



Methodological applications for measuring the impact of legislation

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Abstract

The methodology of measuring the impact of legislation is one of the best contemporary practices of legislative development, and a central tool for achieving the quality of legislation, through knowledge of the benefits and costs of legislation before voting on it, which is based on the independence of official and unofficial institutions, which the world knew in the seventies of the last century in a number of countries, but it took an international dimension when the Organization for Economic Co-operation and Development (OECD) adopted this methodology, as a means to achieve the end of legislation based on the success of government policies and measures verified from it, through binding applications to parliaments through which the impact of legislation can be measured, as well as a tool for control and accountability, and a means for correcting legislation in line with the general policies of the state.

Keywords

Parliament, Measure the Impact of Legislation, the Quality of Legislation, The Quality of Legislation.

Introduction

Legislation is a key tool for implementing public policy in all its areas through "legislative policy", which aims at translating public policy into legislation in line with reality. Legislation is important through setting priorities and defining the features of public policies, and this does not take place in a vacuum. This importance stems from the realization that laws are not only binding organizational matters for the legislator, but are an expression of the will and priorities of society.

Thus, many governments and parliaments have sought to ensure the quality of legislation through precision, clarity and delivery of the intent of the legislator, by assessing the impact that a particular legislation can have, whether in terms of financial cost or the social, economic and environmental impacts that it can have. The methodology used to measure the impact of legislation by Governments, organizations and institutions in the areas of public policy, and to help them to make decisions and to ascertain the impact of legislation, while analyzing and analyzing its limited interests, Outcomes and analysis of expected outcomes and risk analysis, to improve the capacity of Governments and institutions to achieve effective and efficient legislation.

Research Importance

The importance of research stems from the fact that it highlights the most important applications that can be made for the application of the methodology for measuring the impact of legislation, reflecting on the quality of legislation.

Research Objective

Research seeks to determine the usefulness of applying the measure of the impact of legislation to achieve the desired quality of legislation enacted by national parliaments so that such legislation reflects societal needs.

Research problem:

The research problem of the study lies in its clarification of the impact of measuring the impact of legislation on the work of parliaments, and the extent of its reflection on the outputs of the legislative process.

1. What is the concept of measuring the impact of legislation?
2. What are the mechanisms for measuring the impact of legislation?
3. What are the applications of measuring the impact of legislation?

Research hypothesis

The hypothesis of the research stems from its number that the applications of measuring the impact of legislation have a clear reflection on the quality and quality of legislation enacted by legislative bodies around the world if they adhere to the indicators included in the application of measuring the impact of legislation.

Methodological Framework for Research

In the course of the study, the descriptive method was used to produce results that could be applied and subsequently disseminated, in order to achieve the desired benefit of solid scientific research To describe and define the concept of measurement of the impact of legislation, as well as knowledge of the application of the methodology for measuring the impact of legislation.

First Part: The Concept of Measuring the Impact of Legislation

First - definition of measuring the impact of legislation

Measuring the impact of legislation is one of the main tools to achieve ensuring the quality of legislation, which is an important and essential element for the stability and development of societies at the various social, political and economic levels. Many studies have dealt with the concept of measuring the impact of legislation and are almost in agreement as follows:¹

1. Prepares a document that supports the decision-making process by providing evidence of the advantages and disadvantages of alternative options in terms of their potential effects on stakeholders and expected results, or is a communication platform for stakeholder engagement to facilitate auditing of legislation submitted by the executive authority
2. It is a systematic policy tool used to examine and measure the likely benefits, costs and impacts of new or existing legislation.
3. It is a flexible tool that helps governments improve their conditions according to regulatory decisions and policies based on information and empirical analysis about the potential consequences of a regulation.²

The Organization for Economic Co-operation and Development (OECD)³ defines measuring the impact of legislation as "examining and measuring the expected benefits, costs and expected effects of new or amended legislation."⁴

Measurement of the impact of legislation can also be defined as: it is the mechanism through which the expected impact of legislation can be identified before it is put into practice to take comprehensive information about the dimensions of the legislation based on identifying the problem for which the legislation was developed, and then classifying the advantages and disadvantages in order to reach the available options or alternatives.⁵

Based on the previous definitions, the following definition can be formulated:

"It is a tool to know the pros and cons of legislation, and to indicate the need for legislation or not, through consulting the sectoral bodies concerned with legislation, to identify the expected effects of legislation" before enacting it.

