

CONSTITUTION OF UZBEKISTAN – LEGAL BASIS FOR SUSTAINABLE DEVELOPMENT

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The Constitution of the Republic of Uzbekistan in its new edition is based on the paradigm of "man-society-state" and has practical significance, reflecting the rights and interests of all categories – youth, women, teachers, persons with disabilities, and even those who have committed crimes. This means that everyone has their own reasons to say about the current Basic Law, "This is my Constitution," as the document expresses the interests of all societal strata.

It should be noted that during the development of the Constitution, the opinions and suggestions of the people were studied in two phases, and only after that was the draft of the Constitution prepared. Previously, when adopting the Constitution, the draft was first developed and then presented for public discussion.

In the first phase, citizens submitted over 60,000 proposals for the development of the Constitution, and approximately every fourth of those was reflected in the draft. In the second phase, the draft Constitution was put up for public discussion. Through mass media and the Internet, 5 million residents became familiar with the draft, and more than 150 000 suggestions and opinions were received.

One of the important aspects of the process of developing the new edition of the Constitution was the study of international legal acts and the experience of over 190 countries around the world, with 6 types of expert evaluations of the draft conducted.

For the first time in the history of Uzbekistan, the highest legal document, which holds significant importance and determines the path of development of any country, was directly adopted by a nationwide referendum.

In the new edition of the Constitution, the number of articles increased from 128 to 155, and the number of norms rose from 275 to 434. This means the text of the Basic Law grew by almost 65% and was updated taking into account the people's proposals. It should be noted that the updated Constitution has become the legal foundation for the irreversibility of the democratic reforms being carried out and the long-term development strategy of the country. It is important to highlight that a state choosing a path of long-term development aims to ensure that its political and legal status is stable. Accordingly, the Constitution enshrines the sovereign, democratic, legal, and social status of Uzbekistan.

Our people are no longer who they were yesterday. Today's Uzbekistan is not yesterday's Uzbekistan. The provision in the new edition of the Constitution stating that the political and legal status of the state of Uzbekistan cannot be changed or revised expresses the steadfast determination of the people and strengthens the foundations of our statehood, ensuring stability on the path of development and not deviating from the way of democratic reforms. The preservation of independence and its further strengthening is important matter for every country, in this regard ensuring the stability of state sovereignty assumes particular importance. State sovereignty is an inherent legal characteristic of an independent state, it expresses its political and legal independence, supreme responsibility and value as an equal subject of international law. It is essential for the absolute supremacy of state power and entails non-subordination to other state authorities.

In a historically short period, a legal framework has been established for the formation of Uzbekistan's sovereign statehood, and institutional reforms have been implemented to strengthen it. Stability and security, strict law and order, and the protection of citizens' rights and freedoms have been ensured in Uzbekistan. Interstate integration must be based on equality, be mutually beneficial, and rely on one's own strengths and capabilities. In accordance with internationally recognized norms, it should not limit the independence, sovereignty, and freedom of states that voluntarily cooperate with other countries in pursuit of individual and common interests. Uzbekistan implements its domestic and foreign policies based on these criteria.

The inclusion of the principle of territorial integrity of states in the principles of foreign policy in the updated Constitution is a vivid confirmation of this. According to this principle, every state must respect the territorial integrity of another state and refrain from any actions aimed at partially or completely violating its sovereignty, national unity, and territorial integrity. Furthermore, states and other subjects of international law must not directly or indirectly invade the territory, parts thereof, or resources of any state by force or threat of force. In this regard, states should refrain from any actions that harm the territory of a specific state or its parts, as well as not support destructive states and their partners.

It should be noted, that in the updated Constitution the principles of a "rule of law" and a "social state" were added to the political and legal status of Uzbekistan. The fact that "Uzbekistan is a rule of law state" is recognized at the constitutional level. In a rule of law state, everyone is equal and accountable before the laws adopted on the basis of democratic principles; no one can be above the law, the supremacy of law is ensured throughout the state, there is a separation of powers, mutual responsibility between individuals and the state, and the protection of human rights and freedoms.

In addition to defining Uzbekistan as a rule of law state, the Constitution also norms that strengthen it. These are reflected in the following ways. First, in the establishment of a rule of law state, where ensuring human rights occupies a key place. For this reason, the protection of human rights and freedoms is defined in the Constitution as the highest goal of the state. Second, it is established that human rights and freedoms constitute the essence and significance of laws and the activities of state bodies, and ambiguities in the laws are resolved in favor of the people. Third, the procedures for conducting all investigative actions related to the restriction of private property and the inviolability of private life (such as wiretapping phone conversations and other telecommunications devices, searches, seizure of postal and telegraphic items, confiscation of property) can only be exceptions according to the law and based on a court decision. Now, investigators, inquiry officers, and prosecutors are required to justify before the court the necessity of conducting searches, wiretaps, and property searches.

Ensuring the rights and freedoms of citizens established by the Constitution and laws is an important characteristic of a rule of law state. The state guarantees the rights and freedoms of citizens in several ways. For instance, it can be guaranteed that every individual's case will be heard by a competent, independent, and impartial court within the time frames established by law, and that they will be able to appeal to international bodies that protect human rights and freedoms.

