repealed;
- 7) entry of changes and amendments into an act;

8) state registration of mandatory normative legal acts.

Article 4.

Chambers of Jogorku Kenesh in accordance with Article 68 of the Constitution of the Kyrgyz Republic may delegate their legislative powers to the President of the Kyrgyz Republic for the period of no more than one year. The President of the Kyrgyz Republic, the Government of the Kyrgyz Republic shall be entitled to delegate part of their law-making powers to subordinate agencies, unless this contradicts the Constitution and laws of the Kyrgyz Republic.

The act on delegation shall specify the agency to which specific powers are delegated and the period, limits within which the agency has the right to realize the delegated power.

The agency to which some power was delegated shall not be entitled to transfer it to another agency.

The agency which issues a normative legal act in the procedure of realization of delegated powers shall refer to a law or another normative legal act which delegated the corresponding power to it.

Article 5.

Laws, orders of the President of the Kyrgyz Republic, Regulations of the Government of the Kyrgyz Republic from the time of their effectuation shall be binding on the whole territory of the Kyrgyz Republic (unless otherwise provided in the act itself) and shall not be subject to approval (sanction, ratification) by any other agencies.

Article 6.

In the event a law or another normative legal act is inconsistent with the Constitution of the Kyrgyz Republic, Constitution of the Kyrgyz Republic shall have an effect.

In the event normative legal acts issued by the President of the Kyrgyz Republic, Jogorku Kenesh of the Kyrgyz Republic and by its Chambers, the Government of the Kyrgyz Republic are inconsistent with the law, the law of the Kyrgyz Republic shall have an effect.

Article 7.

The Constitutional Court of the Kyrgyz Republic, the Supreme Court of the Kyrgyz Republic, the Higher Arbitration Court of the Kyrgyz Republic, local courts which identified in the course of specific case hearing inconsistency of normative legal acts with the Constitution and laws of the Kyrgyz Republic shall make a decision based on the Constitution and laws of the Kyrgyz Republic.

Article 8.

In the event a law or another normative legal act of the Kyrgyz Republic is inconsistent with international treaties with participation of the Kyrgyz Republic entered into in the established procedure or with widely recognized norms of international law, rules established by these treaties and norms shall apply.

Laws and other normative legal acts of the Soviet Union shall apply on the territory of the Kyrgyz Republic until the adoption of corresponding laws and other normative legal acts in the part not contradicting the Constitution and other Laws of the Kyrgyz Republic.

Article 9.

The procedure for consideration and adoption of laws of the Kyrgyz Republic shall be defined by the Constitution of the Kyrgyz Republic, Rules of Procedure of the Legislative Chamber and People's Representative Chamber of Jogorku Kenesh of the Kyrgyz Republic, by the Rules of Procedure of their joint meeting and by this Law.

The procedure for consideration and adoption of normative legal acts of the Government of the Kyrgyz Republic shall be defined by the Law of the Kyrgyz Republic on the Government of the Kyrgyz Republic, by the Rules of Procedure of activity of the Government of the Kyrgyz Republic.

The procedure for consideration and adoption of normative legal acts of the Ministries and Administrative Offices shall be defined by provisions on these agencies approved by the President of the Kyrgyz Republic or by the Government of the Kyrgyz Republic.

II. TYPES OF NORMATIVE LEGAL ACTS

Article 10.

Law is a normative legal act adopted in compliance with the established procedure by the Chambers of Jogorku Kenesh of the Kyrgyz Republic or through referendum and regulating crucial issues of the state and public life.

The law may resolve other issues, in the event they are subject to regulation in the form of Law pursuant to the Constitution of the Kyrgyz Republic and Law of the Kyrgyz Republic.

Article 11.

Constitutional Law is a law regulating legal basis of the state and constitutional system.

In accordance with Article 59 of the Constitution of the Kyrgyz Republic laws on Changes of Borders of the Republic and other laws stipulated by the Constitution of the Kyrgyz Republic, laws adopted by both Chambers of Jogorku Kenesh by the majority of no less than two thirds of votes of general number of deputies of each of the Chamber shall be deemed constitutional laws.

Article 12.

Code is a law containing all or most of norms which in detail and directly regulate a specific area of public relations.

Article 13.

Rules of Procedure are a normative legal act regulating the activity procedure of a specific government agency and its subdivisions.

Article 14.

Resolution (polozhenie) is a normative legal act which in detail regulates the legal status, organization, activity procedure of government agencies, organizations and institutions, and defines their relationships with other agencies, organizations, institutions and individuals.