¹ United Nations: regulatory impact assessment, CEPA strategy guidance, 2021,p5.

² Karim Sayed Abdel-Razzaq: Methodology for Measuring the Impact of Legislation between International Practices and Experiences and Application Requirements in Arab Countries, published research, Alexandria University, 2018, p. 48.

³ The Organization for Cooperation and Development: It is an international organization that aims at economic development and reviving trade exchanges. The organization consists of a group of developed countries that accept the principles of democracy and a free market economy. It was established in 1961 to succeed the Organization for European Cooperation. The organization's mission is to promote policies that lead to improving economic and social well-being. People and all over the world.

⁴ The official website of the Organization for Economic Cooperation and Development and at the link <https://www.oecd.org/mena/> Date of visit 12/27/2021

⁵ Al-Rikabi hatif: A Guide to Measuring the Impact of Legislation, first edition, Dar Riwaq, 2019, p. 26

Second- Steps and Stages of Measuring the Impact of Legislation

The process of measuring the legislative impact is described as the process of analyzing and evaluating the expected social, economic, financial and environmental results and impacts before introducing or amending any legislative tool, and evaluating the costs, benefits or advantages related to legislative intervention, with the aim of identifying the available options and choosing the most appropriate of them, whether legislative or non-legislative, and recording The outputs of the analysis are in a document prepared for this purpose to be attached to the draft policy, legislation, or non-legislative alternatives prepared)) i.e. there is a series of scientific and logical steps that are binding when presenting draft laws or proposals for policies or amending laws with

the aim of giving decision makers a set of advantages and disadvantages of draft laws and evaluating their effects The most important stages or steps for measuring impact are typical steps that enable obtaining the best outputs for legislation, which are⁶:

1. Defining the problem: Which problem is the subject of the legislation?
2. Setting goals: Determine the goal to be achieved?
3. Identify options: What are the options for achieving the goal?
4. Analyzing options: that is, determining the expected impact of the expected options and comparing them with other options?
5. Choosing the optimal and best solution among the options.
6. Application and implementation.
7. Monitoring and evaluation.

Despite the different methodologies for measuring the legislative impact between one country and another, the basic steps for measuring the impact remain constant, and they are seven steps. These solutions Options can be identified through the use of the following parties (consultation with stakeholders, consultation with experts, studies and research, access to the experiences and studies of impact assessment of other countries), and it is worth noting that the best time to measure the impact of legislation is the first moments For legislation or decision making, that is, at the beginning of thinking about the existence of a problem that needs to be solved. Data and consultations), which is a step of great importance in evaluating the legislative impact because of the information and data that results from it to achieve the goals, through studies, research, meetings, and consultations for the sect-oral bodies concerned with legislation, both at the level of the public and private sectors, to obtain accurate answers to the problem.⁷ The fourth step is (identifying Options) this step includes defining alternative options to solve the problem and it may be political, economic or social options. As for the

⁶ The Jordanian Prime Ministry (Decision-Making Support Unit): Guidelines for Impact Assessment Policy, 2020, p.10.

