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EVOLUTION OF FORMS OF LAW AND LAWMAKING IN THE CONTEXT OF EUROPEANIZATION

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Abstract. ***Lawmaking is the activity of adopting, amending and repealing legal norms, carried out by both state bodies and authorized non-state structures and citizens through mechanisms of direct democracy, such as referendums. It is part of lawmaking - the process of forming law, including the analysis of legal reality and the development of new regulatory decisions. In the Republic of Moldova, lawmaking is carried out within the framework of established procedures enshrined in the Constitution and other normative acts, and in the context of Europeanization, it is gradually adapted to European legal standards.***

Keywords. *lawmaking, legal norm, citizens, law, europeanization*

Introduction:

Among the special features of law is its formal certainty. Legal norms must be expressed externally, contained in certain forms, which are the way of their existence, otherwise these legal norms will not be able to regulate social relations. *Thus, forms of law are a way of expressing legal rules of conduct, state will.* While the legal form refers to all legal means that are involved in the legal regulation of social processes, in solving social problems, the form of law refers only to specific "reservoirs" that contain the rules of law (Alekseev, 2015, p. 56)

In the scientific literature, two points of view are analyzed on the problem of the relationship between the concepts "source of law" and "form of law": a) according to the first point of view, these concepts are identical; b) according to the second point of view, the concept of "source of law" is broader than the concept of "form of law", while this point of view is dominant today. Three factors are used under the source of law: 1) the source in the material sense; 2) source in an ideological sense; 3) source in the formal legal sense. Let us reveal the four main forms of law: 1. *normative act is* a legal act that contains rules of law and is aimed at regulating social relations, for example: laws, by-laws; 2. *legal custom* is a historically established rule of behavior that is in the minds of people as a result of repeated application and leading to legal consequences; 3. *legal precedent* is a court decision on a specific legal case, which is given the force of a rule of law and with the help of which similar cases are resolved; 4. *normative agreement is* an agreement between law-making entities, as a result of which a new rule of law arises.

Unlike transactional agreements, regulatory agreements are not individual - one-time in nature. Subjects who enter into a normative agreement create a new rule of law.

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Unlike regulations, which are adopted by government agencies, regulatory agreements are the result of an agreement between entities regarding activities that are of interest to them.

A normative legal act is an official legal act that is adopted by an authorized body, containing legal norms and at the same time occupying a special place in the system of legal acts. Bodies endowed with rule-making competence can issue normative acts in a strict form. All normative acts are divided into: laws and by-laws, of which laws include, for example: The Constitution is a fundamental political and legal act that establishes the constitutional system, the rights and freedoms of man and citizen, determining the form of government and government.

By-laws include, for example: a) decrees of the President of the Republic of Moldova - the highest by-laws; b) resolutions of the Government of the Republic of Moldova - acts of the executive body of the state; c) regulations of ministries and departments regulating public relations within their competence; d) decisions and regulations of local government authorities; e) orders, resolutions of local government bodies; f) regulations of municipal authorities; g) local regulations.

Taking into account the peculiarities of the legal status of the subject, regulatory acts are divided into: regulatory acts of state bodies; regulatory acts of other social structures; normative acts of a joint nature; normative acts adopted in a referendum, also taking into account the period of validity, normative acts are divided into: normative acts of indefinite duration; temporary regulations. *Thus, taking into account their legal force, normative acts are grouped into a single system, where each occupies a special place and plays an important role. (*Tatar, Mihalache, 2024, p. 132).

A law is a normative act that is adopted in a special manner by a legislative body or through a referendum, while expressing the will of the people and endowed with supreme legal power in regulating public relations.

Laws can be classified on various grounds: 1. by legal force (for example, the Constitution of the Republic of Moldova); 2. by subjects of lawmaking (for example, adopted by the legislature); 3. on the subject of legal regulation (for example, civil); 4. by duration (for example, permanent laws and temporary); 5. by nature (for example, current and emergency); 6. by scope; 7. by content (for example, budget); 8. by degree of systematization (for example, conventional and organic); 9. according to the significance of the norms contained in them (for example, constitutional and ordinary); 10. by scope of regulation (for example, general and special) and so on.

By-laws are acts that are issued on the basis and in pursuance of laws and at the same time containing legal norms, but they are less legally significant than laws. Let us arrange the types of by-laws in a certain sequence: 1. Decrees of the President of the Republic of Moldova, which are binding in the Republic of Moldova, and do not contradict the Constitution of the Republic of Moldova, laws and other regulations. Acts and decrees of the President of the Republic of Moldova, with the help of which the head of state exercises his powers. 2. Decrees of the Government of the Republic of Moldova, which are binding in the Republic of Moldova. 3. Orders, charters, regulations of ministries, departments, adopted in accordance with the laws of the Republic of Moldova, decrees of the President of the Republic of Moldova, decrees of the Government of the Republic

of Moldova. 4. Decisions and regulations of local government authorities. 5. Decisions, orders, resolutions of local government bodies. 6. Regulatory acts of municipal authorities. 7. Local regulations - regulations adopted at the level of a specific enterprise. Thus, laws and regulations represent two groups of regulations, which are divided into types.

