



MAIN AMENDMENTS AND ADDENDUMS INTRODUCED TO THE NEW EDITION OF THE CONSTITUTION OF THE NEW UZBEKISTAN.

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Annotation: This article is devoted to the most important changes made to the Constitution of the Republic of Uzbekistan and their significance according to the constitutional law "On the Constitution of the Republic of Uzbekistan" adopted in the referendum on April 30.

Keywords: New Uzbekistan, referendum, Constitution, state, society.

Introduction

Looking at the long history of our country, we can witness that the laws always contain aspects that promote goodness and progress, mainly such as the honor of the motherland, peace, inviolability of borders, self-sacrifice and loyalty. The norms of the law established by sarkarda Amir Temur, characteristic of the svilization of eastern and Asian countries with the name "Temur traps", as a single example, are of the nature of a constitutional document, having a strong influence on the fate of the peoples of Central Asia, as well as Sharia laws, summing up the above aspects.

While our country has a fundamental law in the new history that has reached the scale of the Republic, that is, a Constitution, about 100 amendments and amendments have been made to this law Twice Upon Independence. It was adopted on December 8, 1992, following amendments. Our law, consisting of 6 Sections, 128 articles, is today one of the most important achievements in the years of independence and has served as a regular protection of the life, rights and duties of citizens in society. In essence, the constitutional reforms carried out in our country are significant in that they are aimed at sealing the principles of "Man – society – state", "Uzbekistan – social state" as a constitutional rule, building a nationalistic state, strengthening the protection and social protection of human rights. Constitutional changes have become a vital necessity due to the evolutionary development of Uzbekistan. As a nation and a nation, there is a huge step towards building a just society that is extremely important for us to identify our next steps. The constitutional law "on the Constitution of the Republic of Uzbekistan", adopted in the referendum on April 30, entered into force on May 1. The basis for this was the adoption of the corresponding law of 11 articles according to the result of the referendum on April 30. Article 1 of this law is accompanied by a new revision of the Constitution. Also, if the norms contained in other laws and legislative acts are unconstitutional, the courts will decide on the basis of the Constitution.



LITERATURE ANALYSIS AND METHODS

In the process of research, the law of the Republic of Uzbekistan “on amendments and additions to the Constitution of the Republic of Uzbekistan”, the Constitution of the Republic of Uzbekistan (new edition 30.04.2023), Mirziyoev Sh.M. works, thematic literature and internet sources were used. During the writing of the article, the principles of theoretical-deductive inference, analysis and synthesis, historicity and logic, hermeneutical analysis, succession, mutual unity of the universal and national, comparative analysis were applied.

DISCUSSION AND RESULTS

To date, there have been a total of 15 amendments to the Constitution since 1992. This time, a new revision of the document was adopted, which caused the magnitude of the changes. As a result of the renovation, the number of substances in the head chamber increased from 128 to 155, and the norms in it increased from 275 to 434. Below we will cite the changes that occurred in the most important 10 directions according to the sequence in the document.

1. Uzbekistan is a legal, social and secular state. Of the Constitution.

The sentence “Uzbekistan – sovereign democratic republic ” in Article 1 is modified as follows:

Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government.

The republican form of government means that the Supreme bodies of state power are elected by the people for a certain period of time. A sovereign state means having full independent rule and absolute jurisdiction over its territory. Democracy, on the other hand, provides for equal participation of all by representing the people's power and being elected in public administration and electing their representatives. In a legal state, all processes are built on legal grounds, civil servants are required to think within the framework of law, to look at all issues with a legal eye. Moreover, in a legal state, all citizens are equal before the law, the higher bodies of state power are also subject to the law and ensure the inevitable implementation of the laws.

As soon as Uzbekistan declares itself a social state, it is obliged to create conditions for each of its citizens to live a decent life. This means the distribution of available resources on the principles of social justice, the avoidance of a strong stratification in society, the guarantee of quality education and medicine even for the most vulnerable strata, the functioning of effective social protection programs, the support of citizens with limited opportunities and need for application, Fair Labor legislation and an attractive pension system. More simply, even children of the poorest family should have the opportunity to grow up healthy and get a good education and achieve well-being.