⁷ A guide to assessing the regulatory impact of government legislation and interventions: Institute of Law, Birzeit University, 2017, p. 14.

fifth step, it is (evaluation of alternative options), which is one of the basic and essential steps to measure the legislative impact as it comes out with recommendations for choosing a successful alternative through knowing and measuring the benefit and cost and determining The risks that may result from applying one of the alternatives and identifying the mechanisms to confront these risks, if any. As for the sixth step, it lies in (implementation), it is choosing the best and optimal alternative to solve the problem ⁸ and defining the legislative tool that achieves the goal, whether by issuing legislation, amending it, or activating instructions, as well Legislative solutions must be consistent with the constitution and the agreements and treaties to which the state is a party. As for the seventh and final step, it is (monitoring and evaluation). Achieving the objectives for which the legislation was developed and preparing a detailed report that includes all the results and implications of issuing the legislation.⁹

Therefore, it is possible to say that the methodology for measuring the impact of legislation works to clarify four basic principles that must be taken into account, namely:¹⁰

1. Is there an urgent need for legislative intervention?
2. The collection of sources, data and statistics should be from its primary sources.
3. That the options be discussed in a purely scientific way, far from influences.
4. Exchanging information between the official and non-official bodies, that is, those concerned with measuring the impact of legislation with the bodies expected to be affected by the intervention.

The Economic Cooperation Organization has adopted ten questions as a reference for the application of measuring the impact of legislation. The study finds that it is very important to work on mentioning them for their usefulness in clarifying an integrated picture of the subject. These questions are as follows:¹¹

1. Have you identified the problem accurately? As the problem is determined by investigating accuracy in defining the problem and working to solve it and collecting evidence about its size and nature, and investigating the reasons behind it and the parties affected by it.
2. Is there a justification for the measures taken by the government? That is, the government must rely on clear evidence that shows that the measures taken by the government are justified, based on a realistic assessment, and resort to alternative options to be resorted to to address the problem.
3. Is legislation the best way to deal with the problem? Legislators must make a realistic comparison of solutions in the early stages of the legislative

⁸ Guide to assessing the regulatory impact of government legislation and interventions: the same source, p. 15

⁹ Tariq Abu Salim: Seven Basic Steps for the Process of Evaluating the Impact of Legislation and Achieving Its Objectives, Al Bayan Emirati Newspaper, Wednesday, November 2, 2016, Issue: 13286, p. 1.

¹⁰Karim Syed Abdul Razzaq: a previously mentioned source, pg. 50.

¹¹ Guide to assessing the regulatory impact of government legislation and interventions: Source previously mentioned, pg. 47.

- process for various types, including legislation, amendment, or modification of regulations and instructions.
4. Is the impact measurement based on a legal basis? All processes concerned with measuring the impact of legislation and the outputs resulting from this methodology must be based on respect for the rule of law, and in accordance with the treaties to which the state is a party.
 5. Determine which levels are concerned with measuring the impact of legislation? It must be determined which party is considered more appropriate than others to measure the impact, and in the event that more than one party is identified, coordination must be made between these multiple parties.
 6. Do the costs incurred by the legislation achieve the expected benefits?
 7. Is there transparency in distributing returns and benefits equally to members of society?
 8. Is the legislation clear and consistent in its parts and accessible to the beneficiaries?
 9. Were the sect-oral bodies concerned with legislation given an opportunity to clarify their point of view?
 10. How do we ensure compliance with the prepared legislation? Legislators must prepare strategies to ensure optimal response and implementation through legislative interaction.¹²

Second Part- Methodological Approaches to Measuring the Impact of Legislation

The applications of the methodology for measuring the impact of legislation are among the necessities that enable national parliaments to play their true role to achieve the purpose of legislation, which are (legislative effectiveness, legislative policy, governance of legislation, the ability of legislation to achieve sustainable development, and provide evidence and data) and these indicators that will be addressed to know their importance to the authority Legislative and executive in the rationalization of public policy according to the methodology of measuring the legislative impact.

