

THE CONSTITUTION OF UZBEKISTAN IN THE NEW EDITION AND ISSUES OF ITS IMPLEMENTATION

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Abstract: The article examines the development of the new edition of the Constitution of the Republic of Uzbekistan, its adoption based on public discussion, and the participation of the people in the process of preparing and approving the new edition of the Constitution. Additionally, a theoretical and legal analysis of the philosophical and legal ideas enshrined in the updated Constitution and the implementation of constitutional and legal concepts in the lives of society and citizens is conducted.

Keywords: Constitution, new edition of the Constitution, public discussion, constitutional provisions, democracy, sovereignty, democratic, secular, social, rule of law.

Annotatsiya: Maqolada O'zbekistonning yangi tahrirdagi Konstitutsiyasining ishlab chiqilishi, uning umumxalq muhokamasi asosida qabul qilinishi, xalqimizning yangi tahrirdagi Konstitutsiyaning ishlab chiqilishi va qabul qilinishida ishtiroki, yangi tahrirdagi Konstitutsiyaning falsafiy-huquqiy g'oyalari, konstitutsiyaviy-huquqiy g'oyalarni jamiyat va insonlar hayotiga ro'yobga chiqarish masalalari nazariy-huquqiy jihatdan tahlil etiladi.

Kalit so'zlar: Konstitutsiya, yangi tahrirdagi Konstitutsiya, umumxalq muhokamasi, konstitutsiyaviy qoidalar, demokratiya, suveren, demokratik, dunyoviy, ijtimoiy, huquqiy davlat g'oyalari.

Аннотация: В статье рассматриваются вопросы разработки новой редакции Конституции Республики Узбекистан, её принятия на основе всенародного обсуждения, участия народа в процессе подготовки и утверждения новой редакции Конституции. Также проводится теоретико-правовой анализ философско-правовых идей, заложенных в обновлённой Конституции, и вопросов реализации конституционно-правовых концепций в жизни общества и граждан.

Ключевые слова: Конституция, новая редакция Конституции, всенародное обсуждение, конституционные положения, демократия, суверенитет, демократический, светский, социальный, правовое государство.

Ключевые слова: Конституция, новая редакция конституции, публичное обсуждение, конституционные нормы, демократия, суверенитет, светское государство, социальное государство, правовое государство.

As a result of the effective and consistent implementation of the Constitution of the Republic of Uzbekistan, adopted on December 8, 1992, our country has transformed from an agriculturally-based economy into an industrially developed nation in a historically short

period of time. Uzbekistan has secured a worthy place in the global community and continues to develop rapidly. The peoples of Uzbekistan, having realized their national identity, are actively participating in the governance of the state and society based on democratic principles.

At the same time, the social, economic, political, cultural, and legal development of society, along with the fundamental change in people's consciousness, have made constitutional reforms a necessity. In his holiday greetings to the people of Uzbekistan on December 7, 2021, on the occasion of the 29th anniversary of the adoption of the Constitution of Uzbekistan, the President of the Republic of Uzbekistan put forward a proposal to develop the Constitution of Uzbekistan in accordance with societal progress and adapt it to modern requirements. He emphasized the need to strengthen the principle of "person - society - state" in national legislation and legal practice; ensure that safeguarding human interests becomes the main criterion in the process of economic reforms; establish constitutional foundations for developing the institution of family, preserving our noble human values for future generations, and further strengthening interethnic harmony; reflect state policy in the field of youth, the issue of comprehensive support for our sons and daughters, and their rights and duties at the constitutional level to fully ensure the rights and interests of young people; enshrine the principle of "New Uzbekistan - a social state" as a constitutional norm; address issues of preventing child labor and reliably protecting the rights of people with disabilities and the elderly; incorporate environmental provisions into our constitution; and enshrine at the constitutional level the development of preschools, schools, higher education, and science, which are the four integral components of the Third Renaissance [1. -P.320-321.]. Enshrining the principle of "New Uzbekistan - a social state" as a constitutional norm; issues of preventing child labor, reliable protection of the rights of people with disabilities and the elderly; enshrining environmental provisions in our constitution; It was emphasized that it is expedient to enshrine at the constitutional level the development of kindergartens, schools, higher education, and science, which are the four integral links of the Third Renaissance.