Article 15.

Rules are a normative legal act which regulates in detail the procedure for organization of a specific type of activity.

Article 16.

Legislative Chamber and People's Representative Chamber of Jogorku Kenesh of the Kyrgyz Republic shall adopt regulations (postanovlenie) on issues referred to their competence by the Constitution of the Kyrgyz Republic and on issues of internal organization of their activity.

Article 17.

The President of the Kyrgyz Republic shall issue orders (ukaz) and resolutions (rasporiazhenie) within the limits of his power based on the Constitution and Laws of the Kyrgyz Republic.

Normative legal acts of the President of the Kyrgyz Republic shall be issued in the form of ukazes.

The President of the Kyrgyz Republic shall issue a rasporiazhenie on specific issues related to his competence.

Article 18.

The Government of the Kyrgyz Republic on the basis of and for enforcement of the Constitution and Laws of the Kyrgyz Republic, ukazes of the President of the Kyrgyz Republic shall adopt regulations (postanovlenie) and resolutions (rasporiazhenie) within the limits of its power.

Normative legal acts of the Government of the Kyrgyz Republic shall be adopted in the form of postanovlenie.

Article 19.

Ministries, Administrative Offices on the basis of and for enforcement of the Constitution and Laws of the Kyrgyz Republic, ukazes of the President of the Kyrgyz Republic, postanovlenie of the Government of the Kyrgyz Republic

shall issue normative legal acts within the limits of their power. Ministries shall issue normative legal acts in the form of orders (prikaz), instructions, and administrative office - in the form of postanovlenie, prikaz and instructions.

Acts with other titles (polozhenie, directives, letters, rules etc.), issued by ministries and offices shall be approved by prikaz or postanovlenie respectively.

In the event a ministry or office issues a normative legal act, it shall state the act (its article or point) of a higher law-making agency for which enforcement it is issued.

III. PLANNING OF WORK ON LAW DRAFTING

Article 20.

Drafting of laws and other normative legal acts shall be performed usually on the basis of plans of law drafting for purposes of:

- establishment of scientifically justified system of normative legal acts;
- fostering transparency of law-drafting activity;
- fostering complex and research resolution of law-drafting tasks;
- improvement of organization of law-drafting work, analytical evaluation of drafts, scientific projecting of effectiveness of new law-drafting decisions, increase of control over the terms of development of drafts of normative legal acts.

Article 21.

Legislative Chamber and People's Representative Chamber of Jogorku Kenesh of the Kyrgyz Republic shall develop and approve plans of legislative work.

The President of the Kyrgyz Republic shall develop and approve plans of drafting of laws, which the President intends to submit for consideration of Chambers of Jogorku Kenesh of the Kyrgyz Republic.

The Government of the Kyrgyz Republic shall develop and approve plans of drafting of laws which the Government intends to submit for consideration of Chambers of Jogorku Kenesh of the Kyrgyz Republic.

Ministries and Offices of the Kyrgyz Republic shall develop and approve plans of drafting of laws, ukazes of the President of the Kyrgyz Republic, postanovlenie of the Government of the Kyrgyz Republic, which development is entrusted to this Ministry, Office or which they intend to develop on their own initiative.

Article 22.

Current plans of law drafting work are usually developed for one year period.

Perspective plans of law-drafting work shall be developed, if necessary, for five year period and more, which shall be registered and corrected in current plans of law-drafting work.

Article 23.

In the event of development of target complex programs of social economic development of the Kyrgyz Republic, sections shall be made therein which provide for preparation and adoption of corresponding laws and other normative legal acts.

Article 24.

In development of drafts of plans of law-drafting work suggestions of interested agencies, Deputies of Jogorku Kenesh of the Kyrgyz Republic, scientific institutions, and suggestions of individuals and their associations shall be taken into account.

Article 25.

Plans of law drafting work shall provide for development of drafts of most important and labor-intensive acts and shall not exclude the development of drafts of acts beyond the plan upon the instruction of Chambers of Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic, Government of the Kyrgyz Republic or on one's own initiative.

IV. PREPARATION AND REGISTRATION

OF DRAFTS OF NORMATIVE LEGAL ACTS

Article 26.

Development of drafts of normative legal acts shall be performed either by the law-making agency itself or upon its instructions by agencies, institutions, organizations subordinate to it, or by the said agencies, institutions, organizations on their own initiative.

