



YURISPRUDENSIYA

HUQUQIY ILMIY-AMALIY JURNALI

2023-yil
MAXSUS SON

Yangi tahrirdagi O'zbekiston Respublikasi Konstitutsiyasiga bag'ishlanadi

VOLUME 3 / SPECIAL ISSUE / 2023

SPECIAL ISSUE DOI: 10.51788/tsul.jurisprudence.3.SI



Crossref
Content
Registration

ISSN: 2181-1938

DOI: 10.51788/tsul.jurisprudence

MUNDARIJA

- 5 YAKUBOV SHUXRAT UMMATALIYEVICH**
Oliy ta'lim tashkilotlari akademik erkinligining
Konstitutsiya darajasida mustahkamlanishi:
zarurat va istiqbollar
- 11 AZIZOV XUDOYQUL TOJIYEVICH**
Ijtimoiy davlatning konstitutsiyaviy asoslarini
ro'yobga chiqarish – muhim vazifa
- 15 HOSHIMXONOV AHROR MO'MINOVICH**
Xalqchil davlat qurish, davlat va jamiyat
boshqaruvi tizimi samaradorligini oshirishda
fuqarolar ishtirokini kengaytirish masalalari
- 21 AZIMOV HAKIMALI IMOMOVICH**
Yangilangan bosh qomusimizda inson huquq
va erkinliklari eng oliy qadriyat sifatida
- 27 SAFAROV DJAXONGIR ISMOILOVICH**
Zamonaviy konstitutsiyaviy-huquqiy islohotlar
sharoitida parlament yuqori palatasi faoliyatini
isloh etish: asosiy tendensiyalar va rivojlanish
istiqbollari
- 37 ABDULLAYEVA MAFTUNA MUROT QIZI**
Konstitutsiyaning to'g'ridan to'g'ri amal qilishi
tushunchasining yuridik tahlili
- 43 JAHONOV SHOHRUH SHUHRAT O'G'LI**
Jamoatchilik nazoratining muhim subyekti
sifatida ommaviy axborot vositalarining
konstitutsiyaviy-huquqiy asoslari
- 46 TOSHKANOV NURBEK BAHRIDDINOVICH**
Intellectual mulkning konstitutsiyaviy-huquqiy
himoyasi va uning ahamiyati
- 57 YULDOSHBKOV AVAZBEK ALISHER O'G'LI**
Fuqarolarning soliqqa oid konstitutsiyaviy
burchlarini ta'minlashda soliq maslahati
institutining o'rni va ahamiyati
- 63 XAYITOV PANJI BUXAROVICH**
Yangi O'zbekistonning energetika tizimini
rivojlantirishning konstitutsiyaviy-huquqiy
asoslari

70 DAVLATOVA GULIZA SHAVKAT QIZI

Halol raqobatni rivojlantirish va monopol faoliyatni cheklashning konstitutsiyaviy-huquqiy asoslari

75 SHODIYEVA IRISA SOATMUROD QIZI

Advokatlar maqomi e'tibor markazida

79 KAZAKOVA NOZIMA RUSTAM QIZI

The new constitution of Uzbekistan:
A catalyst for democratic advancement

har tomonlama huquqiy davlat sari borayotganimizni isbotlab turibdi va advokatlar maqomi ham shular jumlasidandir. Zero, doimo xalqimiz bilan muloqotda bo'lib, daxlsizligi davlat tomonidan ta'minlanishi ko'zda tutil-

gan kasb egalari – advokatlar “Xalq davlat idoralariga emas, davlat idoralari xalqimizga xizmat qilishi kerak”, degan taomil izidan bormoqda, desak ayni haqiqatni aytgan bo'lamiz.