In a secular state, the state and religion will be separated from each other. The state treats all the same regardless of religious belief, taking a neutral position on issues concerning religion. Section 154 of the new constitution stipulated that the provisions of Section 1 could not be revised. Likewise, the clause of Article 154, which consists of exactly the same clause, cannot be revised. In other words, this norm implies that Uzbekistan will never renounce democracy, commit to legal statehood, become a monarchy or an Islamic Republic.

2. The Constitution is in direct effect. Article 15 added the following addition:

The Constitution of the Republic of Uzbekistan has supreme legal force, directly applies and forms the basis of a single legal space in the entire territory of the country. The direct



operation of the Constitution allows citizens to act, in particular, to appeal to the court, based not only on laws, but also directly on the norms of the Constitution. Under the law passed in the referendum, the Supreme Court must accept the decision of the relevant plenary within 3 months. On the basis of this decision, a unified judicial practice is introduced by the courts on the application of the norms of the Constitution as a document directly acting.

2. Benefits do not have to be written down in law. Article 19 of the new Constitution (previously Article 18) is about the equality of citizens before the law, regardless of gender, nationality, position, etc. Part 2 of this article is changing as follows:

Old: privileges are established only by law and must comply with the principles of social justice.

New: benefits are established only in accordance with the law and social justice must comply with its principles.

With this, one of the norms of the Constitution, which has practically ceased to work, is being adapted to real reality. Practice is such that privileges and preferences on various fronts are issued not only on the basis of laws, but in many cases on the basis of legislative documents – decisions and decrees.

3. All inaccuracies-in favor of a person. According to the new revision of the Constitution:

All conflicts and uncertainties in legislation that arise in the interaction of a person with state bodies are interpreted in favor of a person.

Social relations have endless forms, it is practically impossible to fully codify them in regulatory legal acts. Now, if there is a conflict in matters that are not clearly defined in the legislation, the issue is decided in favor of a person, not a state. In addition, the situation must be resolved in favor of the citizen even in the event of an error by state bodies in the Proceedings of various documents, for example, in the case of a pension appointment, when the relevant documents are not found in the base and there is uncertainty.

4. Human rights can be restricted for the purposes of social ethics and public order. The question of the limitation of rights and Freedoms was regulated by the following two norms in the previous constitution:

The rights and freedoms of a person, enshrined in the Constitution and laws, are inviolable, and no one has the right to deprive or limit them without a court decision. Citizens are obliged not to undermine the legitimate interests, rights and freedoms of other persons, State and society in the exercise of their rights and freedoms.

In the new revision of the Constitution, the above two norms were preserved almost unchanged. At the same time, a new norm was added as follows:

The rights and freedoms of a person can be limited only in accordance with the law and only in the framework necessary for the purpose of protecting the constitutional order, the health of the population, social morality, the rights and freedoms of other persons, ensuring public safety and public order. These norms regarding the restriction of Rights also apply to the right to freedom of speech, according to another article of the new constitution. That is, the right to seek, receive and disseminate information can only be limited in order to protect the constitutional order, the health of the population, social morality, the rights and freedoms of other persons, to ensure public safety and order, to prevent the disclosure of state secrets or other secret guarded by law.



It should be noted that the concept of “Social Ethics” has not yet been introduced into the legislation of Uzbekistan. This concept as well as the legal review of the competent authority on the limitation of human rights under this article “in order to ensure public order” are necessary. With the provision of rights, the golden mean between social morality and public order should be clearly defined. At the same time, as we said above, according to the constitution, now all inaccuracies are resolved in favor of a person.

At the same time, it is appropriate to mention the article on the protests. This substance was preserved in its former state, without changes:

Citizens have the right to carry out their social activities in the form of rallies, meetings and demonstrations in accordance with the laws of the Republic of Uzbekistan. Authorities have the right to stop or ban the holding of such events only from the point of view of security.

6. Teachers are in special recognition. An article about teachers was added to the Constitution. It consists of two clauses:

In the Republic of Uzbekistan, the work of the teacher is recognized as the basis for the development of society and the state, the formation and upbringing of a healthy, harmonious generation, the preservation of the spiritual and cultural potential of the people and the enrichment. The state takes care of the protection of the honor and dignity of teachers, their social and material well-being, their professional growth.

Thus, the bishops became the only professional holders who did not represent the field of law, but were specifically mentioned in the supreme law. Of the teachers named in the Constitution, all those in other professions are representatives of the field of law (judges, prosecutors and lawyers). In other cases, there has been talk of areas, not professions (for example, media, various public associations).

