

# TSUL LEGAL REPORT

INTERNATIONAL ELECTRONIC  
SCIENTIFIC JOURNAL

VOLUME 7  
ISSUE 1  
MARCH 2026



JOURNAL DOI: 10.51788/tsul.ir.  
ISSUE DOI: 10.51788/tsul.ir.7.1.  
E-ISSN: 2181-1024



Founder: Tashkent State University of Law



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T L R

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ELECTRONIC SCIENTIFIC JOURNAL

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«TSUL Legal Report» international electronic scientific journal was registered by the Press and Information Agency of Uzbekistan on April 21, 2020, with certificate number 1342. The journal is included in the list of journals of the Higher Attestation Commission under the Ministry of Higher Education, Science and Innovations of the Republic of Uzbekistan.

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**Publishing license**

№ 174625, 29.11.2023.

**E-ISSN: 2181-1024**

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# TSUL LEGAL REPORT

Journal home page: [www.legalreport.tsul.uz](http://www.legalreport.tsul.uz)



Received: 10.02.2026

Accepted: 13.03.2026

Published: 30.03.2026

DOI: <https://dx.doi.org/10.51788/tsul.lr.7.1./YORE3191>

## A COMPARATIVE LEGAL ANALYSIS OF NATIONAL LEGAL POLICY MODELS

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**Abstract.** This article provides a comparative legal analysis of the national legal policy models of the Federal Republic of Germany, the Russian Federation, the Republic of Kazakhstan, and the Republic of Belarus. The study conceptualizes legal policy as the state's strategic activity aimed at shaping and developing the legal system and focuses on identifying its constitutional foundations, regulatory priorities, and institutional mechanisms. The findings demonstrate that the substance and orientation of legal policy models are directly linked to a state's political and legal structure, the degree of separation of powers, and the system of legal values. The German model is grounded in the primacy of the rule of law state and constitutional review, whereas the Russian and Belarusian models reveal a close interconnection between legal policy and state interests, as well as political stability. The legal policy of the Republic of Kazakhstan is characterized as a transitional model that combines strategic planning with legal modernization. The article substantiates that these conclusions not only enrich legal policy theory but also hold scientific and practical significance for improving national legal systems and planning legal reform processes.

**Keywords:** legal policy, national legal model, rule of law, constitutional review, state-law relations, regulatory legal system, legal modernization, comparative legal analysis, legal reforms

### Introduction

In the conditions of the twenty-first century, law is manifested not as an ordinary normative basis of state activity, but as an important political instrument of strategic governance of society. Precisely in this process, the concept of legal policy is emerging as an independent conceptual category that expresses the scientifically grounded, goal-oriented, and systematic activity of the state aimed at shaping, developing, and modernizing the legal system. Legal policy harmonizes the processes of law-making (rule-making), law enforcement, and the formation of legal consciousness within a single strategic direction (Habermas, 1996).

The main argument of this study is that the model of national legal policy is directly determined by the state's constitutional order, the mechanism for organizing political power, and the system of legal values. This idea is clearly confirmed by the principle of the rule-of-law state (Rechtsstaat) (Dicey, 1982), enshrined in the Basic Law of the Federal Republic of Germany. For instance, Article 1 of the German Constitution recognizes human dignity as the highest constitutional value and establishes it as the primary benchmark for the activities of all state authorities. This indicates that human rights and constitutional review stand at the center of Germany's legal policy (Alexy, 2002).

At the same time, in some states the substance of legal policy is shaped on the basis of the primacy of state interests and political stability. For example, Russian legal policy, in theoretical terms, is oriented toward using law as a means of public administration and ensuring national security. According to Y.K. Krasnov's scholarly views, legal policy is "the expression of the will of the state in legal form," and it performs the function of a mechanism for the centralized management of social processes (Krasnov, 2019). This approach shows that legal policy is interpreted in connection with state interests rather than democratic constraints.

The next scholarly hypothesis of the study is that the effectiveness of legal policy is directly linked to elevating it to the level of strategic planning through formal conceptual documents. This idea is confirmed by the example of the Republic of Kazakhstan's Legal Policy Concept up to 2030 (President of the Republic of Kazakhstan, 2021). In this document, legal policy is defined as an integral part of the state planning system; it identifies improving the quality of normative legal acts, enhancing law-enforcement practice, and protecting human rights as strategic objectives. This, in turn, serves to transform legal policy from a merely declarative notion into a functional instrument of governance.