A law making agency may order a preparation of initial draft of a normative legal act to government agencies, scientific institutions, certain individuals or their collectives on contractual basis.

A law making agency has the right to charge several agencies, institutions, organizations, individuals with development of alternative drafts or to enter into a contract with them or announce a competition for the best draft.

Article 27.

A law making agency developing a draft usually establishes a committee on preparation of a draft out of employees of this agency, experts and scientists.

Representatives of interested government and other agencies, organizations and institutions may be involved in preparation of drafts.

Participation of legal subdivisions of agencies and organizations developing drafts in preparation of drafts is mandatory.

Article 28.

Drafts of normative legal acts which directly affect interests of individuals, and drafts of other important acts may be promulgated by the decision of the law-making agency in mass media for public discussion. Received suggestions and remarks shall be taken into account in elaboration of the draft.

Upon the decision of the Chamber of Jogorku Kenesh of the Kyrgyz Republic drafts of laws may be presented for public discussion in the established procedure.

Article 29.

In the event the adoption of another normative legal act is necessary to develop and concertize provisions of the draft of the law or another normative legal act under preparation, the main draft or the draft of the act on its effectuation shall specify the instruction to the corresponding agency to prepare and adopt such acts within the periods established by the law-making agency.

Article 30.

Before submission to the Chamber of Jogorku Kenesh of the Kyrgyz Republic, to the President of the Kyrgyz Republic, the Government of the Kyrgyz Republic drafts of normative legal acts are subject to review by interested agencies, offices and institutions.

Article 31.

The prepared draft of a normative legal act shall be submitted to the law-making agency with presentation which justifies the necessity of adoption of the act, gives brief characterization of its content, list of agencies and organizations which participated in development of the draft and with which the draft was coordinated.

If necessary financial economic calculations, statistics data, forecast of possible social, economic, legal and other consequences of the effect of the act being adopted and other information necessary to justify the provisions of the draft may be attached to the draft.

Article 32.

Drafts of normative legal acts may be subject to legal, financial, economic, ecological and other scientific specialized review by the decision of the law-making agency.

Organizations and individuals who are not directly involved in preparation of the corresponding draft may be engaged as experts.

In evaluation of the draft of the normative legal act experts are independent and are not bound by the position of the law-making agency on which commission the review is conducted.

Leading scholars and specialists from other countries and international organizations may be invited to conduct independent scientific expertise. The draft may be directed to an international organization for the scientific expertise.

Article 33.

Drafts of laws on issues of provision of constitutional rights, freedom and obligations of individuals; legal status of public associations; mass media; state budget; tax system; ecological security; struggle against violations of the law are subject to scientific, legal and other specialized (depending on draft profile) expertise.

Drafts of laws submitted for consideration of the Chambers of Jogorku Kenesh of the Kyrgyz Republic and transferred for independent scientific expertise shall be considered by the meeting of the legislative agency provided experts' opinion is available.

Article 34.

Normative legal acts shall have the following particulars:

- statement of the form of the act (law, ukaz, postanovlenie, prikaz etc.);
- statement of the agency which accepted the act;
- title defining the subject matter of regulation;
- date, place of adoption of the act and its registration number;
- signatures of individuals, officially authorized to sign corresponding normative legal acts.

Article 35.

Texts of laws and other normative legal acts shall be submitted to the law-making agency in the State and Russian language.

Article 36.

If necessary normative legal acts shall reproduce specific provisions from normative legal acts of higher legal force with the reference to such acts.

Article 37.

In connection with adoption of a normative legal act, all acts and their parts (sections, chapters, articles, points etc.), contradicting instructions of the new act or covered by it, shall be deemed repealed.

In connection with adoption of a normative legal act, normative legal acts enacted prior to it, and partially contradicting normative instructions included in the new normative act shall be subject to alteration and amendment. The text of such changes and amendments shall be spelled out in the form of the new language of corresponding Articles (points) or their parts.

The list of acts and their parts subject to recognition as repealed, to alteration and amendment with regard to adoption of the normative legal act must be included either to the specific section of the act itself or to the specialized act on the procedure for its effectuation.

In the event the number of acts or their parts subject to recognition as repealed, to alteration and amendment with regard to adoption of the normative legal act is considerable, their list shall be formed into an independent act and shall be submitted together with the draft of the main act.

