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## **Uzbekistan's competition law and legal transplants**

### **Abstract**

Globalization has led to the interaction of legal systems, and Uzbekistan's competition law system was formed as a result of several major legal transplants. In Uzbekistan, some of the Islamic legal traditions transplanted into the legal regulation of economic relations are even reflected in business practices. However, in the formation of competition legislation in Uzbekistan, there are also cases of legal transplants copied from donor countries as Russia, Belarus, Ukraine, and Kazakhstan. Although these donor countries have very similar legal systems, the effectiveness of legal transfer norms to Uzbekistan is low because of transplanting the concept entirely. Because the implementation of legal transplantation by blind copying may not always lead to effective results. Since the business legal system of Uzbekistan is mixed with the traditions of the Muslim society, it is necessary to adapt the legal ideas and principles of the donor countries to the business practices of the Uzbek society in the implementation of legal transplantation in competition law.

The article explores the essence of legal transplantation, its importance in the development of legislation, methods of applying legal transplantation, the inefficiency of blind displacement of the norms of law, the importance of adapting the legal ideas and principles of donor countries to the legal traditions and business practices of Uzbek society.

In addition, the history of the formation of the competition legal system of Uzbekistan and the processes of transformation into a hybrid legal system made up of various elements are investigated and some shortcomings in the implementation of legal transplantation of competition law are analyzed.

**Keywords:** globalization, legal transfer, harmonization, copy-and-paste law, competition law, Islamic law.

### **Abstract deutsch**

Legal Transplants im usbekischen Wettbewerbsrecht

Die Globalisierung hat zu einem Ineinandergreifen der Rechtssysteme geführt und auch das usbekische Wettbewerbsrechts ist Ergebnis mehrerer größerer Rechtstransplantationen (Legal Transplants). Im usbekischen Recht zeigt sich einerseits die islamische Rechtstradition, die die rechtliche Regulierung der Wirtschaftsbeziehungen beeinflusst. Im Wettbewerbsrecht Usbekistans zeigen sich aber auch Einflüsse aus Russland, Belarus, der Ukraine und Kasachstan. Der Artikel untersucht das Wesen der Rechtstransplantation, ihre Bedeutung für die Entwicklung der Gesetzgebung, aber

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also the partial inefficiency of blind Verdrängung of older legal norms. Therefore, in addition to the history of the formation of the Uzbek competition law, the processes of transformation into a hybrid legal system, which consists of various elements, is analyzed, and the deficiencies of its implementation are identified.

**Keywords:** Globalization, Legal Transplantation, Harmonization, Copy-And-Paste-Gesetz, Competition Law, Islamic Law

## I. Introduction

The process of globalization intends to create conditions for the formation of a single social, economic, cultural, and legal space. However, some legal experiments can be seen to fail and become dysfunctional due to state institutions, widespread corruption, economic instability or dissimilarity of legal traditions. Such problems give great impetus to the creation of new methods of international cooperation and the search for alternative options. Of course, after such a situation, there is a need to sort out successful experiences related to important directions in the legal field. In other words, in this process, there should also be a way of infusing valuable legal experiences and practices in line with the general vision of the host society.<sup>1</sup>

In connection with the globalization of economic processes, the legal space of Uzbekistan as other countries of the world has expanded, and with the adoption of certain legal norms based on the legal experience of economically developed countries, the consistent harmonization of legislation is gradually being implemented.

There is an attempt to modernize national legislation by learning from advanced legal systems in Uzbekistan. However, in the implementation of legal transplantation in competition legislation in Uzbekistan, it is necessary to adapt the legal ideas and principles of donor countries to the legal traditions and business practices of Uzbek society.

## II. Theories of legal transplantation in comparative law and importance of legal transplant

To explain how legal transplant developed, it is important to understand what legal transplant is. Legal transplantation helps to save financial resources and time. In this way, major differences between the legal norms governing international business relations and local business legislation can be avoided. Transplantation of legal instruments governing business relations will greatly help to minimize existing differences in host countries and adapt national legal systems to globalized economic needs.<sup>2</sup>

<sup>1</sup> Dr. Jelena Vidovjevic, Making best practice better: how governments can learn the right lessons from each other <https://www.globalgovernmentforum.com/making-best-practice-better-how-governments-can-learn-the-right-lessons-from-each-other/>.

<sup>2</sup> Toby S. Goldbach. Why Legal Transplants? Annual Review of Law and Social Science, no. 15, pp. 583-601 (Volume publication date October, 2019).