In this regard, the model of legal policy in the Republic of Belarus is distinguished by an ideological and sovereignty-based approach. In the Concept adopted in 2023 (President of the Republic of Belarus, 2023), legal policy is interpreted as being inextricably linked to the state's historical and cultural values and the interests of national security. In particular, the document defines legal policy as "a scientifically grounded activity aimed at ensuring a balanced protection of the interests of the state and society." This approach aligns legal policy with state centralization rather than democratic pluralism.

Thus, within the framework of this article, a comparative legal analysis of the national legal policy models of Germany, Russia, Kazakhstan, and Belarus identifies different conceptual approaches to legal policy, their normative foundations, and their institutional mechanisms. The scholarly significance of the study lies in the fact that, while enriching legal policy theory, it also makes it possible to determine which model is more effective under which conditions in implementing legal reforms.

### **Methods**

This study is aimed at a comparative analysis of national legal policy models and applies a scientific methodology based on a comprehensive approach. The research methodology makes it possible to analyze legal policy not only as a normative-legal phenomenon, but also as a politico-legal institution, a strategic governance mechanism, and a conceptual system that regulates social processes.

The study was conducted on the basis of a comparative-legal research design. This approach made it possible to examine the legal policy models of the Federal Republic of Germany, the Russian Federation, the Republic of Kazakhstan, and the Republic of Belarus using the same analytical criteria. The main reason for choosing a comparative approach is that these states demonstrate different constitutional, political, and ideological

approaches to shaping legal policy, which enables the identification of both general patterns and model-specific differences.

The research is not normative-descriptive, but rather analytical and explanatory in nature and is aimed at interpreting the content of legal policy, its institutional mechanisms, and their effectiveness.

The following main scientific methods were used in the study:

*Comparative legal method.* This method made it possible to study each state's legal policy within its specific national context while also comparing them on the basis of common analytical criteria (constitutional foundations, normative priorities, relations between the state and society, and the institutional actors of legal policy). This method served as the primary tool for identifying the common and distinctive features of legal policy models.

*Formal legal (doctrinal) method.* Using this method, the key normative legal documents that define legal policy—constitutions, legal policy concepts, and strategic programs—were analyzed (Kelsen, 1967). Formal legal analysis made it possible to assess the degree to which legal policy is legally entrenched, its normative clarity, and its internal logical consistency.

*Systemic-analytical method.* Since legal policy is a complex, multi-level system, it was necessary to analyze it not as a mere set of individual normative acts, but as an integrated set of interrelated elements (law-making, law enforcement, the judicial system, legal consciousness, and legal culture). The systemic approach helped to reveal the internal structure of legal policy and its functional interconnections.

*Doctrinal (theoretical-legal) analysis method.* This method was used to examine scholarly sources on legal policy theory, compare different approaches, and assess their relevance to the subject of the study. Doctrinal analysis made it possible to determine the substantive boundaries of the concept of legal policy and to strengthen the theoretical foundations of the research.

The empirical and normative basis of the study was formed by the following sources:

The Basic Law of the Federal Republic of Germany;

The legal policy concepts of the Republic of Kazakhstan and the Republic of Belarus;

Scholarly and conceptual documents on Russian legal policy;

Academic monographs and textbooks on legal policy theory.

These documents were selected on the basis of criteria of official status, normative force, and scholarly reliability, which ensured the objectivity and replicability of the research findings.

Since the study was conducted primarily on the basis of normative legal acts and conceptual sources, the issues of the actual practical implementation of legal policy and its social acceptance were addressed to a limited extent. However, this limitation does not significantly affect the main aim of the study, namely, identifying the conceptual and institutional characteristics of legal policy models.

## **Results**

The results of this study show that the content and direction of national legal policy models are directly determined by a state's constitutional structure, the mechanism for organizing political power, and the hierarchy of legal values. The comparative analysis revealed that there are fundamental differences among the four states in the normative foundations, institutional priorities, and functional orientations of legal policy.