UDC: 342.41(045)(575.1)

THE NEW CONSTITUTION OF UZBEKISTAN: A CATALYST FOR DEMOCRATIC ADVANCEMENT

Kazakova Nozima Rustam qizi

Freshman of the Faculty of Criminal Justice,

Tashkent State University of Law

ORCID: 0009-0007-9371-3534

e-mail: kazakovanazima56@gmail.com,

Abstract. This article offers an in-depth study of Uzbekistan's recently ratified constitution, which came into force on May 1, 2023. The Constitution laid the foundation for a more democratic, inclusive, and prosperous Uzbekistan and was an important turning point in the political and legal reforms underway in the country. The constitution, although only recently adopted, has already been praised for its progressive provisions that protect fundamental rights, promote good governance, and foster sustainable development. This article examines the main provisions of the constitution, their potential for change, and how they will have a beneficial impact on Uzbekistan's future.

Keywords: legal aid, Miranda rights, legislative process, NGO (non-governmental organization), legal equality, discrimination

O'ZBEKISTONNING YANGI KONSTITUTSIYASI – DEMOKRATIK TARAQQIYOT KATALIZATORI

Kazakova Nozima Rustam qizi,

Toshkent davlat yuridik universiteti

Jinoiy odil sudlov fakulteti birinchi bosqich talabasi

Annotatsiya. Ushbu maqola O'zbekistonning 2023-yil 1-mayda kuchga kirgan konstitutsiyasini chuqur o'rganish natijasida tayyorlangan. Yangilangan konstitutsiya yanada demokratik, inklyuziv va gullab-yashnagan O'zbekistonning poydevorini qo'ydi hamda mamlakatda amalga oshirilayotgan siyosiy va huquqiy islohotlarda muhim burilish nuqtasi bo'ldi. Konstitutsiya garchi yaqinda yangilangan bo'lsa ham, asosiy huquqlarni himoya qiluvchi, yaxshi boshqaruvni rag'batlantiradigan va barqaror rivojlanishni qo'llab-quvvatlovchi ilg'or qoidalar mustahkamlandi. Ushbu maqolada konstitutsiyaning asosiy qoidalari ko'rib chiqilib, ularning O'zbekiston kelajagiga qanday foydali ta'sir ko'rsatishi yoritilgan.

Kalit so'zlar: yuridik yordam, Miranda qoidasi, qonunchilik protsessi, NNT (nodavlat notijorat tashkilot), qonunchilik, tenglik, diskriminatsiya.

НОВАЯ КОНСТИТУЦИЯ УЗБЕКИСТАНА – КАТАЛИЗАТОР ДЕМОКРАТИЧЕСКОГО РАЗВИТИЯ

Казакова Нозима Рустам кизи,

студентка 1-го курса бакалавриата

факультета уголовного правосудия

Ташкентского государственного юридического университета

Аннотация. В этой статье углублённо исследована недавно ратифицированная Конституция Узбекистана, которая вступила в силу 1 мая 2023 года. Конституция заложила основы более

демократического, инклюзивного и процветающего Узбекистана и стала важным поворотным моментом в проводимых в стране политических и правовых реформах. Конституция, хотя и недавно принятая, уже получила высокую оценку за свои прогрессивные положения, защищающие основные права, способствующие лучшему управлению и способствующие устойчивому развитию. В данной статье рассматриваются основные положения Конституции, освещается их потенциал для изменения и благотворного влияния на будущее Узбекистана.

Ключевые слова: юридическая помощь, «правила Миранды», законодательный процесс, НПО (неправительственная организация), законодательство, равенство, дискриминация.

The adoption of a new constitution is a significant milestone for any nation, as it sets the foundation for its governance, rights, and responsibilities. On April 30, 2023, Uzbekistan proudly unveiled its new constitution, marking a crucial step towards progress and development. Let's analyze the goals of the new constitution one by one and highlight the main principles that determine the future of Uzbekistan.

Strengthening Democracy and Human Rights:

The new constitution's main goal is to develop democracy and safeguard human rights in Uzbekistan. It emphasizes the value of a free individual, equality, and the application of the law. The constitution strives to establish a society where each individual can exercise their rights and take part in decision-making by enshrining fundamental ideals.