Another important way to ensure the rights and freedoms of citizens is the right to compensation for damages caused by the state. This is crucial since there are still cases of material and moral harm inflicted on individuals and legal entities as a result of illegal decisions made by state bodies and their officials. Unjustified encroachments on the homes and other property of citizens due to illegal decisions by state bodies may serve as grounds for legitimate objections. In 2022 alone, 4,645 decisions made by state bodies were declared invalid by the courts, resulting in compensation for damages. This created the need to constitutionally guarantee the protection of citizens from illegal decisions made by state bodies. To this end, Article 55 of the updated Constitution provides that everyone has the right to compensation from the state for damages caused by illegal decisions, actions, or inactions of state bodies or their officials. This raises the question: How will the state compensate for the damages caused by illegal decisions, actions, or inactions of state bodies or their officials? According to the Civil Code, damages caused to individuals or legal entities as a result of illegal decisions made by state bodies are subject to compensation based on a court decision, regardless of the fault of their officials. According to Article 15 of this Code, damages caused to an individual or legal entity as a result of an act that does not comply

with the legislation by a state body or a self-governing body of citizens, as well as illegal actions (or inactions) of their officials, are compensated from the extra-budgetary funds of the state body. In the event of the dissolution of a state body or a self-governing body of citizens, a shortage of their funds, or a lack of extra-budgetary funds from the state body or the self-governing body of citizens, the damages caused to an individual or legal entity are compensated from the State Budget of the Republic of Uzbekistan. Thus, damages caused to individuals or legal entities as a result of illegal decisions made by state bodies are compensated based on a court decision and from the extra-budgetary funds of the state body or the funds of the State Budget of the Republic of Uzbekistan.

Currently, reforms are being implemented regarding citizens' rights to appeal to the court for compensation for damages caused by illegal decisions, actions, or inactions of state bodies or their officials. According to the current legislation, individuals can address administrative courts to have illegal decisions made by state bodies or their officials declared invalid, while civil courts handle claims for compensation for damages incurred. By the Decree of the President of the Republic of Uzbekistan "On Measures for Further Ensuring Effective Protection of the Rights of Citizens and Business Entities in Relations with State Bodies, as well as Increasing Public Trust in the Courts," it is stipulated that citizens or business entities whose rights have been violated, along with disputes arising from public legal relations, now have the right to file claims for compensation in the administrative court, granting administrative courts the authority to consider such claims. Today, this issue is enshrined at the legislative level, allowing both matters to be addressed in the same court. This enables citizens to exercise their right to seek compensation for damages caused by the state, as guaranteed at the constitutional level, without bureaucratic obstacles. This provision of the updated Constitution corresponds to international legal documents. In particular, according to Article 9 of the UN International Covenant on Civil and Political Rights of 16th December, 1966 every person has the right to compensation from the state for damages caused by the illegal actions or inactions of public officials. Similar provisions are also reflected in the constitutions of countries such as Azerbaijan, Bulgaria, the Czech Republic, Georgia, Hungary, Japan and Kyrgyzstan. It should be noted that the definition of this provision in the Constitution in its new edition guarantees the right to legal protection, meaning that the state will fully compensate for the damages caused to each person by state bodies and their officials.

The idea that "Uzbekistan is a social state" is also enshrined in the Constitution. In a social state, it is stipulated to establish a minimum standard for housing for low-

income individuals and for the consumer goods necessary for living. In such a country, it is essential to provide dignified wages, employment, create safe working conditions, and reduce poverty so that individuals and their families can live with dignity. There is also concern for those who need care and attention, ensuring that no one is left alone with their problems.

Furthermore, the Constitution commits the state to a series of obligations to reduce poverty, ensure employment, and protect against unemployment in our country. In particular, the draft Constitution almost triples the norms regarding the state's obligations in the social sphere. The main content of these norms is as follows. First, it is determined that the amount of pensions, allowances, and other social payments cannot be less than the minimum consumer expenditures. This means that 2.2 million needy families will receive guaranteed financial assistance from the state, which amounts to 25% of all families, with an annual allocation of 11 trillion soums. Second, the Constitution also enshrines the right of every citizen to their own housing and state support for housing construction. Currently, many families live in the same house with their siblings and parents due to limited financial resources. An average of 10.5 trillion soums is allocated from the budget each year, with new homes being built in the regions for nearly 50,000 families. This year, plans are in place to provide housing for 90,000 families, with measures being taken to increase this number to 200 000 in the next 2-3 years. Third, the Fundamental Law defines the use of free and guaranteed essential medical services for the population. Specifically, the state commits to providing a range of the most necessary and important medical services free of charge to the population. The norms regarding the protection of public health have increased fourfold. In 2023, the "package of guaranteed services" was revised to cover the full range of diagnostic and preventive medical services for 20 types of diseases. In particular, the number of free primary tests for 20 common diseases will be increased from 15 to 25, examinations from 10 to 20, and medications from 64 to 90. Fourth, a significant focus is given to the development of science and education. The norms in this area have nearly doubled. Specifically, the rights of citizens to enroll in higher educational institutions based on selection through state grants, guarantees of inclusive education, and free primary vocational education, as well as the financial independence of universities and the constitutional norms of academic and educational freedom, have been defined. Fifth, it is established that the rights of persons with disabilities, elderly individuals living alone, incapacitated individuals, and other low-income segments of the population are protected by the state.

Overall, the updated Constitution serves as an important legal foundation for the sustainable development of Uzbekistan. Additionally, Uzbekistan is making every

effort to build an independent, democratic, legal, and social state of its choice, never deviating from its chosen path of integration into the global community, creating opportunities for every individual to live freely, and ensuring the stability of the state.

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