Alan Watson,<sup>3</sup> a legal scholar who introduced this concept to comparative jurisprudence, defines a legal transplant as the transfer and lending of not only legal rules, but also court cases, legal systems, and legal institutions from one country to another or from one society to another. Globalization has a great influence on the development of legal transplantation, and through this, effective legal development occurs in one or another country.<sup>4</sup>

The process of legal transplantation can be easily transferred from one legal culture to another due to the clear meaning of the norms being transplanted by comparing and contrasting laws. It can also serve to solve common problems that exist in different legal cultures. In addition, paying attention to the functional purpose of the law the process of legal transplantation creates a mega-system of law across societies.<sup>5</sup>

There is an important difference between borrowing, the law of which is based on simple copying, and legal transplants, which require adaptation to certain legal ideas and principles. Laws based on simple copying mainly involve the importation by direct copying (in whole or in part) of legislation originally developed for another society in order to modernize the country's legislation. It is noteworthy that in such a way of borrowing the law, the legal rules are implemented without any prior evaluation in the hope of adapting the legislation to a certain modern society or similar to it.<sup>6</sup>

Legal transplants require harmonization and synchronization with prevailing waves and tendencies due to the need to catch up with other societies in the process of transition. This method of assimilation of the law envisages achieving the highest potential for improvement and development of the country's legal system for the benefit of its citizens. Because there is a real transition process that needs to be completed, the law puts the interests of the recipient country first by harmonizing the law rather than the interests of the donor country.<sup>7</sup> Uzbekistan's hybrid business legal system composed of different elements of law as traditional, socialist and Western. In particular, it is mixed with the traditions of Muslim society, such as the superiority of the principle of fairness and honesty over the principle of getting profit in business. Because of this, it will also be necessary to adapt the legal ideas and principles of donor countries to the traditions of Uzbek society and the customs of work circulation when performing a competitive right transplant.

3 W. Alan J. Watson - professor of Civil law, coined the term “legal transplant”.

4 *Chen-Wishart, M.* 2013, Legal transplant and undue influence: lost in translation or a working misunderstanding? *International & Comparative Law Quarterly*, 62(1), p. 1-30. DOI:10.1017/S0020589312000541.

5 *J. C. Gibson*, Impact of legal culture and legal transplants on the evolution of the Australian legal system. Electronic edition of the national reports presented to the XVIIIth International congress of comparative law on the theme “Legal culture and legal transplants” prepared by the Isaidat Law Review for the Società Italiana di Ricerca nel Diritto Comparato (SIRD). ISSN: 2039-1323 2011 Volume 1 –Special Issue 1, Art. 2.

6 Reyes, Maria, “The Challenges of Legal Transplants in a Globalized Context: A Case Study on “Working Examples”, available at SSRN 2530811 2014.

7 *ibid.*

### III. Uzbek competition law is formed by legal transplants

#### 1. The application of Islamic law to competition law relations through the widespread of Sharia law

Although there were certain communities of Zoroastrians, Manichaeans and Christians<sup>8</sup> in Central Asia in the 9th-10th centuries, the rules of the Sunni form of Islam, which was accepted as the state religion and spread in almost all regions of Central Asia, were used to regulate almost all social and economic relations.<sup>9</sup> Competitive legal relations were formed through the legal transplantation of Islamic Sharia. And unlike other countries governed by Islamic Sharia, the Hanafi<sup>10</sup> rules<sup>11</sup> became the legal basis of commercial relations.

It should be noted that in Islamic legal system, all aspects of business and competition relations are described in detail. In particular, the clear boundaries, signs and characteristics of fair competition between people have been strengthened with the Holy Qur'an and hadiths.<sup>12</sup> Avoiding an imbalance between one party's advantage and another party's disadvantage, preventing harm due to uncertainties, shows the clear

8 *Barthold, Vasilii Vladimirovitch*, Four studies on the history of Central Asia, Brill Archive, 1956, Page 16.

See also Haghnavaz, Javad, Saiedjamaledden Alerasoul, and I. R. A. N. Jolfa, "A history of Islam in Central Asia." American International Journal of Research in Humanities, Arts and Social Sciences available online under <http://www.iasir.net> 2014, p. 128.

9 N.N.Negmatov, "History of Civilizations of Central Asia IV, The Age of Achievement: AD 750 to the End of the Fifteenth Century, Part one: The Historical, Social and Economic Setting (Multiple History Series)." 1998, p. 100.

