



Research Article

## CORRELATION OF CONSTITUTIONAL CHANGES AND REFORMS IN NEW UZBEKISTAN

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### ABSTRACT

The article explores the issues related to the constitutional reforms carried out in our society during the new conditions, problems related to it, convicts, their legal status, ensuring the rights and freedoms of this category of persons and pays attention to some unfortunate issues related to convicts. The issues of mutual proportionality of current legislation and international standards are analysed.

### KEYWORDS

Constitution, comparativists, implementation, standards, crime and punishment, liberalization, Codex, legal practice, criminal punishment execution system, principles, prison independence.

### INTRODUCTION

The radical reforms, which began in 2016, are carried out first of all, taking into account the

most important and priority features of the new era, necessitating the implementation in our

country of state and governing bodies, all leaders, citizens and activists on the basis of the noble principles of "Person – society – state" and "For human value".

In the Republic of Uzbekistan, with intensive steps, work is being carried out to appreciate, honor and monitor the observance of a person and his rights. Especially proof of these statements can be seen in the development and improvement of the work of regular provision of rights and opportunities of citizens in all directions.

## THE MAIN RESULTS AND FINDINGS

It is noteworthy that under the leadership of President of the Republic of Uzbekistan Sh. M. Mirziyoyev, all forces and opportunities are aimed at building a fair society and a social state, ensuring a comfortable life of the present and future generations<sup>1</sup>.

It is also worth mentioning that over the years, organizational and legal foundations have been

created for the development and integration of science and scientific activities and education, as well as the problems of this sphere, which are aimed at ensuring the priority of human rights in our country.

Studies show that every society and state, having gained independence and choosing its path of development, can consolidate the most important goals and objectives that serve to ensure the well – being of the people in its constitution-the Basic Law. Consequently, a country with a constitution that is in tune with the will of its people, the good intentions of its soul and language always goes forward, without ever deviating from the high milestones it has set.

We have observed this a lot in the development of statehood and legal timesim of foreign countries. Indeed, now there are not a single state left in the world that has not made changes to the Constitution. In recent years, there have been constitutional reforms in more than 100 States. Only in the XXI century, a Constitution was adopted in 57 states. Now there are not a single

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<sup>1</sup> See: Saidov A.X. New Uzbekistan and sustainable constitutional development. People's word newspaper Issue, November 26, 2020.

state in the world that has not been amended. In the US, for example, there are also 27 amendments to the text of the Constitution<sup>2</sup>.

Indeed, in the international community, only the number of states is large, they are not at all similar to each other, in each state, based on its internal characteristics, a certain system of legislation on Human Rights has been formed. The basis of this legislation is, first of all, constitutions, laws and legislative acts.

In all constitutions, special sections, chapters are allocated, which are owned by the rights and freedoms of person and citizens. And the constitutional rights and freedoms of citizens are reflected in the current legislation.

In the ongoing constitutional reforms in our country, from now on, the focus of public policy is provided for a person, his rights and interests, honor and dignity. At the same time, the need arose to harmonize the Constitution based on today's trends in the development of statehood and the political situation in the world.

As you know, constitutional reforms were planned to be carried out in three stages:

at the first stage, work on amendments and additions to the Basic Law, study proposals and considerations, then develop a draft constitutional law and submit it to the Legislative Chamber of the Oliy Majlis.

The second stage is to put the draft law in a nationwide discussion.

The third stage is the holding of a referendum.

The main thing is that the proposed draft constitutional law provides for more than 170 amendments and additions to more than 60 articles of the Constitution.

Looking at the recent history, the President Shavkat Miromonovich Mirziyoyev said in his greeting on the occasion of the Feast of the Constitution that a new law would be adopted in 2020, in the new law they had determined that the following would be the main criteria:

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<sup>2</sup> See: Constitutional reforms: the experience of the countries of the world. T. I. T., 2022.P.7

- the principle of "State – Society – Person", which was previously practiced, is changed to "Person-Society-State";

- the main criteria for ensuring human interests in the process of economic reforms;

- within the framework of the noble idea "Society is the initiator of reforms", the role and status of civil society institutions will be strengthened;

- the constitutional framework for the development of the institution of the family, the dissemination of noble human values to future generations, the further strengthening of interethnic harmony is established;

- in order to fully ensure the rights and interests of young people, state policy in the field of youth, the issue of their comprehensive support, rights and duties are reflected;

- the principle of "New Uzbekistan – social state" is sealed as a constitutional rule;

- in order to increase the effectiveness of the current system for the protection of human rights, issues of preventing child labor, reliable protection of the rights of people with disabilities,

representatives of the older generation are reflected;

- taking into account global changes in nature, special chapters on ecology are introduced;

- issues of development of kindergarten, school, higher education and science, which are four integral rings of the third Renaissance, will be strengthened.

We see that spiritual and moral values and natural human rights, formed over the centuries, came to the form of a Constitution as a result of the processes of civilisation.

For the first time in the life of mankind, the Constitution raised the rights of a person, such as free and free living, possession of property, education, work, election, freedom of speech and faith, to the highest level of value. On the basis of these changes, a number of organizational and legal measures are being implemented in recent years (especially after 2016) aimed at ensuring the rights of convicts in the conditions of the new political and legal environment that is being formed in our country, expanding them, protecting these rights and freedoms.