Ensuring Good Governance and Accountability:

The new constitution's foremost objective is to advance democracy and safeguard human rights in Uzbekistan. It emphasizes the value of a free individual, equality, and the application of the law. The constitution strives to establish a society where each individual can exercise their rights and take part in decision-making by enshrining fundamental ideals.

Promoting Economic Development and Social Welfare:

The new constitution's primary goals also include advancing social welfare and economic growth in Uzbekistan. It supports entrepreneurship, innovation, and investment and recognizes the value of a strong economy

that benefits all citizens. In order to secure everyone's wellbeing, the constitution also emphasizes the importance of social protection, healthcare, education, and other basic services. A strong commitment to advancing economic development and social welfare is shown by Article 67 of Uzbekistan's new constitution and provisions relating to the unity of the economic space and the regulation of monopolistic activities. The constitution intends to draw investments, boost economic growth, and generate employment opportunities by guaranteeing a welcoming environment for investments and business, safeguarding the rights of business owners, and fostering a unified economic space.

Protecting Cultural Heritage and National Identity:

Uzbekistan is famous for its rich cultural heritage and diverse traditions. The new constitution seeks to protect and promote this heritage, recognizing the importance of preserving national identity. It emphasizes the value of cultural diversity, encourages the development of arts and sciences, and supports the preservation of historical sites and traditions. By doing so, the constitution aims to foster a sense of pride and unity among the Uzbek people.

Strengthening International Cooperation and Diplomacy:

The importance of international cooperation and diplomacy in the connected world of today is recognized by the new constitution. It seeks to forge solid diplomatic ties with other countries, advance peace, and

aid in world development. Uzbekistan aspires to improve its position on the international scene and open up prospects for its people by forming collaborations abroad.

Expanded Protection of Individual Rights:

In the new constitution, preserving personal liberties and rights is in the top priority. It protects the rights to privacy, freedom of thought, expression, and assembly, as well as the rights to life, liberty, and security. Compared to the previous constitution, which had fewer protections in place, these articles show a major extension of individual rights. Consider the introduction of Miranda rights, which are intended to guarantee fair treatment and protect people during criminal investigations. The rights to silence, legal representation, and knowledge of one's own charges are all guaranteed by Article 27. This clause makes sure that people are aware of their rights and may use them wisely, encouraging openness, responsibility, and due process of applying Miranda rights.

Strengthened Equality and Non-Discrimination:

The new constitution reinforces the principle of equality and non-discrimination. It explicitly prohibits discrimination based on race, gender, religion, ethnicity, or any other grounds. This represents a notable improvement from the old constitution, which lacked specific provisions addressing discrimination comprehensively. There are three main key provisions that focus on strengthened equality and non-discrimination: the prohibition to refuse to hire women, dismiss them from work, and reduce their wages based on pregnancy or having a child in the third clause of Article 42, the guarantee of equal rights and opportunities for women and men in the administration of public and state affairs and in other spheres of social and state life in the second clause of Article 55, and the assurance of equality for people with disabilities in the third clause of Article 57.

Enhanced Judicial Independence and Access to Justice:

In the recently adopted Article 29, it is emphasized how important it is to have an independent court, to offer legal aid, and to ensure that all citizens have access to justice. It creates procedures to guarantee the legal system's integrity and impartiality, encouraging openness and justice. Compared to the previous constitution, the new one emphasizes the right of each person to choose legal counsel at any stage of criminal proceedings. This reaffirms the principle of autonomy in legal matters, allowing individuals to make informed decisions regarding their defence.

