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THE CONFORMITY OF CONSTITUTIONAL REFORMS IN NEW UZBEKISTAN WITH INTERNATIONAL LEGAL STANDARDS

Tilavova Farangiz Şokir qizi
Master's student, Navoi State University
Doi:https://orcid.org/0009-0003-2583-5709
Email: tilavovafarangiz236@gmail.com

Abstract: This article analyzes, from theoretical and comparative legal perspectives, the conformity of the constitutional reforms carried out in New Uzbekistan in 2023 with international legal standards. It examines how the new edition of the Constitution reinforces the priority of human rights and freedoms, the place of the generally recognized principles of international law and of international treaties in the national legal system, the principle of the social state, and the guarantees of legal protection. The study compares the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights with the norms of the Constitution of Uzbekistan. Drawing on the constitutional experience of the Federal Republic of Germany and the Republic of South Africa, it also assesses the institutional and judicial meçanisms for implementing international standards in the national legal system. The article argues that, alongside the textual consistency of constitutional norms with international standards, their practical implementation and the availability of effective remedies are also essential criteria of conformity.

Keywords: constitutional reforms, international legal standards, human rights, international treaties, rule of law, social state, comparative legal analysis, judicial protection, constitutional guarantees.

YANGI ÖZBEKISTON KONSTITUTSIYAVIY ISLOHOTLARINING XALQARO HUQUQ STANDARTLARI BILAN UYĞUNLIGI

Tilavova Farangiz Şokir qizi
Navoiy davlat universiteti magistranti
Doi:https://orcid.org/0009-0003-2583-5709
Elektron poçta: tilavovafarangiz236@gmail.com

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konstitutsiyaviy islohotlarning xalqaro huquq standartlari bilan uyğunligi nazariy va qiyosiy-huquqiy jihatdan tahlil qilinadi. Unda Konstitutsiyaning yangi tahririda inson huquq va erkinliklarining ustuvorligi, xalqaro huquqning umume'tirof etilgan prinsiplari hamda xalqaro şartnomalarning milliy huquqiy tizimdagi örni, ijtimoiy davlat tamoyili va huquqiy himoya kafolatlarining mustahkamlanişi yoritiladi. Tadqiqotda Inson huquqlari umumjahon deklaratsiyasi, fuqarolik va siyosiy huquqlar töğrisidagi xalqaro pakt, iqtisodiy, ijtimoiy va madaniy huquqlar töğrisidagi xalqaro pakt qoidalari Özbekiston Konstitutsiyasi normalari bilan qiyoslanadi. Şuningdek, Germaniya Federativ Respublikasi va Janubiy Afrika Respublikasi konstitutsiyaviy tajribasi asosida xalqaro standartlarni milliy huquqiy tizimda amalga oşirişning institutsional va sud-huquqiy mexanizmlari baholanadi. Maqolada konstitutsiyaviy normalarning matnan xalqaro standartlarga mos kelişi bilan bir qatorda, ularning amaliy ijrosi va samarali himoya vositalari ham uyğunlikning muhim mezoni ekani asoslanadi.

Kalit sözlar: konstitutsiyaviy islohotlar, xalqaro huquq standartlari, inson huquqlari, xalqaro şartnomalar, huquq ustuvorligi, ijtimoiy davlat, qiyosiy-huquqiy tahlil, sud himoyasi, konstitutsiyaviy kafolatlar.

The Constitution is the fundamental law with supreme legal force that defines the political and legal system of the state, establişes the basic principles for organizing and exercising state power, and guarantees the rights and freedoms of the individual and the citizen. In the development of a modern democratic state, the content of the Constitution is not limited to defining the powers of state bodies. Above all, it serves as a means of honoring human dignity, placing legal limits on state power, ensuring social justice, and incorporating into the national legal system the legal values recognized by the international community.

In the context of globalization and international integration, the conformity of national constitutional systems with the generally recognized principles and norms of international law has acquired particular importance. Respect for human rights, non-discrimination, equality before the law, fair trial, social protection, and the accountability of state power have become common criteria of present-day constitutional development. For this reason, when assessing constitutional reforms, attention şould be paid not only to the volume of amendments made to national legislation but also to their substantive consistency with international obligations and to their practical results.

An important stage in the political and legal reforms carried out in the Republic of

Uzbekistan in recent years was the adoption of the new edition of the Constitution following the nationwide referendum held on 30 April 2023. The Constitution in its new edition consists of 6 sections, 27 çapters, and 155 articles, and it expands the provisions on human rights and freedoms, the social state, legality, the responsibility of state bodies to the people, and sustainable development.[1] These çanges are best assessed not merely as a quantitative expansion of the constitutional text, but as a redefinition of the relationşip between the state and the individual on the basis of new legal criteria.