10 *Abdulhalik, Rakhimov*, et al. "Law basics in hanafi madhab." European Journal of Science and Theology 16.1 2020, pp. 83-90. See also Foster, Nicholas HD, "Islamic commercial law: An overview (I)." *Indret* 2006.

11 Istehsan is widely used in the rules of the Hanafi school. Istehsan – is the choice of the two ways of solving the problem, which one is more useful for the benefit of the Muslim community. For example, according to the general rules of Sharia, a sales contract can be concluded with regard to goods and products that are available at the time of its conclusion. However, in some cases, it is allowed to make a contract for agricultural products, jewelry, and carpentry products that are not yet available, and to pay for the item, goods, or products in advance. *Kayadibi, Saim*. "Istihsan (juristic preference): The forgotten principle of Islamic law." 2006, p. 254.

12 It has been shown in the hadiths that the imbalance between the advantage of one side and the loss of the other side, and the prevention of damage due to uncertainties are the clear limits of the principle of fair competition.

*Ibn Umar* said: "Muhammad (peace be upon him) forbade raising prices on purpose with the intention of spoiling someone's market."

*Muhammad* (peace be upon him) passed by a pile of food and put his hand into it, and his fingers touched something wet. He said, "What is this, O seller of the food?" The man said, "It got rained on, O Messenger of Allah." He said, "Why did you not put it (the wet part) on top of the pile so that the people could see it? He who deceives does not belong to me." According to other reports, "He who deceives us is not one of us," or, "He is not one of us who deceives us." (Narrated by Muslim). *Abu Abdulloh Muhammad Ibn Ismoil Al-Buxoriy*. Al-jome as-sahih. 4-jild. Qomuslar bosh tahririyati, 1992.

limits of the principle of fairness.<sup>13</sup> The introduction of the principle of honesty in Islamic law to competitive relations served to make business activities more efficient. Therefore, these legally transplanted norms still retain their importance. Treating the interests of others as one's own interests, taking into account the interests of competitors and consumers in business relations, and competing with the principle of fairness as a priority, have been preserved in business practices in Uzbekistan to this day. In addition, all actions aimed at hiding any feature of the product being sold, which may affect the choice of the buyer, are unfair competition in business practice. Informing and adequately explaining to the customer how the product is being sold is essential in ensuring a healthy market relationship. Due to the requirement of Sharia rules to be based on the fair principle of market relations, it is still preserved as a business practice in commercial relations.

After the colonization of the Central Asian countries of the Russian Empire in the 19th century, the Russian Empire considered it necessary to integrate local law bodies into the structure of imperial rule to "maintain peace in exchange for tributes and taxes"<sup>14</sup> and to officially recognize many years of legal traditions of the local population.<sup>15</sup> Later by allowing natives to submit their appeals to Russian civil law courts, the Russians attempted to reinforce Central Asians' notions of colonial justice and thereby distance them from the traditions of Islamic legal practice.<sup>16</sup>

However, domestic trade relations and market disputes were dealt with in local Sharia courts under Sharia law.

## 2. "Paralysis" of business activity due to the prohibition of private property in the USSR

After the October Revolution of 1917, with the founding of the Soviet Union, the Socialist law system of the USSR was also formed. Socialist law of the USSR contained many features of the continental system of law, including procedural principles and legal methodology.<sup>17</sup> But the liquidation of private property, the separation of socialist property into state and cooperative collective farm property was established at the level of the Constitution.<sup>18</sup>

The successor states of the Soviet Union followed different paths to new statehood and developed in different ways. The national legal systems of these successor states were formed as a result of the intervention of Islamic and traditional, romano-

13 *Fayyad, Mahmoud*, Measures of the principle of good faith in European consumer protection and Islamic law, a comparative analysis. *Arab law quarterly* 28.3, 2014, pp. 205-230.

14 *Sartori, Paolo*, *Visions of Justice: Sharī'a and Cultural Change in Russian Central Asia*, Brill, 2016, p. 104.

15 *ibid.*

16 *Sartori, P*, Constructing Colonial Legality in Russian Central Asia: On Guardianship, Comparative Studies in Society and History, 56(2), 2014, pp. 419-447. DOI:10.1017/S0010417514000097.

17 *Quigley, John*, "Socialist Law and the Civil Law Tradition." *The American Journal of Comparative Law*, 4/37, no. 4, 1989, pp. 781-808, *JSTOR*, <https://doi.org/10.2307/840224>.

18 *Aleksandrov D.G.*, "Obstvennost': Teorii i èvoljucija v SSSR i postsovetskoj Rossii" Innovacii i investicii, no. 3, 2021, pp. 41-49.

germanic legal families, and take into account internationally recognized principles, norms and standards.

