

History and Significance of the Creation of the New Constitution of Uzbekistan

*Orzikulova Rukhshona Odilovna*¹

Abstract: The history of the creation of the new Constitution of Uzbekistan is closely related to the processes of democratic reforms and improvement of public administration during the country's independence. This document was developed as the basic law regulating the political, economic and social life of the country. The article analyzes the stages of the adoption of the Constitution, the factors and historical conditions that motivated its creation. It also highlights the role and significance of the new Constitution in the protection of human rights, the construction of a democratic state based on the rule of law and the development of civil society in the country.

Keywords: The new Constitution of Uzbekistan, history of creation, democratic reforms, human rights, the rule of law, civil society, historical conditions, the basic law.

Before discussing the history of the creation of the new Constitution of the Republic of Uzbekistan, it is appropriate to answer the question “What is a Constitution?” The Constitution (Latin “Constitution” – structure, regulation) is the fundamental law of the state. It defines the structure of the state, the system of government and administrative bodies, their powers and the procedure for their formation, the electoral system, the rights and freedoms of citizens, the relationship between society and the individual, as well as the judicial system and the relationship between the state and society. The term “Constitution” was known in Ancient Rome (the law was called the Imperial Constitution). Amir Temur’s “Regulations” have the character of a special form of constitutional document characteristic of the civilization of the countries of the East and Asia, and along with Sharia law, they had a strong influence on the fate of the peoples of the Central Asian region. Initially, the term “constitution” meant a political system, and in the 15th century in France the term was used in relation to rent and rent contracts. Later, the word “Constitution” returned to its original meaning, and this term began to be used to refer to a state system defined from a legal point of view. Types of constitutions, depending on the form of their expression, are written and unwritten. A written constitution is a set of documents bound together as a legal and official book or a book containing the essence of the constitutional system, the laws governing the entire system, and their rights and obligations. An unwritten constitution is a constitution that is neither developed by a constituent assembly nor adopted in due course. Thus, this does not mean that nothing is written, but rather that it is not codified in a single legal document or book. In addition, there is no specialized body appointed to adopt the constitution, that is, it is a simple set of laws, actions, and customs. The Constitution of Great Britain is a great example of this type. Another striking difference between these types of Constitutions is that in a written Constitution, the Constitution is supreme, while in an unwritten Constitution, the Parliament is supreme. The new Constitution of the Republic of Uzbekistan is a clear example of a written constitution.

Currently, there are more than 195 countries in the world. Of these, 145 are republics and 42 are monarchies. We know that in each country, for objective reasons, the Constitution may differ from the basic laws of another country. Constitutional theory distinguishes types of constitutions according to their forms of expression, procedure for adoption and orders, and the effectiveness of their theses. But did you know about countries that do not have a Constitutional document? Today, 7 countries in the

¹ Law Enforcement Academy of the Republic of Uzbekistan 2nd year student of investigative activities



world do not have a constitutional document. These are: Great Britain, Canada, New Zealand, Sweden, Israel, Libya, and San Marino.

Looking back at the complex and important, and at the same time honorable, annals of the creation of our Basic Law, we are convinced that the Constitution of Uzbekistan is the result of the long-term quest of our people for independence.

Today's Constitution of Uzbekistan embodies the ancient Khorezm and Sogdiana, the Karakhanids, the Khorezmshahs, Amir Temur and the Temurids, the Uzbek khanates, our enlightened ancestors, the historical traditions of our people and their centuries-old dream of an independent state.

In addition, based on our interests and aspirations, our Basic Law was created taking into account the advanced constitutional experience accumulated by 97 countries of the East and West, South and North.

As is known, in the current period of rapid development of our country, there is a need to make changes and additions to our basic constitution. In this regard, on May 20, 2022, at a joint meeting of the Council of the Senate of the Oliy Majlis and the Council of the Legislative Chamber, a Constitutional Commission was established to amend the Constitution of Uzbekistan and implement organizational measures, and a Regulation was adopted regulating its activities, and the first meeting of the Constitutional Commission was held on May 26, 2022.

The principle of "for human dignity" has been set as a priority goal in the consistent reforms being implemented in the new Uzbekistan. In this regard, the adoption of our new constitution has begun a new era of development for our country.

After all, our fundamental law reflects many norms related to the guarantees of human dignity, its rights and interests, which further strengthens our country's position in the world community as a truly democratic, legal, social and secular state.

It is worth noting that a number of important provisions that were not previously available in the legislation have been strengthened in our Constitution, and their content and essence are aimed at enshrining the principle of "Man - Society - State" as a constitutional rule. Our new Constitution, adopted on April 30, 2023, is a 65% change compared to our Constitution adopted at the 11th session on December 8, 1992, that is, it provides for more than 170 amendments to 66 articles of the Constitution. In particular, during the referendum, the population made many other proposals, such as constitutionally strengthening the fact that fundamental human rights and freedoms are inalienable and inviolable and belong to everyone from birth, determining that a suspect, accused or defendant is not obliged to prove his innocence, that is, the right to remain silent, and reflecting in the Constitution that interference in the professional activities of teaching staff, influencing the correct and impartial assessment of students' knowledge, as well as preventing them from fulfilling their official duties, are not allowed. All these demands and proposals were taken into account and found their expression in our New Edition of the Constitution. That is why it is called the New Edition of the Constitution. According to statistical results, one specific difference between the Constitution of our country and the Constitutions of countries around the world is that no state Constitution states that "Adult, capable children are obliged to support their parents." In particular, the constitutional establishment of norms on the inviolability of human honor and dignity, the prevention of violence and torture, the Miranda rule, the Habeas corpus institution, the presumption of innocence, and the right to legal assistance imposes a great responsibility on law enforcement agencies in the process of inquiry, investigation, trial, and execution of punishment.

In addition, the constitutional foundations of the right to privacy, personal and family secrets, and the protection of one's honor and dignity have expanded. For the first time, the Constitution establishes the right of everyone to protect information about themselves, as well as to demand the correction of inaccurate information and the destruction of information about them that was collected illegally or no longer has a legal basis.



Another important aspect: it was established that everyone has the right to confidentiality of correspondence, telephone conversations, mail, electronic and other messages. It was envisaged that this right could be restricted only in accordance with the law and based on a court decision.

In conclusion, the newly adopted Constitution created the political and legal framework for the implementation of the New Uzbekistan Strategy and determined the priority areas for further development of the state and society at a historically important stage in the development of national statehood.

This makes it urgent to introduce new approaches to the practice of law enforcement in matters related to human rights and freedoms.

After all, the task of all of us is to build a just society in which a person, his rights and freedoms are considered the highest value and are respected.

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