As Academician A.Saidov rightly emphasized, in the system of constitutional reforms in New Uzbekistan, three comprehensive development strategies adopted in recent years are of particular importance: first, within the framework of the Action Strategy on five priority areas of development of the Republic of Uzbekistan for 2017-2021, the norms of the Constitution of the Republic of Uzbekistan were further improved; second, consistent constitutional reform was implemented based on the New Uzbekistan Development Strategy for 2022-2026; third, in the implementation of the "Uzbekistan - 2030" Strategy, effective measures were established to ensure the direct execution of our updated Basic Law[2.].

Our people actively participated in creating the new version of the Constitution. During discussions with labor collectives, universities, mahalla activists, and intellectuals, nearly 10,000 additional proposals were received. Internationally recognized legal documents and the experience of 193 countries were studied. In total, 222,715 proposals for updating the Constitution of the Republic of Uzbekistan were received. This demonstrates that the new edition of the Constitution takes into account the interests of all segments of society, that the whole society has united around the idea of building a New Uzbekistan, and that our Basic Law is truly becoming a people's Constitution[2.].

The number of articles in the draft Constitution has increased from the current 128 to 155, and the number of norms has increased from 275 to 434. In other words, the text of our

Fundamental Law has expanded by nearly 65 percent and has been updated based on the proposals of our people.

The new edition of the Constitution of Uzbekistan was adopted with 90.21% of votes in favor from citizens who participated in the referendum held on April 30, 2023. The Constitution established the political and legal foundation for implementing the New Uzbekistan Strategy. At a historically significant stage in the development of national statehood, it defined the priorities for further advancement of the state and society[3.].

The adoption of the new edition of the Constitution in our country marks the beginning of renewal and change. The next task for the peoples of Uzbekistan, state authorities, civil society institutions, and society as a whole is the unconditional, steadfast, and complete implementation of constitutional provisions. This requires concerted efforts from all members of society, working together towards a common goal.

To implement the provisions of the new edition of the Constitution and instill them in the consciousness of society members, the Decree of the President of the Republic of Uzbekistan No. UP-67 "On Priority Measures for the Implementation of the Constitution of the Republic of Uzbekistan in the New Edition" was adopted on May 8, 2023.

It outlines specific tasks for implementing the provisions of the newly revised Constitution that should be carried out in the near future. According to it, the unconditional and complete implementation of the newly revised Constitution has been designated as the top priority task for state bodies and organizations at all levels.

The Decree establishes mechanisms for implementing the newly revised Constitution of Uzbekistan. Specifically, heads of state bodies and organizations are personally responsible for ensuring timely implementation of measures to enact the newly revised Constitution; based on the supreme legal force of the newly revised Constitution, it is to be applied directly and unconditionally in the activities of state bodies and organizations, including judicial and law enforcement agencies; it is strictly prohibited to refuse application of the newly revised Constitution's provisions on the grounds of absence of other legislative acts for their implementation or lack of amendments and additions to the legislation in accordance with the Constitution.[3.].

Along with this, the Decree approved a program of measures for implementing tasks arising from the new edition of the Constitution of the Republic of Uzbekistan - the Strategy for Uzbekistan's Development in the near future. These are as follows: First, strengthening the status of a sovereign state, particularly ensuring the priority of national interests in the face of new challenges and threats, and continuing foreign policy based on mutual trust and cooperation; Second, continuing the path of democratic development in accordance with the principle of a democratic state, strengthening parliamentarism, and supporting civil society institutions; Third, elevating the policy of honoring human dignity to a qualitatively new level based on the principle of the rule of law, ensuring the priority of human rights and freedoms; Fourth, implementing state obligations in the social sphere based on the principle of a social state, consistently continuing state policy on strong social protection and care for those in need; Fifth, strengthening guarantees of freedom of conscience within the framework of the principle of a secular state, consistently continuing the policy of ensuring harmony between nations and confessions; Sixth, implementing the promotion of the new edition of the Constitution and addressing other organizational and legal issues[3.].