Federal Republic of Germany: a model of constitutional-legal primacy. The findings indicate that Germany's legal policy is firmly grounded in constitutional primacy and the principle of human dignity. *Article 1 of the German Basic Law* (Federal Republic of

Germany, 1949) recognizes human dignity as “inviolable” and establishes it as a binding norm for all state authorities. This means that in Germany’s legal policy, law is not subordinated to the will of the state; rather, the state is subordinated to law.

The analysis shows that the key institutional guarantee of legal policy in Germany is the Federal Constitutional Court (Federal Republic of Germany, 2020). This institution functions as a real mechanism that keeps the legislative and executive branches within constitutional limits. As a result, the German model shapes legal policy as a restrictive and balancing mechanism.

Russian Federation: a centralized state-volitional model. The study found that Russia’s legal policy represents a centralized model oriented toward state interests. As Y.K. Krasnov notes, legal policy in Russia is manifested as “the expression of the will of the state in legal form.” (Krasnov, 2019) This approach interprets law not as an independent social regulator, but as an instrument of state governance.

The results demonstrate that in Russian legal policy, issues of improving the normative legal system are often resolved in connection with factors of political stability and national security. This indicates that democratic limiting mechanisms within legal policy are pushed into a secondary position. Thus, the Russian model can be characterized as an instrumental form of legal policy.

Republic of Kazakhstan: a strategic–modernization model. The findings show that Kazakhstan’s legal policy represents a model formed on the basis of an official strategic concept. *In the Legal Policy Concept up to 2030* (President of the Republic of Kazakhstan, 2021), legal policy is enshrined as an integral part of the state planning system. This elevates legal policy from the level of declarative documents to the level of a governance strategy.

The analysis indicates that, in the Kazakhstani model, legal policy is closely linked to improving the quality of normative legal acts, enhancing law-application practice, and protecting human rights. At the same time, legal policy is implemented within the framework of a strong executive branch. As a result, this model is characterized as pragmatic and transitional.

Republic of Belarus: an ideological–sovereignty model. The findings show that Belarusian legal policy is formed on the basis of the primacy of ideological stability and state sovereignty. *In the Concept adopted in 2023* (President of the Republic of Belarus, 2023), legal policy is defined as a scientifically grounded activity aimed at ensuring a balanced safeguarding of the interests of the state and society.

Within this model, legal policy appears not so much as a means of expanding democratic pluralism, but rather as an instrument for strengthening social stability and centralized governance. As a result, the Belarus model is characterized as a conservative and evolutionary approach that closely links legal policy with the state ideology.

Based on the comparative analysis, the following general conclusions were formulated:

- Germany’s legal policy is a model based on legal constraints and constitutional review.
- In the Russian and Belarusian models, legal policy is closely connected with state interests and political stability.
- The Kazakhstani model occupies an intermediate position between strategic planning and legal modernization.
- The effectiveness of legal policy is directly dependent on the existence of institutional mechanisms that entrench it.

### **Discussion**

The findings of this study demonstrate practical confirmation of the main conceptual approaches advanced in legal policy theory. In particular, theoretical views that interpret legal policy as a tool for the strategic governance of a state’s legal system (Malko, 2010;

Malko & Zatonskiy, 2015; Krasnov, 2019) were found to take different institutional forms in the national models analyzed. This confirms that legal policy does not have a single universal model; rather, it is a multi-variant phenomenon adapted to national constitutional and political contexts.

The German model of legal policy proved to be the closest practical example to the theories of the rule-of-law state (Rechtsstaat) and constitutionalism (Dicey, 1982). From a theoretical perspective, the liberal-constitutional approach interprets law as the highest value that limits state power. The study's results confirmed that the absolute primacy of human dignity and fundamental rights is entrenched in Germany's Basic Law (Alexy, 2002). This indicates that the core of legal policy is not state interests, but the individual and his or her rights.

In theoretical terms, this model evaluates legal policy as a restrictive and balancing mechanism. The practical findings also confirmed this approach, showing that strong constitutional review and the independence of the judiciary are the main conditions for the effectiveness of legal policy. Therefore, the recognition of the German model in legal policy theory as a "classic rule-of-law model" is scientifically well grounded.