Legislative Effectiveness

This hypothesis is based on the extent to which people accept legislation in society, as this goal represents one of the main goals that parliaments in the world seek to achieve. Before studying draft laws, he should focus on how legislation communicates the values, feelings, and beliefs of individuals, or how legislation can be socially acceptable, so that complete conviction is generated that this legislation does not contradict their values, beliefs, and attitudes, and that over time it will achieve an interest whether they realize it sooner or later. The main concern of

¹² Same source: pg. 48

parliament is that it seeks not to conflict with moral values, and that there is interaction between legislation and social construction, and that there are elements for applying the law in practice, financial and political. Latin and Asian countries that parliaments should study legislation in-depth, based on the principle that society is the one that adapts legislation, and not, as was prevalent before that in parliaments, that it is the law that adapts society, this view that made societies captive to legislation.¹³

Legislative Policy

Legislative policy is the goal of the authority concerned with legislation towards issuing and implementing supreme public policy in its various political, social and economic fields, through the enactment of legislation.¹⁴

According to the general policy of the state, there is a legislative strategy for the state long-term and short-term that would oblige successive governments with a general strategy for the state that can be developed in cooperation with official and unofficial sect-oral bodies without change every time just to replace governments with the need to maintain a limited executive margin for governments.¹⁵

There should also be priorities for some legislation, often economic, called (the legislative program), which requires a comparison of many draft legislations that are making a lot of noise about them to attract the attention of the legislative authority, or through the general policy of the state that parliament presents in cooperation with the executive authority An annual legislative program for approval (not all governments do this, but they must do it) and in most countries of the Commonwealth, if not all of them, the head of the state authority announces the annual legislative program at the opening of the first session of parliament, and according to this legislative program it becomes easy to identify defects and weaknesses in government performance It also enables Parliament to closely monitor the performance of the executive authority in cases of failure, if any, in addition to accurately determining legislative priorities through a parliamentary committee in the Legislative Council to discuss the government's government program by specialists, whether permanent or temporary, and to submit an annual report on the completion rate of the government program.¹⁶

The governance of legislation is of great importance in many countries. The good production of quality legislation has a positive impact on countries and the achievement of the goals of legislation and thus the cycle of public policies. Their

¹³ Ali Al-Sawy, Ali Musa: Parliamentary Analysis of Legislation, a previously mentioned source, pp. 148-160.

¹⁴ Kamal Darwish, Nabih Al-Alqami, Muhammad Fadlallah: Legislations and Laws (An Integrative View), Al-Kitab Publishing Center, first edition, 2004, Cairo, p. 33.

¹⁵ Legislation Observatory in Lebanon (Human Rights Rules in Legislative Drafting and Policies) Proceedings of four seminars held by the Lebanese Foundation for Civil Peace in cooperation with the Cultural Association in Tripoli, the Institute of Law and other institutions for the period from 12/2, 25/6, 3/12, 7/12/2005, p. 211 .

¹⁶ Anne Seidman, Robert Seidman, Talin Aisekeri: Evaluation of Legislation (a guide for legislators) with the support of the United Nations Program (UNDP), Sabra Office for Legal Translation, p. 43.

numbers, for legislation to enact special methods and means to ensure the success of the quality of legislation and its guarantor to achieve the desired goals, so a number of developed countries and some developing countries resorted to developing methods of producing legislation and did not leave it to the desires and jurisprudence of deputies and ministers, so the governance of legislation means that there are specialists concerned with evaluating and studying legislation from the beginning, and a review of the foregoing legislation during past periods through paths and methods that guarantee modernity in legislation and quality in drafting, manufacturing and application, and emphasizing that these legislation fulfill the requirements of development, so the basis of governance is based on the fact that all legislation is reviewed on a regular basis.¹⁷

The legislative process is an overlapping and complex process, and the legislation goes through a series of stages within parliament, as it needs to control these mechanisms at the objective and technical level, and all of this is done within the framework of transparency, and achieving community participation.¹⁸ There must also be clear and applicable mechanisms within parliaments, starting from publishing the agenda of the sessions, the agenda of the parliamentary committees, the broadcast of the sessions and the publication of absences.

As For the Rules of Legislative Governance

Applying clear standards and rules aimed at achieving quality legislation and transparency.

Realizing the real participation of the parties concerned with the legislation or the sect-oral bodies. Participation is considered the cornerstone of good legislative governance, including public participation. The democracy of making legislation would achieve stability in legislation.