According to the Decree, the following tasks are envisaged to strengthen the status of a sovereign state, particularly to ensure the priority of national interests in the context of new

challenges and threats, and to continue foreign policy based on mutual trust and cooperation: legally consolidating Uzbekistan's implementation of a peaceful foreign policy; developing a concept for implementing the principle of a sovereign state; introducing modern mechanisms for regulating the foreign policy activities of the Republic of Uzbekistan; further strengthening the state's defense capability, enhancing the combat readiness of the Armed Forces, its capabilities and potential; maintaining and developing ties with compatriots living abroad[3].

It is known that sovereignty is an inherent feature of the state. The French thinker J. Bodin, who made a significant contribution to the creation of the doctrine of state sovereignty, understood sovereignty as the complete, unlimited, and permanent power of the ruler over his citizens, based on natural law [5.-P.695.]. According to modern jurisprudence, sovereignty is unified, indivisible, and inalienable [6.-P.11-19.]. A non-sovereign, dependent state is not a state in the true sense of the word[4. -P.148.].

The decree pays special attention to the issue of strengthening people's power. It is known that the concept of people's power and its practical implementation has long attracted prominent figures throughout human history. Ancient Greek and Roman philosophers and jurists, European thinkers of the Middle Ages and the modern era, as well as Eastern thinkers of the Middle Ages, have illuminated various aspects of people's power in their works [7.-P.255-256.; 8.-P.403.; 9. -P.124.].

Strengthening people's power and ensuring active participation of citizens in the affairs of society and state is a pressing issue in modern conditions. In accordance with the principle of a democratic state, the following actions are necessary: improving the legal framework for implementing the exclusive constitutional powers of the Legislative Chamber and the Senate to continue the path of democratic development, strengthen parliamentarism, and support civil society institutions; developing a new procedure for forming the corps of deputies in the chambers of the Oliy Majlis and local Kengashes; establishing a new procedure for adopting laws in current legislation; improving the legal framework for implementing parliamentary oversight; introducing a new procedure for forming the Government in accordance with the new edition of the Constitution, and other measures.

In recent years, with the aim of ensuring a prosperous and comfortable life for our people, nearly 300 public services have been fully digitized, over 50 million services have been provided to the population, and consistent work is being carried out to drastically reduce bureaucratic barriers in relations between citizens and the state, as well as to eliminate factors contributing to corruption [10.-52.]. This serves as clear evidence of our statement.

Another concept embodied in the new edition is the idea of a rule of law state. Indeed, law and state are mutually dependent phenomena, neither of which can exist without the other. The most crucial issue is their interrelationship, where law and state should serve each other's development, thereby achieving the full realization of individual and societal interests. As Immanuel Kant, one of the founders of the theory of the rule of law, stated, the state is an association of many people living on the basis of obedience to legal laws [11.-P.139.; 12.-P.251.].

In line with the principle of a state governed by the rule of law, to elevate the policy of honoring human dignity to a qualitatively new level, ensuring the priority of human rights and freedoms by consistently interpreting all contradictions and ambiguities in legislation that arise in the relationship between individuals and state bodies in favor of the individual; ensuring compliance with the constitutional principle of proportionality when applying legal

measures; incorporating into current legislation the norms regarding the supreme legal force of the Constitution of the Republic of Uzbekistan throughout the country, its direct applicability, and its role as the foundation of a unified legal space; strengthening the inviolability and protection of private property; defining in current legislation human rights and freedoms as the essence and content of the activities of state bodies, citizens' self-government bodies, and their officials, etc. [3].