Strengthened Protection of Social and Economic Rights:

The importance of social and economic rights, such as the right to employment, education, healthcare, and social protection, is acknowledged by the new constitution. It attempts to guarantee equal chances and enhance the populace's general wellbeing. Compared to the previous constitution, which had fewer explicit clauses addressing social and economic rights, this makes up a significant gain. A heightened commitment to preserving the social and economic well-being of its residents is shown in Article 47 and the expression of social rights in Articles 48 and 50. Uzbekistan fosters economic progress and safeguards people from exploitation by ensuring the right to work, fair compensation, and secure working conditions. Uzbekistan also wants to establish a society where everyone has access to social security, healthcare, education, housing, and a healthy environment.

Emphasis on Environmental Protection and Sustainable Development:

Another advantage of the new constitution is that it recognizes the importance of environmental protection and sustainable development. It recognizes the right to a healthy and safe environment and emphasizes

the responsibility of the state and citizens in preserving natural resources in Article 49. This is a significant addition compared to the old constitution, which did not explicitly address environmental protection.

Freedom of Expression and Press:

Placement of a strong emphasis on freedom of expression and prohibition of censorship in new adopted second clause of Article 81. It guarantees the right to freedom of thought, opinion, and expression, including the freedom to seek, receive, and impart information and ideas through any media. These provisions represent a significant expansion of freedom of expression compared to the old constitution, which had more limited protections in place. The new constitution recognizes the importance of a free and independent press. It guarantees the freedom of the press and prohibits censorship. It also emphasizes the protection of journalistic independence, ensuring that journalists can carry out their work without interference or intimidation. This represents a notable improvement from the old constitution, which did not explicitly address the protection of journalistic independence.

Rights of non-governmental non-profit organizations:

Article 72 highlights the significance of NGOs in society. It ensures that non-profit organizations have the freedom to form and run, giving them legitimacy and legal protection. Compared to the previous constitution, which did not specifically address NGOs' rights, this provision is a considerable improvement. The new constitution ensures that NGOs' rights and freedoms will be protected. The new constitution forbids discrimination against non-governmental organizations (NGOs) based on their goals, activities, or any other factors. It makes sure that all NGOs receive the same treatment and have access to the same chances and resources. This is a significant step toward establishing fair playing conditions for NGOs

and encouraging inclusion in Uzbekistan. It guarantees NGOs' freedom to speak out and promote their causes.

Separation of Powers:

The Oliy Majlis Legislative Chamber's power to pass laws is strengthened by the new constitution. It gives the chamber authority to pass new legislation, alter current laws, and direct how those laws are carried out. The dedication to expanding the legislative branch's influence over the development of the nation's legal system is reflected in this expansion of authority. In accordance with the new constitution, the Legislative Chamber has more authority to regulate the federal budget. This ensures accountability and openness in financial matters by giving the chamber the power to study and approve the budget. The chamber's capacity to regulate the distribution and use of public monies has been significantly improved by this provision. The Legislative Chamber is empowered to confirm particular government nominations under the new constitution.

Decentralization and Local Governance:

The new constitution emphasizes the importance of empowering local communities and granting them greater autonomy in decision-making processes. Decentralization allows local governments to have more control over their own affairs, enabling them to address the specific needs and aspirations of their communities. This empowerment fosters a sense of ownership and responsibility among citizens, leading to more effective and responsive governance. Decentralization and local governance facilitate more efficient service delivery to citizens. By bringing decision-making closer to the people, local governments can better understand and respond to the unique challenges and demands of their communities. This leads to improved delivery of essential services such as healthcare, education, infrastructure development, and public utilities, ensuring that citizens' needs are met in a timely

and effective manner. Decentralization and local governance play a crucial role in promoting balanced regional development. By empowering local governments, the new constitution enables regions to have greater control over their own economic, social, and cultural development. This allows for tailored strategies and policies that address the specific needs and potential of each region, leading to more fair and sustainable development across the country.

Devolution of Power:

The new constitution emphasizes the devolution of power to local governance institutions. It grants local authorities greater autonomy in decision-making processes, enabling them to address the specific needs and aspirations of their communities. This devolution of power ensures that local governments have the authority and resources to effectively govern and respond to the demands of their constituents.