### 3. Stages of rapid legal transplants in competition law after independence

The Law of the Republic of Uzbekistan "On Competition", adopted on November 14, 2012, which was in force for 11 years until October 2023,<sup>19</sup> was the main law regulating competition in Uzbekistan. Practice shows that this law could not effectively regulate the field of competition relations. In particular, it regulated unfair trade practices under the category of unfair competition and there were no specific norms defining unfair trade practices.<sup>20</sup> In order to develop the necessary strategy for the protection free and fair competition, it was necessary to take into account how the competition law in Uzbekistan developed with legal transplanted rules and correctly predict future situations. In this regard, it is appropriate to study the development of legislation on competition in Uzbekistan in several stages.

The first stage of development (1991-1995) undoubtedly begins with the adoption of the Law of the Republic of Uzbekistan "On Limitation of Monopolistic Activities" dated July 2, 1992. This law almost copied certain provisions regulating competition in the Law of the Russian Federation of March 22, 1991 "On Limitation of Competition and Monopoly Activities in Commodity Markets". This document regulated very narrow relations of competition. Although Uzbekistan became independent from the Soviet Union and aimed to develop an economy based on the principles of the free market and reform the legal framework, legal freedom was not fully achieved. That is, the norms of competition law were still similar to the legislation of post-soviet countries, especially the legislation of the Russian Federation. Although Russia chose a liberal model of economic reforms in which the regulatory role of the state was limited at the initial stage of the transition to a market economy, Uzbekistan used a gradual approach to the transition to a market economy. Due to this, the reforms were implemented more slowly and consistently, and the state was given a greater role in the formation of the market. Nevertheless, the norms were transferred without paying attention to the deficiencies in Russian legislation.

On February 6, 1993, the Ministry of Finance of the Republic of Uzbekistan was entrusted with the duties of conducting antitrust policy to ensure the current implementation of the law "on the limitation of monopolistic activities". In this regard, the General Department of Pricing of the Ministry of Finance was transformed into the General Department of Antimonopoly and Price Policy of the Ministry of Finance of the Republic of Uzbekistan. One of the main tasks of the General Department on free and fair competition was to coordinate the formation and implementation of a unified anti-monopoly and price policy in the territory of the Republic of Uzbekistan, to create a stable basis for social protection of consumers from monopoly and unfair

19 In July 2023, a new law "On Competition" was adopted in Uzbekistan. This law entered into force on 4 October 2023.

20 *Shuya Hayashi, Bakhshillo Khodjaev. Regulatory Approach and Specification of Unfair Trade Practices in Uzbekistan: Comparison with Japanese Law* available under <https://ci.nii.ac.jp/naid/120006877701/>.

competition from unjustified increases in prices and tariffs. According to the systematic analysis, this authority of the state body was not fulfilled, because at that time there was no legal assessment mechanism for unfair competition behavior, as well as unfair trade practices in Uzbekistan.<sup>21</sup>

The second phase of the development of the antimonopoly regulatory policy (1996-2012) included a significant revision of the legislation, the establishment of a new antimonopoly body. At this stage, the Law of the Republic of Uzbekistan on December 27, 1996 "On limiting monopolistic activity and competition in commodity markets"<sup>22</sup> was adopted. The purpose of this law was to prevent monopolistic activity and unfair competition in commodity markets, to limit it, to establish organizational and legal grounds for stopping it, and to provide conditions for the formation and effective functioning of competitive relations. However, this law also contained two components of unfair competition, i.e. actions that could restrict competition and affect the turnover of enterprises. This means that at that time the definition of unfair competition was the same as the definition of unfair trade practice.<sup>23</sup> The law also includes more forms of unfair competition than before, and now the scope of relations related to the regulation of unfair competition has also expanded a little. Consequently, in this norm, aspects of unfair competition related to intellectual property rights and competition rights are mixed. The main reason for this was that in the countries where the legislation is being borrowed (in the legislation of Russia and the CIS countries), unfair trade practices are not regulated by competition legislation. Due to this, this legal document does not specify the forms of unfair trade practices in detail. In addition, in 1998, the Law of the Republic of Uzbekistan "On Advertising"<sup>24</sup> was adopted in order to protect against unfair competition in the field of advertising, in particular, to prevent the distribution of false or inaccurate information that misleads consumers through advertising, and to prevent unfair advertising. This document was instrumental in regulating competitive relations. The process of creating this law was greatly influenced by Russian advertising legislation.<sup>25</sup> The norms of the law are very similar to the norms of the Federal Law of Russia dated July 18, 1995 No. 108 "On Advertising".