The fact that the Constitution for the first time defines the Republic of Uzbekistan as a state governed by the rule of law, that the norms on human rights guarantees have tripled, that Uzbekistan has risen 13 positions in the Rule of Law Index in a short period, that the scope of practical application of the "Habeas corpus act" has expanded, that the "Miranda rule" (the requirement to explain to a person during detention their rights and the grounds for detention in a language they understand) has been introduced[10.-p.79.], and other similar developments indicate the consistent implementation of the principles of the rule of law.

In the 21st century, the social landscape of modern states has fundamentally changed, with the expression of human rights, freedoms, and legitimate interests becoming the most crucial factor. Therefore, the decree, based on the principle of a social state, outlines the following directions: implementing the state's obligations in the social sphere; consistently continuing the state policy on strong social protection and care for the needy; reviewing and improving existing programs to ensure citizens' employment, protect them from unemployment, and take measures to reduce poverty; protecting the rights of disabled and lonely elderly people, persons with disabilities, and other socially vulnerable categories of the population; developing the healthcare system, including its state and non-state forms, and various types of medical insurance; defining the guaranteed volume of state-funded medical care for citizens of the Republic of Uzbekistan; developing new programs for the advancement of physical education and sports, creating conditions to promote a healthy lifestyle among the population; and establishing state obligations on these issues in the current legislation, among others. In this regard, the Decree, based on the principle of a social state, provides for the implementation of the state's obligations in the social sphere, the consistent continuation of state policy on strong social protection and care for the needy, the revision and improvement of existing programs for ensuring the employment of citizens, protecting them from unemployment, as well as taking measures to reduce poverty; protection of the rights of disabled and lonely elderly people, persons with disabilities, and other socially vulnerable categories of the population; development of the healthcare system, its state and non-state forms, various types of medical insurance;

In order to implement the constitutional principle of establishing a social state in Uzbekistan, the formation of a new system of social protection and the effective organization of its activities are considered important tasks. To accomplish these tasks, the National Agency for Social Protection was created by uniting dozens of state organizations operating in the field. The state's activities in the social sphere are carried out based on the principle of "leaving no one behind." Uzbekistan's accession to the "Convention on the Rights of Persons with Disabilities," the increase in the upper limit of salary established for calculating pensions from 8 to 10 times the base amount, the allocation of 624 billion soums from the state budget for "Muruvvat" homes in 2023, and the implementation of the National Program to increase women's participation in all spheres of the country's economic, political, and social life [10.-P.218-228.], among others, serve as evidence of our statement.

Strengthening guarantees of freedom of conscience within the framework of the principle of a secular state, consistently continuing the policy of ensuring harmony between nations and confessions; improving the mechanisms for implementing the principle of a secular state; organizing cultural and educational events promoting interethnic harmony, religious tolerance, and international friendship in our country; carrying out the promotion of the principle of a secular state.

Finally, implement measures to promote the Constitution in its new edition and take priority actions for the unconditional and full implementation of the new Constitution in state bodies and organizations at all levels regarding other organizational and legal matters; Establish work to promote the essence and significance of the new Constitution by region; prepare an article-by-article scientific and practical commentary on the new Constitution; enhance the knowledge and skills of state civil service and judicial system employees in adhering to the new constitutional requirements; take practical measures to prevent violations of labor rights of the population; timely align bylaws with the new Constitution[3].

Over the past period, the provisions of the new Constitution have been consistently implemented in the life of society. This was clearly demonstrated in the elections to the Oliy Majlis and local councils held in our country on October 27, 2024. The elections were conducted based on a mixed electoral system, and the fundamental improvement of national electoral legislation, grounded in the modern constitutional norms of the new Constitution and generally recognized international electoral standards, ensured a more open and transparent electoral process[2].

Thus, the Constitution in its new edition has defined the strategy of New Uzbekistan. The full, flawless, and consistent implementation of the constitutional provisions requires the unity of the entire society, as well as the active and coordinated participation of citizens, civil society institutions, state authorities at all levels, and officials.

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