Preparation of drafts of the list of acts subject to recognition as repealed, to alteration and amendment after the adoption of the main normative legal act shall be allowed as exception, in the event their preparation is time-consuming. In such event a draft on commission of development of drafts of corresponding lists shall be prepared and shall name agencies, organizations which are entrusted with such development and shall specify the time of their submission to the law-making agency.

Article 38.

In the event of liquidation or restructuring of the law-making agency, the issue on recognition of its acts as repealed, on their changes and amendment shall be resolved by its legal successors or by the higher agency.

V. PUBLICATION OF LAWS AND OTHER NORMATIVE LEGAL ACTS

Article 39.

Laws, ukazes of the President of the Kyrgyz Republic, postanovlenie of the Government of the Kyrgyz Republic, and normative acts of Ministries, Administrative Offices, i.e., acts extending its effect on enterprises, institutions, organizations not subordinate to them, and on individuals and their associations, shall be published (except for acts containing the state and other legally protected secret) in open official publications.

Normative legal acts covering the rights, freedom and obligations of an individual and citizen shall not apply, unless they are published officially for public information.

Laws signed by the President of the Kyrgyz Republic shall be entered into the State Book on Registration of Laws, shall be stored, published and sent to government agencies by corresponding services of the President's Administration of the Kyrgyz Republic.

Article 40.

The procedure for official publication of laws shall be defined by the Law.

The procedure for official publication of acts of the President shall be established by the President of the Kyrgyz Republic.

The procedure for official publication of acts of Ministries, Administrative Offices shall be established by the Government of the Kyrgyz Republic.

Article 41.

The day of issuance of the official publication which contains the text of the normative legal act shall be the day of official publication of the corresponding act.

Article 42.

Official publication of normative legal acts in abridged form shall be prohibited.

Article 43.

Every individual residing on the territory of the Kyrgyz Republic shall have the right to familiarize himself with normative legal acts in the established procedure. Government agencies and officials shall be obligated to secure the exercise of rights of individuals to the receipt of information about normative legal acts.

VI. EFFECT OF LAWS AND OTHER NORMATIVE LEGAL ACTS IN TIME, IN SPACE AND GROUP OF INDIVIDUALS

Article 44.

The procedure for effectuation of laws shall be defined by the law.

The procedure for effectuation of acts of the President shall be established by the President of the Kyrgyz Republic.

The procedure for effectuation of acts of the Government shall be established by the Government of the Kyrgyz Republic.

The procedure for effectuation of acts of Ministries, Administrative Offices shall be established by their leaders.

Article 45.

Normative legal acts of Ministries and Administrative Offices shall come into effect after they went through the state registration in the Ministry of Justice of the Kyrgyz Republic and after further official publication, in the event it affects interests and rights of individuals.

Article 46.

A normative legal act does not have a retroactive effect, i.e., it does not affect relationships created before its effectuation, except for the cases when it eliminates or alleviates liability for offences, or when the act itself or the act on its effectuation provides that it extends its effect to relationships created before its effectuation.

Retroactive effect shall be prohibited, in the event the act provides for introduction and aggravation of liability for actions which at the time of their performance did not result in the said liability or resulted in more moderate liability.

Article 47.

A normative legal act shall be in effect without time limit, unless the act itself or the act on its effectuation provides otherwise.

Before expiration of the effective period of the limited term act, the agency which issued the act may decide to extend the effect of the act for a new period or to grant it a termless nature.

Article 48.

A normative legal act (its part) shall terminate its effect in the following cases:

- expiration of the period for which the limited term act (part of the act) is designated;
- adoption of the new normative legal act (its part) or of the one which absorbs it (its part);
- conclusion of an international agreement in the established procedure, which norms contradict the provisions of the earlier adopted act (its part);
- recognition of the act (its part) as non-constitutional in the procedure established by the law;
- recognition of the act (its part) as repealed or suspension of the effect of the act (its part) by the agency which adopted this act, or by other agency authorized thereto.

Article 49.

The effect of laws, ukazes of the President of the Kyrgyz Republic, postanovlenie of the Government of the Kyrgyz Republic, normative legal acts of Ministries and Administrative Offices of the Kyrgyz Republic shall cover citizens of the Kyrgyz Republic, who are on its territory and beyond the limits of the country, and foreign citizens and individuals without citizenship (stateless persons) who are on the territory of the Kyrgyz Republic (with exceptions established by the current normative legal acts).

Pursuant to international agreements and norms of international law, laws and other normative legal acts of the Kyrgyz Republic may not apply to diplomatic representative offices and to some other contractors of representative offices of foreign countries and international organizations (the right of extraterritoriality).