Regulatory acts have temporal, spatial and subjective limits to their functioning. Regarding the validity of a normative act in time, it is determined by the entry into force of the normative act and the loss of this force. It is important not to forget the principle according to which the law does not have retroactive force, but this is possible in two cases: a) when the law says; b) when the law mitigates or the law eliminates liability. Regulatory acts cease to be valid on the following grounds: 1. upon expiration of the validity period of the act for which it was adopted; 2. in connection with the publication of a new act that replaced the old one. The effect of a normative act in space is determined by the territory over which the authority of the body that issued it extends (Matuzov, Malko, 2020, p. 319). The effect of normative acts in space depends on the legal force of the act. In addition, there are special regulations that apply only to certain categories of citizens (for example, pensioners).

Lawmaking is an activity of government bodies associated with the adoption, amendment and repeal of legal norms, when government bodies, non-state structures with powers, as well as citizens when adopting laws in referendums are recognized as subjects of lawmaking. Lawmaking is an integral part of legal formation - the natural historical process of law formation, as a result of which the analysis and assessment of the current legal reality is carried out, the selection of concepts about the future of legal regulation and the development, as well as the adoption of normative regulations. The essence of lawmaking is to elevate the state will into norms of law. Lawmaking activities are carried out within the framework of certain procedural procedures, which are contained in the Constitution of the Republic of Moldova, statutes, etc.

Lawmaking is characterized by a number of principles: scientific nature; professionalism; legality; democracy; publicity. The principles of lawmaking are presented in the form of fundamental ideas, principles that are associated with the adoption and abolition of legal norms. Lawmaking is a complex activity of creating general rules of behavior. According to the subjective content, law-making is divided into types: a) law-making of the people during a referendum; b) law-making by state bodies; c) law-making by certain officials; d) law-making by local governments; e) local law-making; f) law-making by public organizations.

Regarding the significance, lawmaking is divided into: a) lawmaking is an activity of parliament, which issues normative acts that have the highest legal force, namely laws; b) delegated lawmaking - government activities on behalf of parliament related to the adoption of regulations that fall within the competence of the representative body; c) subordinate law-making - where the rules of law are adopted and introduced by structures that do not belong to the highest representative bodies - the President, the Government, local government bodies, etc. Subordinate law-making is more efficient and more flexible, but at the same time more cumbersome.

It should be noted that regulations are adopted by various bodies at any time, within any spatial limits and for any reason; of course, this kind of situation cannot but affect

the nature of existing laws and regulations, which are sometimes in conflict. Therefore, it is first necessary to put the corresponding system in order, namely to systematize - streamline regulations, in order to ensure accessibility of legislation, ease of use, eliminate ineffective rules of law, resolve legal conflicts, and eliminate gaps (Matuzov, Malko, 2020, p. 334).

There are types of systematization: a) *incorporation* - presented as a form of systematization, as well as as a simple type of systematization, by combining normative acts, without changing their content, where each act retains its independent legal significance. Incorporation is divided into official and informal; b) *consolidation* - presented as a form of systematization, by combining normative acts, without changing their content in a single act. The peculiarity of consolidation lies in its compromise systematization, which combines the features of incorporation and codification, i.e. consolidation is an intermediate stage in case of lack of codification; c) *codification* - presented as a form of systematization, by combining normative acts into a single act with a change in content. In the course of codification, contradictions in norms are eliminated, new rules of behavior are formed, therefore codification is recognized as a method of law-making, in the form of a very complex and labor-intensive type of systematization. You should know that the codification of legislation can be general, sectoral, or special *(*Tatar, Mihalache, 2024, p. 136).

Codification is characterized by the following features: 1. special bodies can deal with codification; 2. as a result, a new normative act, code is created; 3. the codified act is recognized as the main one among other acts.

Analyzing the types of systematization of normative acts, it is worth paying attention to the introduction of an electronic system for classifying legal acts, which makes it possible to ensure legal awareness of state and public structures and all citizens - interested parties. This kind of classification is aimed at improving and systematizing legislation. *Consequently, there are a number of ordering systems of normative acts, each of which individually plays its role in the overall process.*

Legal technology is presented in the form of a system of means, rules and techniques for preparing and regulating legal acts, which are used for the purpose of perfection and increased efficiency. The main object of legal technology is the text of legal acts, the information embodiment of legal regulations, where it should be taken into account that the content of such regulations and the form correspond to each other in order to avoid ambiguity. Legal technology is aimed at structuring legal material, improving the language of legal acts, where legal terms and legal structures that are formed from a certain combination of subjective rights, obligations, prohibitions, and penalties are recognized as technical means.

Technical rules should also include: a) clarity and clarity, accessibility of the language of legal acts; b) a combination of brevity with the necessary completeness of the relevant legal requirements; c) consistency in the presentation of legal information; d) internal unity of legal material. *Thus, technical methods are recognized as methods that record official details and the structural organization of a legal act.* Legal technology can be divided into types: 1. law-making; 2. systematization of regulations; 3. accounting of regulations; 4. law enforcement. Consequently, all types of legal technology,

constructing legal material, create conditions for rationalizing legal activity and optimizing the process of legal regulation of social relations.

Conclusions:

Lawmaking consists of adopting new rules of law and improving old ones by introducing some changes and additions. *Thus, law-making is presented in the form of an active, creative, state activity, where the main products are legal norms contained in regulations, contracts, legal customs, it is also a means of managing society, where a development strategy is formed, essential rules of behavior are recognized; the level and culture of lawmaking and, at the same time, the quality of adopted regulations.*

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