Financial Autonomy:

The new constitution recognizes the importance of financial autonomy for local governance institutions. It ensures that local authorities have the power to manage their own finances, allocate resources, and generate revenue. This provision enables local governments to have greater control over their budgets, leading to more efficient and effective service delivery to their communities.

Investment and Business Climate:

The new Uzbek constitution recognizes the significance of fostering an environment that is favourable for business and investment in order to promote economic growth and development. The constitution creates the framework for a thriving and competitive economic climate by defending property rights, maintaining the rule of law, streamlining corporate rules, offering investment incentives, and encouraging public-private collaborations. These actions are intended to increase investment, encourage entrepreneurship, and produce

job opportunities, ultimately enhancing the nation's overall prosperity and well-being. The improved business and investment climate demonstrate Uzbekistan's dedication to promoting a vibrant and inclusive economy in the next years.

Protection of Property Rights:

The new constitution emphasizes the protection of property rights, including intellectual property rights, as a fundamental principle. It ensures that individuals and businesses have the right to own, use, and dispose of property without arbitrary interference. This provision instils confidence in investors and entrepreneurs, as it guarantees the security and protection of their assets, encouraging both domestic and foreign investment.

Investment Incentives:

Recognition of importance of providing incentives for investment and business development in Article 67. It encourages the government to establish favourable conditions, such as tax incentives, subsidies, and grants, to attract both domestic and foreign investment. These incentives aim to stimulate economic activity, create employment opportunities, and promote innovation and technological advancement.

Transparency and Anti-Corruption Measures:

The new constitution of Uzbekistan, adopted on April 30, 2023, demonstrates a strong commitment to promoting transparency and combating corruption. Through Clause 19 and 20 of Article 93, the constitution establishes a framework that emphasizes transparency, accountability, and anti-corruption measures. By promoting transparency and accountability in governance, strengthening institutions, and fostering international cooperation, Uzbekistan aims to create a culture of integrity, deter corrupt practices, and ensure the efficient and fair use of public resources. These measures reflect Uzbekistan's determination to build a transparent and corruption-

free society, ultimately contributing to sustainable development, social justice, and the well-being of its citizens. Clause 19 of Article 93 in the new constitution focuses on anti-corruption measures. It establishes a comprehensive framework to prevent, detect, and combat corruption at all levels of government and society. This provision emphasizes the importance of establishing independent anti-corruption bodies, such as the Anti-Corruption Agency, to investigate and prosecute corruption cases. It also encourages the adoption of preventive measures, such as codes of conduct, ethics training, and whistleblower protection, to promote a culture of integrity and deter corrupt practices.

Citizen Participation in the process of legislation:

The new constitution of Uzbekistan, through Article 98, underscores the importance of citizens' participation in the legislation process. By granting citizens the right to legislative initiative, promoting public consultations and hearings, ensuring access to information, and leveraging digital platforms, the constitution aims to create a more inclusive and participatory governance system. Citizens' active involvement in the legislation process strengthens democracy, enhances the quality of laws, and fosters a sense of ownership and accountability. These measures reflect Uzbekistan's commitment to empowering its citizens and building a society where their voices are heard and their contributions are valued. Article 98 emphasizes the value of public engagement in the legislative process. The constitution strives to build a more inclusive and participatory governance system by allowing citizens the right to legislative initiative, encouraging public consultations and hearings, ensuring access to information, and using digital platforms. Participation by citizens in the legislative process increases democracy, improves the content of laws, and promotes a sense of responsibility and ownership. These actions show Uzbekistan's

dedication to empowering its people and creating a society where their opinions are appreciated and heard. The freedom to initiate legislation is granted to citizens by Article 98 of Uzbekistan's new constitution. This clause enables citizens to directly propose new laws or changes to current ones.