VII. INTERPRETATION (EXPLANATION) OF NORMATIVE LEGAL ACTS

Article 50.

In the event of identification of ambiguity in normative legal acts, improper or contradicting practice of their application, the law-making agency which adopted the corresponding act shall give necessary explanations of its norms, which shall be formalized in a special act.

The acts of explanation may also be published by other agencies authorized by the current legislation to interpret this or that category of normative legal acts.

Article 51.

In accordance with Article 58 of the Constitution of the Kyrgyz Republic Jogorku Kenesh of the Kyrgyz Republic shall give official interpretation of normative acts adopted by it.

Article 52.

The Plenum of the Supreme Court of the Kyrgyz Republic shall, if necessary, submit to Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic, to the Government of the Kyrgyz Republic a presentation on the necessity to give interpretation of their normative legal acts, and shall also issue guiding explanations on application of current normative legal acts of the Kyrgyz Republic binding for judicial agencies on the territory of the Kyrgyz Republic.

The Higher Arbitration Court of the Kyrgyz Republic shall give explanation on issues of application of current normative legal acts of the Kyrgyz Republic binding for arbitration courts on the territory of the Kyrgyz Republic.

The President of the Kyrgyz Republic shall have the right to authorize the Government of the Kyrgyz Republic to explain normative legal acts issued by it.

The Government of the Kyrgyz Republic shall have the right to authorize a specific Ministry or Administrative Office of the Kyrgyz Republic to explain normative legal acts issued by it.

Article 53.

In the course of interpretation (explanation) of normative legal acts their alteration and amendment shall be prohibited.

In the course of interpretation (explanation) the essence of by-laws shall be explained and specified in full compliance with the law.

VIII. STATE ACCOUNTING AND REGISTRATION OF NORMATIVE LEGAL ACTS OF THE STATE

Article 54.

Laws of the Kyrgyz Republic, ukazes of the President of the Kyrgyz Republic, postanovlenie of the Government of the Kyrgyz Republic, international agreements of the Kyrgyz Republic shall be submitted within ten days period after issuance (signing, ratification) to the Ministry of Justice of the Kyrgyz Republic for state registration.

Article 55.

The Ministry of Justice of the Kyrgyz Republic shall analyze the compliance of normative legal acts of Ministries and Administrative Offices with legislative acts of the Kyrgyz Republic, ukazes of the President of the Kyrgyz Republic, postanovlenie of the Government of the Kyrgyz Republic and shall perform its state registration.

Denial of the Ministry of Justice of the Kyrgyz Republic to register the act may be appealed in the Government of the Kyrgyz Republic by the Ministry and Administrative Office which has issued the act.

Article 56.

Law-making agencies shall issue compilations of normative legal acts or authorize other agencies and organizations to their issuance.

Jogorku Kenesh of the Kyrgyz Republic shall issue "Vedomosti of Jogorku Kenesh of the Kyrgyz Republic", where ratified international agreements shall be published in the corresponding section.

Article 57.

All existing laws of the Kyrgyz Republic, ukazes of the President of the Kyrgyz Republic and postanovlenie of the Government of the Kyrgyz Republic shall be included in the Code of Laws of the Kyrgyz Republic.

The Code of Laws of the Kyrgyz Republic shall be an official publication of Jogorku Kenesh of the Kyrgyz Republic, the President of the Kyrgyz Republic and the Government of the Kyrgyz Republic.

Ministries and Administrative Offices of the Kyrgyz Republic shall issue systematized compilations of normative acts adopted by them, keep the compilations updated, issue amendments thereto and re-publish them.

Article 58.

The state accounting includes centralized collection and registration of normative legal acts, maintenance of updated state of their funds and centralized information about these acts.

The procedure for state accounting and registration of normative legal acts shall be defined by the Government of the Kyrgyz Republic.

Article 59.

This Law to be put into effect after it is signed.

Article 60.

The Government of the Kyrgyz Republic within two month period shall:

- make normative acts issued by the Government of the Kyrgyz Republic, Ministries and Administrative Offices of the Kyrgyz Republic consistent with this Law;
- issue Rules on the Procedure for Preparation of Drafts of Decisions of the Government of the Kyrgyz Republic and normative legal acts of Ministries and Administrative Offices of the Kyrgyz Republic.

President of the Kyrgyz Republic A.Akaev

Adopted by the Legislative Chamber
of the Jogorku Kenesh of the Kyrgyz Republic June 5, 1996