At this stage, on the basis of the decision of the Cabinet of Ministers of the Republic of Uzbekistan dated May 26, 1996, the Committee for Exclusion of Monopoly and Development of Competition under the Ministry of Finance was reorganized.

At this stage, the adoption of regulatory legal documents related to competition, the protection of competition in commodity and financial markets, the implementation of monitoring and control of compliance with legal documents in the field of natural monopolies, the control of advertising activities, anti-monopoly regulation and

21 *ibid.*

22 This document has lost its validity.

23 *Shuya Hayashi, Bakhshillo Khodjaev. Regulatory Approach and Specification of Unfair Trade Practices in Uzbekistan: Comparison with Japanese Law* available under <https://ci.nii.ac.jp/naid/120006877701/>.

24 This document has lost its validity.

25 *Bahshillo Kamolovich Hodzhaev, "Perehodnaja model' konkurencii dlja regulirovaniya vvodjashhej v zabluzhdenie reklamy v Uzbekistane: al'ternativnyj podhod* "Review of law sciences, no. 1, 2020, pp. 130-139. DOI:10.24412/2181-1148-2020-4-1-17.

economic relations in commodity markets there was a need for an independent body with functions and powers similar to the Federal Antimonopoly Body of the Russian Federation, which has powers such as monitoring the behavior of its subjects. Later, in 2000, an independent committee on antitrust and competition development was created.

The third stage (2012-2019) began with the adoption of the new version of the Law on Competition on January 6, 2012. Legal norms The CIS countries made a legal transfer of the norms of the legislation on competition. In particular, countries such as Russia, Belarus, Ukraine, and Kazakhstan have almost identical content with their competition laws.<sup>26</sup> But even this law could not fully regulate existing anti-competitive actions in practice. The main reason for this is that the rules governing anti-competitive actions were transplanted from the countries of "the third borrower",<sup>27</sup> and these countries, which are exporting legal documents, lost the original essence of the primary norms due to the fact that they adapted the content of the original rules to the economic and social conditions of their countries. The countries of "the third borrower" have legally transplanted their competition laws from Germany, and in turn, Germany has developed its competition laws under the influence of the original US competition law.<sup>28</sup> Because of this, the law has made it impossible to legally regulate certain anti-competitive actions, which are observed many times in a number of sectors of the economy. In particular, this law did not distinguish between aspects of unfair competition related to intellectual property rights and competition rights. In the experience of competition legislation of developed countries, the issue of unfair competition is developing as a separate institution. Its intellectual property aspect has been distinguished as unfair competition and its competition aspect has been distinguished as unfair trade practices.

Admittedly, the competition legislation of most CIS countries provides for the equality of participants in socially oriented market economy relations, as well as free competition, the prohibition of illegal interference in their activities, and unhindered access to the market, but the main emphasis is not placed on combating unfair trade practices. The concept of unfair trade practices is not found in the Competition legislation of the Republic of Uzbekistan. But some of its types can be found in some parts of the article on unfair competition in the Law of the Republic of Uzbekistan "On Competition" or partially in the Retail Trade Regulations adopted as an annex of the Cabinet of Ministers of the Republic of Uzbekistan in 2003, which do not apply to competition legislation. In the Republic of Uzbekistan, the regulation on "Rules of retail trade" regulates mainly technical issues of trade rules. The State Tax Committee is also a state body that exercises state control over these offences.

At the fourth stage (2019-2023), the decision of the President of the Republic of Uzbekistan on January 24, 2019 "On organizing the activities of the Anti-Monopoly

26 A.V. Makarov, "Transformacii antimonopol'noj politiki v sfere bor'by so sgovorom v stranah perehodnoj jekonomiki: Rossija, Ukraina, Kazahstan", Sovremennaja konkurencija, no. 2 (44), 2014, pp. 39-59.

27 "The 3rd hand" countries which borrowed the norms of the law from other countries.

28 [https://www.researchgate.net/publication/328274136\\_Adaptation\\_Recombination\\_and\\_Reinforcement\\_The\\_Story\\_of\\_Antitrust\\_and\\_Competition\\_Law\\_in\\_Germany\\_And\\_Europe](https://www.researchgate.net/publication/328274136_Adaptation_Recombination_and_Reinforcement_The_Story_of_Antitrust_and_Competition_Law_in_Germany_And_Europe), May 2005.