Achieving transparency, by presenting data such as statistics and quarterly and annual reports on the level of Parliament's performance, in addition to presenting the minutes of meetings, discussions, mechanisms and voting rates, and making them available to the general public, which contributes to enhancing participation in making legislation, monitoring the government, and following up the level of performance of the legislative authority.

A means to achieve the best performance of parliaments by controlling the rules of procedure that govern the work in legislative councils and that govern the actions of deputies within the dome of parliament and draw the features of the legislative process according to transparent bases to ensure oversight and accountability. These rules regulate discussions, attendance, parliamentary discourse, interaction between members, and the work program of committees'

¹⁷ Muhammad Hussein Al-Dalal: Governance of Legislation and Laws, article published in Al-Qabas electronic newspaper, dated 5/8/2021. On the website <https://alqabas.com/article/> Visit date 3/20/2022.

¹⁸ Ahmed Talal Abdel Hamid: Legislative Governance and the Quality of Legislation, an article published on the official website of www.ahewar.org/debat/show.art.asp?aid, The Civilian Dialogue, Issue 7004, dated 8/30/2021.

parliament, and correcting the work of parliaments towards controlling the legislative work.

Achieving the quality of legislation, so the application of governance is very important for the legislative authority to control. Outputs based on enacting advanced legislation that is consistent with public policy and achieves goals.

Automation of the legislative institution. The aim of using modern electronic technologies is to enhance the effectiveness of legislation by adding the automatic element to direct the path of the legislative process to the digital domain, so that all the work of the internal and external legislative councils is transformed into electronic work, in order to speed up the internal work procedures related to legislation and the administrative work that has it. Relation to parliamentary work.¹⁹

That the application of the rules of governance is not limited to members of parliament, but extends to the parliamentary administration of experts, advisors and special grades. And the need for there to be a legislative basis that is applied consistently, uniformly, and achieving justice in (performance evaluation, training, and appointment) with a focus on defining tasks and responsibilities through job descriptions and according to the functions of the department, and paying attention to the continuous development and training of human cadres working in parliament as they are the sustainable element in the councils legislative.²⁰

The Ability of Legislation to Achieve Sustainable Development

One of the basic tasks of parliaments is to enact new legislation, review existing laws and make amendments, and to correct the legislation towards achieving public policy, it necessitated the existence of a strategic development plan that seeks sustainable development. It is necessary for parliaments in general and parliamentary committees in particular and the General Secretariat to pay attention to building their capacity, raising the level of parliamentary awareness of the goals of sustainable development, raising the level of awareness of political blocs and parties.²¹ The government submits a regular annual report on the implementation of the national plan and the need for there to be sessions to discuss these reports. Policies need plans and strategies to achieve the goals of sustainable development. The methodology for measuring the legislative impact is only a means to overcome individual institutionalism and unorganized work, despite the lack of a one-size-fits-all approach.

And by virtue of the experience of countries that are distinguished by developing public policies that are consistent with the social, economic and political

¹⁹ Ahmed Talal Abdel Hamid: The Institutional Legislative Governance Strategy, an article published on the official website of the Civilian Dialogue Foundation, No. 6770, dated: 12/24/2020, on the electronic link: www.ahewar.org/debat/show.art.asp?aid , date of visit 3/21/2022.

²⁰ Guide to Evaluating and Improving Governance Practices in the Public Sector, prepared by the Ministry of Public Sector Development / Directorate of Support for Creativity and Government Excellence, second edition, Jordan, 2017, p. 20.

²¹ Mervat Ramshawi: The 2030 Agenda for Sustainable Development, in cooperation with the United Nations Democracy Fund (UNDEF), 2018), pp. 17_22.

structure, the basis for the success of public policies is the ability to implement policies consistent with legislation on a regular basis and to rely on the processes, systems, tools and structures that governments use in managing and coordinating policies at all levels, so what are the factors that enable us To achieve these goals:²²

The existence of a partnership between the branches and levels of government in achieving the goals of sustainable development. A clear and explicit political commitment to achieving the goals supported by plans, policies and legislation enables everyone to pursue the achievement of the goals of sustainable development, and facilitates the avoidance of policy conflicts in the various sectors.