Kids Rights and Global Commitments:

Clause 2 of Article 44, as well as Articles 78 and 79, show how seriously the new Uzbek constitution takes the defence and advancement of children's rights. The constitution attempts to safeguard the wellbeing and development of children by highlighting the state's obligation to create a secure and nurturing environment, guaranteeing the right to education, and assuring access to healthcare services. These laws demonstrate Uzbekistan's commitment to creating a society where children are respected, well protected, and given chances to succeed. Upholding children's rights is an investment in Uzbekistan's future and a building block for a fair and inclusive society.

To sum up, this article offers an overview of Uzbekistan's new constitution, outlining its principal provisions and prospective effects on many facets of the country's growth. This article tries to illuminate the transformative potential of the constitutional revisions and their relevance in determining the future of Uzbekistan by highlighting the progressive nature of the constitution. This nation's residents can look forward to a better future thanks to the approval of the new constitution, which is a significant step toward making Uzbekistan more inclusive, democratic, compared to the previous constitution; the new constitution of Uzbekistan reflects a significant shift towards democratic values and respect for human rights. The old version of the constitution, adopted in 1992, contained fewer explicit guarantees of individual freedoms and concentrated power in the executive branch. The new constitution aims to rectify these shortcomings and align

Uzbekistan with contemporary international standards. Many countries have undergone constitutional reforms, drawing on the experiences of other nations. Uzbekistan has also sought inspiration from foreign models, particularly those with successful transitions to democracy and respect for human rights. By studying the experiences of countries such as South Africa, Spain, and Indonesia, Uzbekistan aims to learn from their best practices and tailor its new constitution accordingly. The international community has responded positively to Uzbekistan's new constitution. International organizations, including the United Nations, the European Union, and human rights groups, have commended the reforms as a significant step towards democratization and protecting human rights. They have expressed support for

Uzbekistan's commitment to implementing these constitutional changes effectively and have offered help in their implementation. The adoption of the new constitution in Uzbekistan represents a crucial turning point in the country's democratic transformation. The significant changes introduced, including the strengthening of democratic institutions, the protection of human rights, decentralization of power, and judicial reforms, demonstrate Uzbekistan's commitment to progress. By drawing on the experiences of other countries and garnering international support, Uzbekistan has embarked on a path towards greater democracy, human rights, and the rule of law. The successful implementation of the new constitution will be key in realizing these aspirations and shaping a brighter future for the Uzbek people and prosperous.

YURISPRUDENSIYA

HUQUQIY ILMIY-AMALIY JURNALI

**2023-YIL
MAXSUS SON**

*Yangi tahrirdagi O'zbekiston Respublikasi
Konstitutsiyasiga bag'ishlanadi*

VOLUME 3 / SPECIAL ISSUE / 2023

SPECIAL ISSUE DOI: 10.51788/tsul.jurisprudence.3.SI

BOSH MUHARRIR:

Xodjayev Baxshillo Kamolovich

Ilmiy ishlar va innovatsiyalar bo'yicha prorektor, professor, yuridik fanlar doktori

BOSH MUHARRIR O'RINBOSARI:

Ergashev Ikrom

Ilmiy boshqarma boshlig'i, dotsent, yuridik fanlar doktori

Mas'ul muharrir: N. Ramazonov

Muharrirlar: Sh. Jahonov, F. Muhammadiyeva, M. Sharifova,
Y. Yarmolik, E. Mustafayev

Musahhih: M. Sharifova

Texnik muharrirlar: U. Sapayev, D. Rajapov

Tahririyat manzili:

100047. Toshkent shahar, Sayilgoh ko'chasi, 35.

Tel.: (0371) 233-66-36, 233-41-09.

Faks: (0371) 233-37-48.

Veb-sayt: www.tsul.uz

E-mail: lawjournal@tsul.uz

Obuna indeksi: 1387.

Jurnal 20.12.2023-yilda tipografiyaga topshirildi.

Qog'oz bichimi: A4. Shartli bosma tabog'i 10,0.

Adadi: 100. Buyurtma raqami: .

TDYU tipografiyasida chop etildi.