In particular, the current legislation of the Republic of Uzbekistan fully provides for the introduction of amendments and refills based on the study of the experience of European, American and Asian countries, providing all convicts with as many as possible, and minors with unlimited amounts of meetings with their parents and their substitutes, convict women with minor children four times in a year, it was established that long-term meetings with the possibility of living outside the territory of the institution during the free time from work should be given in unlimited quantities, and meetings of convict women with minor children should not be included in the established meetings.

The fact that the head of State made the following proposals for the introduction of a number of norms into the basic law this year, when meeting with members of the Constitutional Commission, also confirms our above points:

In the direction of rights and freedoms of citizens:

- a citizen of Uzbekistan has the right to freely move around the country, freely choose a place of residence or residence (residence permit restrictions will never be restored back);

- every citizen is guaranteed the right to leave and return from the country without obstacles;
- privacy is guaranteed inviolability;
- forced labor and child labor are not allowed;
- each person has the right to work in a comfortable working environment, to receive a decent remuneration for his labor;
- the minimum amount of Labor remuneration must be sufficient for the person himself and his family to live their lives.

#### **Entrepreneurship and land issues:**

- the results of privatization will not be revised and canceled;
- the state must create all conditions for the free movement of goods, services, labor and financial resources, the development of domestic and international trade;

- entrepreneurs have the right to carry out any activities that are not prohibited by law, to receive an unlimited amount of income;
- the state should provide a favorable business and investment environment and conditions for the development of private entrepreneurship, protect free and honest competition, and guarantee the inadmissibility of monopolization in economic activity;
- land can be private property; agricultural land and Forest Fund remain in the state ownership and are issued to business entities on the basis of a lease agreement.
- the death penalty is prohibited;
- the conviction of a person and the legal consequences arising from it cannot serve as a basis for limiting the rights of his relatives;
- human attitude towards prisoners and their dignity must be ensured;
- measures of legal influence applied to a person when considering cases of administrative, civil, economic, criminal liability and other areas – should be sufficient to achieve a legal goal and create the person as much lightness as possible;
- no one should be deprived of housing without a court decision; compensation corresponding to its value must be paid before the castle breaks down when it falls into demolition;

#### Judicial-in the field of law:

- "Miranda rule": when catching a person, it is imperative to give an explanation in simple language of his rights and why he was caught;
- Institute "habeas Corpus": a person can not be held for more than 48 hours at most until the decision of the court;
- access to housing or other property of a person without his permission, their inspection and search are allowed only in the condition and order established by law.



### Public administration:

- A group of citizens of no less than 100 thousand people is given the right to include their legislative proposals in the Legislative Chamber of the Oliy Majlis;
- powers of governors and local councils are allocated;
- government bodies must be open, transparent, accountable, compact and economical;
- the presidential decree on the appointment of the head of the anti-corruption agency is approved by the Senate;
- the authority to appoint and release the chairman of the Accounts Chamber to the post is transferred from the President to the Senate;
- neighborhoods are not part of the system of public authorities, they have the authority to independently resolve issues of local importance in places.

- Uzbekistan maintains a peaceful and friendly policy with all countries, first of all with its close neighbors;
- Uzbekistan's foreign policy is based on the principles and norms of respect for Human Rights and freedoms, territorial integrity of states;
- the state must maintain and develop regular contacts with citizens of Uzbekistan and compatriots living and working abroad.

### Family Institute:

- The family is formed on the basis of voluntary consent and equality of a woman and a man (the current Constitution says "parties");
- it is forbidden to refuse to hire women, dismiss them and reduce their wages due to their pregnancy or having a young child;
- many families receive benefits and social guarantees;
- parents have the right to take care of their upbringing, education, health, full-

### Foreign policy:

- parents have the right to take care of their upbringing, education, health, full-

fledged and harmonious development until their children reach adulthood, and are obliged to do so;

- the state must develop physical education and sports;
- the state should create conditions for educating young people as spiritually and morally mature people.

#### **Education, medicine, ecology:**

- It is not allowed to interfere in the professional activities of pedagogical workers, prevent them from fulfilling their service obligations;
- the state should provide the necessary conditions for the development of preschool education, school and higher education systems, private educational institutions of various forms of ownership, including;
- the general norm that "everyone has the right to use qualified medical services" will be expanded;
- environmental and legal norms will be expanded.

#### **Rights of persons with disabilities:**

- It is forbidden to separate persons with disabilities in any way, limit their rights, refuse to create conditions for the use of objects and services;
- the state creates conditions for ensuring their rights and freedoms;
- inclusive education is organized for children who need special attention.

The president also promoted the introduction of a series of norms on poverty reduction and social protection into the Constitution.

The changes included in the current legislation prevent certain exaggerated (discussive) situations in the current legislation in connection with the existing situation in the system of ensuring the rights and freedoms of convicts, and clarify the issues of ensuring the mechanisms of mutual proportionality of international and



national legislation, the full provision of rights and freedoms for convicts, the use of convicts<sup>3</sup>

## CONCLUSION

In conclusion, it can be said that only the number of states in the international community is large, they are not at all similar to each other, in each state, based on its internal characteristics, a certain system of legislation on Human Rights has been formed. The basis of this legislation is, first of all, constitutions, laws and legislative acts.

In all constitutions, special sections, chapters are allocated, which are owned by the rights and freedoms of Person and citizens. And the constitutional rights and freedoms of citizens are reflected in the current legislation. Diligently studying all them is our main task. This is dictated by the era itself.

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<sup>3</sup> See: Resolution of the President of the Republic of Uzbekistan "on measures to radically improve criminal executive legislation" dated November 7, 2018 PR-4006.

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