By contrast, the Russian model of legal policy was found to be close to instrumental legal theory. In this theory, law is interpreted as a means of implementing state policy. Yu.K. Krasnov's interpretation of legal policy as "the expression of the will of the state in legal form" fully corresponds to the research findings (Krasnov, 2019).

The discussion shows that this model may be effective in ensuring short- and medium-term stability; however, in the long term there is a possibility that it could negatively affect the adaptability and legitimacy of the legal system. From a theoretical perspective, this is explained by the fact that it may restrict the role of law as an independent social regulator. Therefore, in legal policy theory the Russian model is assessed as a state-centered, instrumental model.

The Kazakhstani model of legal policy demonstrates a modern approach aimed at integrating legal policy with long-term strategic planning. In theoretical terms, this model corresponds to the concept of "normative modernization." The research findings confirm that Kazakhstan's legal policy is being implemented systematically on the basis of an official concept.

The discussion further reveals that this model elevates legal policy from the level of declarative documents to the level of a governance strategy. However, from a theoretical standpoint, the predominance of a strong executive branch may limit the democratic balancing mechanisms of legal policy. Therefore, in legal policy theory the Kazakhstani model is assessed as a transitional and pragmatic model.

The Belarusian model of legal policy demonstrates an approach that closely links legal policy with state ideology and national sovereignty. In theoretical terms, this model corresponds to conservative legal theories that interpret law as a means of preserving social stability and state integrity. The research findings show the evolutionary development of Belarusian legal policy grounded in historical and cultural values (Tamanaha, 2004).

The discussion indicates that, although this model may be relatively effective in maintaining social stability, it may limit the potential for renewal and pluralism within legal policy. From a theoretical perspective, this is explained by a decline in the flexibility of legal policy.

Overall, the discussion leads to the conclusion that the effectiveness of legal policy is determined not merely by the existence of normative documents defining it, but by their institutional guarantees, the degree of separation of powers, and their alignment with legal culture. The study makes an important scholarly contribution to legal policy

theory, substantiating the need to interpret legal policy not as a universal model, but as a polycentric and context-dependent phenomenon.

Table

Comparative table of legal policy models in foreign countries

Criteria	Republic of Kazakhstan	Republic of Belarus	Russian Federation	Federal Republic of Germany
<b>Understanding of legal policy</b>	Legal policy is viewed as a systematic, long-term state strategy aimed at developing national law, law-enforcement and the judicial system, as well as providing legal support for socio-economic reforms.	Legal policy is understood mainly as a tool for ensuring centralized public administration and the stability of the legal system.	Legal policy is a scientifically grounded, consistent, and systematic activity of state and local bodies aimed at applying legal instruments across all social spheres in order to fully ensure human and civil rights and freedoms and to strengthen discipline, legality, and legal order in society.	The term “legal policy” is not used directly; instead, a “quality regulation” approach and the rule-of-law state (Rechtsstaat) concept are applied.
<b>Existence of a separate conceptual document</b>	Exists: “The Concept of the Legal Policy of the Republic of Kazakhstan up to 2030,” approved by Presidential Decree.	Exists: “The Concept of the Legal Policy of the Republic of Belarus,” approved by Presidential Decree.	No officially approved state concept; however, there is a developed doctrinal base and draft concepts on legal policy.	Does not exist; legal policy is implemented through the Constitution, federal laws, and institutional mechanisms.
<b>Normative status</b>	A document of the state planning system; binding for state authorities.	Programmatic–political in nature; implemented through documents of the President and the Government.	Doctrinal and academic–methodological in nature; used in shaping legislation.	Constitutional–institutional in nature; based on the Basic Law and rule-of-law principles.
<b>Main directions</b>	Development of national legislation, the judicial system, law-enforcement agencies; ensuring human rights; legal education; digitalization.	Ensuring legal order; stability of legislation; strengthening the state’s role in legal regulation.	Improving law-making, law-application practice, the judicial system, and legal culture.	Improving the quality of legislation; protecting fundamental rights; ensuring proportionality of regulation.
<b>Approach to law-making</b>	Evidence-based, rational and effective regulation, with emphasis on regulatory impact assessment.	Centralized and directive approach.	Scholarly–doctrinal approach oriented toward systematization and forecasting.	Procedural–institutional approach (“Better Regulation”).