Raising the level of policy integration Policy integration is essential to balance social, economic and environmental priorities and to maximize synergies across all stages of policy making. Policies, through equal achievement of goals (the second goal) food production and (seventh goal) energy production can dispute over the same source (sixth goal) water, while the other importance is the compatibility of local policies and federal policies that cannot be achieved without a legislative vision that takes into consideration Considering the quality of legislation and the ability of legislation to be sustainable by measuring the impact of legislation. All these steps represent a priority in the methodology for measuring the impact of legislation.

The impact measurement methodology and the sustainable development goals contribute to the coordination of policies for institutions on several levels, and reduce the possibility of conflict between interests with regard to social, economic and environmental issues, as it enables ministries, public sector agencies and stakeholders to participate efficiently, and assist society in economic growth and sustainable growth, And there became an urgent need to apply the methodology widely.

Providing Evidence and Data:

Information and data are of great importance to the methodology for measuring the impact of legislation, thus enabling the legislative authority to make regulatory decisions based on information and empirical analysis about the potential advantages and disadvantages of legislation.²³The role that information plays in making appropriate decisions cannot be denied. According to this mechanism, the legislative institution can work in an efficient manner. More accurate for legislative and oversight tasks, committees and other legislative council departments must have accurate information about the state's activities. Therefore, modern democracies are concerned with concepts that achieve many goals in legislation, and according to the methodology for measuring legislative impact, the legislative institution has become dependent on modern mechanisms for data collection and the involvement of sect-oral bodies Concerned with legislation, the legislation has become more accurate in achieving its goals, and

²² Sarah Fison, Carlina Lindbergh, Aresino Morales: An article published on the website of the Dubai Journal of Policies and on the website: <https://dubaipolicyreview.ae/ar/%d>, dated 3/25/2022.

²³ Karim Sayed Abdel Razek: a previously mentioned source, pg. 49.

attracting specialists from experts and consultants in various specialties, their main task is to collect information and present it to the members, by providing the legislative councils with advanced devices and equipment for making decisions and sound legislation, because the members of the legislative councils depend on adequate and modern sources that enable them to have discussions And access to a more effective performance to achieve the quality of legislation and achieve the goals of public policies, in addition to that, it does not only improve legislation, but also draws in government interventions by enhancing coordination in public activities and policies, and at the same time enabling Parliament to be accountable and oversight of the government, as the justifications for the followers of The alternative of public policies and choosing the best alternative to intervene or take action, whether it is legislation, amendment, or keeping the matter as it is, and holding the government accountable for verifiable public policies according to quantitative and qualitative indicators, and according to opinion polls.²⁴

The Policy of Preparing For Legislation:

The methodology for measuring the impact of legislation provides the most important issues that the legislator must take into account in enacting legislation, on the executive authority and the legislator when initiating the development of any legislation in a number of matters, the most important of which is financial allocation, material, human and structural preparation, i.e. preparation for enforcement and application if the legislation is issued.²⁵

Therefore, looking at the methodological contributions of measuring the impact of legislation on the legislative authority is almost the same as applying to the executive authority, but from different angles. The principles of methodology for measuring the impact of legislation (legislative effectiveness, legislative policy, legislative governance, achieving sustainable development, and providing evidence and data) are all tools used by the executive authority To rationalize public policies, the impact measurement methodology also contributes to integrating government goals and policies as a coordinating tool, and the ability to show alternatives to each measure related to public policies, in addition to improving capabilities by improving the quality of organizational measures and thus is reflected in the good performance of institutions in terms of the degree of independence and ability It also enables institutions to build bridges of trust between formal and informal institutions.

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²⁴ Taiba Ahmed: Determinants of the Legislative Institution (A Case Study of Parliament in Algeria), University Center in Djflah, p. 65.

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