Committee of the Republic of Uzbekistan" and the decision of the Cabinet of Ministers on the implementation of this decision "On measures to organize the activities of the Anti-Monopoly Committee of the Republic of Uzbekistan" was adopted. A new independent committee, the Anti-Monopoly Committee, was established. But the powers of this organization on competition relations did not differ from the powers of the previous competition committee.

On the basis of the Decree of the President of the Republic of Uzbekistan dated December 21, 2022 "On Measures for the Implementation of Administrative Reforms of New Uzbekistan", the Committee for the Development of Competition and Protection of Consumer Rights among the state bodies being reorganized from January 1, 2023 on the basis of the Committee for Combating Monopoly of the Republic of Uzbekistan was reorganized. At this stage, the duties and powers of the Consumer Rights Protection Agency were transferred to the Competition Development Committee. It should be noted that, the transfer of duties and functions of the Consumer Protection Agency to the Committee is a positive change.

The Committee for the Development of Competition gets the authority to protect the rights of consumers and competitors together with the elimination of certain violations. In the experience of the countries of the world, it has been proven that positive results have been achieved by combining the activities of the body for the protection of consumer rights with the activity of the anti-monopoly body. In particular, the issue of protecting the interests of consumers in competitive relations is a necessary factor in against anti-competitive practices and preventing unfair competition. Thereby jointly protecting consumers and competition in various unfair trade practices, ensuring the interests of consumers in competitive relations and satisfying their basic needs, and protecting consumer rights the issuing of decisions contrary to the rules will be prevented.

On July 7, 2023, the new Law of the Republic of Uzbekistan on Competition was adopted. Although the new law, based on the experience of developed countries, contains norms that are quite different from the previous Law on Competition, the creation of this law relied on the norms of the CIS model. The most serious drawback of the CIS model of legal regulation of competition is that it does not recognize consumers as participants in competitive relations. The competition laws of EU member states, in particular the laws on unfair commercial practices and misleading advertising, regulate relations not only with competitors, but also with consumers. Due to the fact that the legal transfer of the competition legislation of Uzbekistan was carried out through the CIS model, only the competitor is recognized as the party harmed by anti-competitive actions. Competition law was not designed to guarantee consumer rights. It does not reflect special norms that regulate the violation of consumer rights through abuses of a dominant position, cartel and unfair competition offenses.

The two largest and most influential systems for regulating unfair competition, the United States and Germany's Competition Laws, regulate the conduct and organization of corporations, promote competition, and prevent monopolies, and have been refined to fully protect the rights of consumers and competitors. Germany's 2004 Law Against Unfair Competition includes a jurisprudential concept called Schutzzwecktrias – the "triple protection". In the concept, the interests of consumers are clearly indicated, and it is legally established that unfair competitive actions, which are

capable of affecting competition to the extent of harming competitors, consumers or other market participants, are not permitted.

Although the stages of development of competition legislation and policy in Uzbekistan are fundamentally different from them, free and fair competition relations will be able to achieve positive results as a result of the correct application of the practices of these countries, which are fully regulated.

#### IV. Conclusion

There have been no large-scale changes in the competition policy and competition norms of the Republic of Uzbekistan for more than 30 years. Because, in Uzbekistan, the legal experience of foreign countries with developed economy of competition norms was rarely referred to. On the contrary, competition law was formed as a result of taking a model from the competition law of the CIS countries, which is aimed only at regulating relations between competitors.

It is clear that introducing completely different norms to market relations with different supply and demand, not studying the problems in the market, not implementing the results, will not be effective. In the competition legislation of Uzbekistan, the consumer is not considered a participant in competitive relations. Its disadvantage is that the rights of consumers are not fully guaranteed in competition law.

The transplantation of competition laws of the CIS countries to Uzbekistan was seen as a way to improve the competition legal system. Because the legal system of these countries belongs to the same family - the Romano-Germanic legal family. However, since Sharia law is widely used in business practices in Central Asian countries, such a legal transplant may not be effective. Accordingly, the question of the quality of the legal norms being transplanted to Uzbekistan is also important. In the future, it is necessary to take into account the risk of the development of an unsuccessful legal norm that does not solve the problem that has arisen in a certain area of personal relations or may even worsen the level of the existing legal framework.

Based on the legal experience of economically developed countries, issues such as further improvement of the national competition legislation, taking into account the business practices of the Uzbek Muslim society, creating a free market environment by transplanting favorable legal norms, will undoubtedly be positively received by most investors.