Criteria	Republic of Kazakhstan	Republic of Belarus	Russian Federation	Federal Republic of Germany
<b>Role of scholarship and doctrine</b>	The importance of academic and expert research in shaping legal policy is recognized.	The role of scholarly expertise is limited.	The decisive role of legal scholarship and doctrine in shaping legal policy is acknowledged.	Scholarly expertise is institutionalized through independent expert bodies.
<b>Public and expert participation</b>	Formally provided for (public discussions, “Open NLA”), but limited in practice.	Minimal.	Partial, mainly at the expert level.	High, through mandatory consultations.
<b>Institutional mechanism of implementation</b>	Coordinated through the Presidential Administration and the Government.	Strong centralization of executive power.	Involvement of state bodies and research centers.	Independent regulatory bodies and parliamentary oversight.
<b>Overall model</b>	Strategic–normative model.	Administrative–centralized model.	Doctrinal–strategic model.	Institutional–procedural model.

## Conclusion

Within the framework of this study, a comparative legal analysis of the national legal policy models of the Federal Republic of Germany, the Russian Federation, the Republic of Kazakhstan, and the Republic of Belarus scientifically confirmed that legal policy is an important strategic instrument of state development. The research shows that the content and direction of legal policy are *not universal in nature*; rather, they are directly determined by each state’s constitutional structure, the mechanism for organizing political power, its historical and cultural development, and its system of legal values.

Based on the results of the analysis, the German legal policy model was identified as the most complete practical expression of the theories of the rule-of-law state and liberal constitutionalism. In this model, legal policy functions as a mechanism that constrains state power and ensures human rights and constitutional primacy. This demonstrates that the effectiveness of legal policy is closely linked to strong institutional guarantees and an independent judiciary.

The analysis of the Russian and Belarusian models shows that legal policy may take on a state-centered and instrumental character. In these states, legal policy is shaped primarily as a means of ensuring political stability, national security, and state interests. As a result, the role of law as an independent social regulator is restricted, and legal policy becomes a normative expression of the will of the state. The study indicates that, alongside its capacity to ensure short-term stability, such a model may also generate risks to the legitimacy and adaptability of the legal system in the long term.

The legal policy model of the Republic of Kazakhstan, in turn, emerged as a transitional model seeking a balance between strategic planning and legal modernization. The study shows that this model elevates legal policy from a declarative approach to the level of an institutional governance strategy. At the same time, it is noted that the predominance of a strong executive branch may hinder the full formation of democratic balancing mechanisms within legal policy.

As a general conclusion, it can be emphasized that the effectiveness of legal policy depends not on the mere existence of conceptual documents defining it, but on the institutional mechanisms that ensure their practical implementation, the degree of separation of powers, and their alignment with legal culture. The study enriches legal policy theory and scientifically substantiates the need to interpret legal policy not as a single universal model, but as a multi-variant politico-legal phenomenon adapted to the national context.

These conclusions have both theoretical and practical significance for improving legal policy, planning legal reforms, and modernizing national legal systems, and they provide a solid methodological basis for further scholarly research.

Based on the comparative analysis conducted, the following scholarly and practical recommendations may be proposed. First, in order to increase the effectiveness of legal policy, it is necessary not to limit it solely to declarative conceptual documents, but to reinforce it with strong institutional oversight mechanisms. Germany's experience shows that the effective functioning of constitutional judicial review is a key factor ensuring the stability of legal policy.

Second, it is advisable to interpret legal policy not as an absolute expression of the will of the state, but as a mechanism for ensuring a balance between the interests of the state and society. The analysis of the Russian and Belarusian models indicates that where such a balance is not sufficiently ensured, the legitimacy of legal policy may decline.

Third, integrating legal policy with strategic planning can produce positive results; however, this process must be balanced by democratic oversight and legal constraints. Kazakhstan's experience demonstrates the possibilities of implementing legal modernization through planning, but this approach needs to be strengthened by institutional mechanisms of balance.

These recommendations may serve as a conceptual direction for further scholarly research and legal reforms aimed at improving legal policy.

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TSUL LEGAL REPORT

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# **TSUL LEGAL REPORT**

INTERNATIONAL ELECTRONIC  
SCIENTIFIC JOURNAL

VOLUME 7  
ISSUE 1  
MARCH 2026