An important constitutional basis for the conformity of the constitutional reforms with international legal standards is enşrined in Article 15 of the Constitution. According to it, the international treaties of the Republic of Uzbekistan, as well as the generally recognized principles and norms of international law, form an integral part of the country's legal system. Furthermore, if an international treaty of the Republic of Uzbekistan establişes rules other than those provided for by law, the rules of the international treaty apply.[2] By enşrining the relationşip between the national legal system and international law at the constitutional level, this provision creates a basis for taking international obligations into account in the application of domestic law.

At the same time, the inclusion of international treaties in the legal system does not mean that every one of their provisions can be applied directly in all cases without an additional national act. The content of the particular international norm, its degree of precision, the type of obligation it imposes on the state, and national procedural rules must be taken into account. Some norms may be precise enough to be applied directly, while others are implemented gradually through legislation, institutional measures, or state policy. Therefore, when assessing conformity with international standards, it is necessary to analyze not only the text of the legal norm but also the meçanisms for its implementation.

One of the most important sources of international legal standards is the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948. Article 1 of the Declaration states that all human beings are born free and equal in dignity and rights, and Article 2 provides that everyone is entitled to rights and freedoms without discrimination. Article 7 recognizes equality before the law, and Article 8 recognizes the right to an effective remedy for violated rights by competent national tribunals.[3] Although the Declaration is not an international treaty, it has significant political, legal, and normative importance in the formation of universal standards in the field of human rights.

Article 19 of the Constitution of the Republic of Uzbekistan establişes that human

rights and freedoms are recognized and guaranteed in accordance with the generally recognized norms of international law, and that rights and freedoms belong to everyone from birth. It also establişes the equality of citizens before the law regardless of sex, race, nationality, language, religion, beliefs, social origin, and social status.[4] This constitutional provision is the national legal expression of the principles of human dignity and equality set out in the Universal Declaration of Human Rights. However, the principle of equality is not limited to the prohibition of discrimination; it also requires the state to create the conditions necessary for the equal enjoyment of rights.

Another important area of ensuring human rights is the guarantee of personal and political rights. The International Covenant on Civil and Political Rights, adopted in 1966, obliges states to respect and ensure the rights provided for in the Covenant and to provide an effective remedy to any person whose rights have been violated. Article 14 of the Covenant establişes equality before courts and tribunals and the right to a fair hearing by an independent and impartial tribunal, Article 19 establişes freedom of opinion and expression, and Article 26 establişes the principles of equality before the law and protection against discrimination.[5] In a democratic state governed by the rule of law, these norms serve as an important guarantee in the individual's relations with state power.

The Constitution in its new edition enşrines freedom of thought, speeç, and belief, the right to seek, receive, and disseminate information, personal liberty, and guarantees of judicial protection. Article 20 of the Constitution establişes that human rights and freedoms are directly applicable, that they determine the content of laws and of the activities of state bodies, and that contradictions and ambiguities in legislation are interpreted in favor of the individual in relations between the individual and state bodies.[6] This provision is consistent with the ideas of effective legal protection and the rule of law in international law. Its practical significance lies in the fact that state bodies, when making decisions, must treat human rights not as a secondary matter but as the main criterion of their activities.

Article 55 of the Constitution establişes that everyone has the right to protect their rights and freedoms by all means not prohibited by law, to judicial protection, and to appeal to the courts against unlawful decisions, actions, or inaction of state bodies and officials. This guarantee is substantively consistent with the obligation to provide effective remedies set out in Article 2 of the International Covenant on Civil and Political Rights. At the same time, the real effectiveness of judicial protection of rights depends on the independence and impartiality of the courts, the openness of justice, the work of the legal profession, procedural equality, and the enforcement of court

decisions.

An important component of conformity with international standards is the guarantee of economic, social, and cultural rights. The 1966 International Covenant on Economic, Social and Cultural Rights requires states to take steps, to the maximum of their available resources, to açieve progressively the full realization of these rights. Article 11 of the Covenant enşrines the right to an adequate standard of living, including adequate food, clothing, and housing; Article 12 the right to the highest attainable standard of physical and mental health; and Article 13 the right to education.[7] Ensuring these rights is closely linked to the state's social policy, budget priorities, and the quality of public services.

The definition of Uzbekistan as a social state in the new edition of the Constitution is one of the most important substantive directions of the constitutional reforms. The principle of the social state places on the state suç tasks as ensuring a decent standard of living for the population, supporting socially vulnerable groups, expanding access to education and medical services, and protecting labor rights. The enşrinement in the Constitution of the rights to work, social security, housing, health care, education, and a favorable environment şows a substantive closeness to international standards of economic, social, and cultural rights. However, the realization of these rights requires a gradual policy, specific state programs, adequate funding, and effective oversight meçanisms.

In the comparative study of the principle of the social state, the experience of the Federal Republic of Germany deserves attention. Article 20 of the German Basic Law defines Germany as a democratic and social federal state. Article 1 states that human dignity is inviolable, that respecting and protecting it is the duty of all state authority, and that the basic rights bind the legislature, the executive, and the judiciary as directly applicable law.[8] An important aspect of the German experience is that constitutional rights are regarded not merely as declarative values but as a legal standard binding on all branşes of state power.

The Constitution of the Republic of South Africa, in turn, pays particular attention to the positive obligations of the state in the realization of rights. Section 7 of this Constitution establişes that the Bill of Rights is a cornerstone of democracy in the country and that the state must respect, protect, promote, and fulfil human rights. Section 26 provides for the right to housing, and Section 27 for the rights to health care, food, water, and social security.[9] In the South African experience, the realization of these rights is assessed in relation to available state resources and reasonable measures, and the courts play an important role in reviewing the compliance of state policy with

constitutional standards.

A comparative analysis of the constitutional experience of Uzbekistan, Germany, and South Africa allows several general conclusions to be drawn. First, human dignity and fundamental rights are recognized as the central criterion of state activity. Second, the principle of the social state implies not only the state's obligation of non-interference but also its active obligations to create conditions for the enjoyment of rights. Third, the effectiveness of constitutional guarantees depends on the existence of independent courts, competent institutions, and enforcement meçanisms that protect them. At the same time, what matters is not copying foreign experience into the national system but adapting it to the historical, legal, and social conditions of Uzbekistan.

It is not sufficient to assess the conformity of constitutional reforms with international standards solely on the basis of similar provisions in the text of the constitution. It is also necessary to analyze to what extent international legal obligations have been incorporated into legislation, how they are applied by the courts and other competent bodies, and whether a person whose rights have been violated can in practice make use of an effective remedy. For example, guaranteeing freedom of expression requires that its legal restrictions be clear, necessary, and proportionate, while recognizing social rights requires that the population have actual access to the relevant services without discrimination.

From this perspective, a number of areas şould be addressed in order to increase the practical effectiveness of the constitutional reforms. First of all, it is necessary to develop a consistent practice of applying constitutional norms directly in the work of courts and state bodies, and to prepare methodological guidelines for law enforcement officials on how to refer to the norms of international treaties. In doing so, it is important to clearly indicate the content of the international norm, the degree to whiç it is binding on Uzbekistan, and the conditions for its application to the case at hand.

Second, it is advisable to strengthen the system for regularly assessing the fulfillment of obligations under the international treaties to whiç Uzbekistan is a party. Suç monitoring şould not be limited to noting that amendments have been made to legislation; it şould also cover indicators of the enjoyment of rights, judicial practice, complaints, the results of independent monitoring, and the recommendations of international treaty bodies. Third, it is necessary to further develop the work and independence of the Ombudsman, the National Centre for Human Rights, and other relevant institutions, as well as their open dialogue with the public.

Fourth, in the process of drafting new legal acts, the practice of systematically assessing their impact on human rights and their compliance with international

obligations şould be expanded. Suç an assessment helps to determine in advance whether draft laws meet the criteria of non-discrimination, proportionality, legal certainty, and effective protection. Fifth, it is important to raise the constitutional and international legal literacy of the population, especially young people, and to expand access to legal aid. The effectiveness of legal norms is also determined by whether citizens know their rights and are able to use the means of protecting their violated rights.

Sixth, state programs for the realization of social rights şould set specific target indicators, sources of funding, and criteria for evaluating results. The approaç of progressive realization provided for in international standards does not encourage the state to remain inactive; on the contrary, it implies an obligation to use available resources reasonably, to prevent regression, and to give priority to protecting the rights of the most vulnerable groups. In this respect, the results of the constitutional reforms şould be reflected in the everyday practice of state policy.

The conformity of Uzbekistan's constitutional reforms with international legal standards manifests itself at two interrelated levels: the first is the recognition and enşrinement of international standards in constitutional norms; the second is the real implementation of these norms in legislation, public administration, and judicial practice. At the first level, the 2023 Constitution has created an important legal basis. At the second level, consistent development of the quality of law enforcement, institutional independence, the accountability of state bodies, and effective meçanisms of legal protection is required. Thus, conformity is not a completed state but a legal and institutional process that requires constant improvement.

In conclusion, the constitutional reforms carried out in New Uzbekistan represent an important stage in the country's development as a democratic, law-governed, and social state. The new 2023 edition of the Constitution enşrines at the constitutional level the priority of human rights and freedoms, the place of the generally recognized principles and norms of international law in the national legal system, the rule of law, and the principle of the social state. The analysis found that the national constitutional norms are substantively consistent with the main provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

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