7. The land may be privately owned. Privatization of non-agricultural land plots has begun in Uzbekistan since 2022. At about the same time, the primary version of the draft new Constitution, published the previous year, pointed out that it was impossible to privatize land intended for agriculture. From the final interpretation, such a restriction was removed, and the norm on the privatization of land was formulated as follows:

The land can be privately owned under and in accordance with the conditions provided by law and providing for its rational use and its protection as a nationwide wealth.

In the first draft of the general qomus published last year, it was proposed to include the following sentence: “in economic activity, dishonest competition, monopolization is not allowed.” In the end, the norms on this matter looked like this::

The state creates conditions for the development of market relations and honest competition. Monopolistic activities are regulated and restricted by law.

It was decided not to include in the Constitution the norm contained in the primary draft of the document: “the results of privatization will not be revised and canceled.” Recall that there is no such rule in the current legislation.

8. Obstructing media activity causes liability. The previous constitution's chapter, "media", consisted of a single article. It said: "the media are free and work according to the law. They are responsible for the accuracy of information in the prescribed manner. Censorship is not allowed”.

Under the new constitution, this chapter consisted of two articles:



The media are free and work according to the law. The state guarantees the freedom of media activity, the implementation of their rights to the search, obtaining, using and disseminating information. The media are responsible for the reliability of the information it provides.

Censorship is not allowed. Obstructing or interfering with the activities of the media causes liability in accordance with the law.

The main innovation – responsibility for the obstruction of media activity was established at the level of the Constitution. About the inclusion of relevant liability in the MJTK and criminal codes has been talked about for 4-5 years, but they are all stuck in the mouth and on paper.

Now, according to the law passed in the referendum, the Cabinet must develop and introduce legislation into parliament within 2 months of the new constitutional adaptation program.

9. Changes in public administration. The president's term of office was 7 years.

According to the Constitution of Uzbekistan in the new edition:

The president's term of office was extended from 5 to 7 years. The president's status as "head of state", the fact that the same person could not have more than two terms of President per annum, the text of the president's oath of office and most other norms relating to the president were left unchanged. For information, the president's term of office was also extended from 5 to 7 years in 2003, and in 2011 the return was reduced from 7 to 5 years.

The Prime Minister's nomination is now presented by the president. It was established that the president would consult with the factions of all parties entering parliament before presenting the Prime Minister's nomination. The Legislature considers the candidate presented by the president, and if more than half of the deputies approve, the prime minister is confirmed in office. If MPs reject the nomination three times, the president has the right to appoint a prime minister and dissolve the Legislature. Under the previous regulation, the Prime Minister's nomination was proposed by the party with the most seats in the legislative chamber, with the approval of the president, the nomination was required to be approved by the two chambers.

The number of senators will be reduced from 100 to 65. Of the 14 areas, 4 Senators are elected rather than 6, reducing the number of senators appointed by the president from 16 to 9. This change will take effect at the time of the parliamentary election in 2024. It was decided not to increase the number of Deputies of the legislative chamber (150 people), leaving it unchanged.

The Senate's participation in the appointment of the prime minister and the notification of a vote of no confidence in him was abolished. Now it is enough for this to vote by two-thirds of the total number of Deputies (first it was necessary to vote by two-thirds of the members of both chambers; recall that if a vote of no confidence is announced, the president will remove the prime minister from office). The hearing of the reports of the prime minister and members of the government was also transferred to the jurisdiction of the lower house. In addition, the Legislature was empowered to make a proposal to the president to resign members of the government.

The election of the leaders of the anti-corruption and anti-monopoly bodies under the president's submission was included in the Senate's mandate. The Senate also elects judicial officials of the highest rank, approves by reviewing candidates for the presidency of the attorney general and the Accounts Chamber, conducts consultations with the president on the candidate for the presidency of the DXX, appoints and dismisses the chairman of the Central



bank, appoints and dismisses key diplomats abroad (all this is done at the presentation of the president). In addition, the Senate was empowered to overturn anti-law decisions of local councils.

The legislature received additional authority under the laws. According to him, if the Senate no longer decides within 60 days whether to approve or reject the law, the Legislature will send the law to the president. The deadline for the laws to be signed and promulgated by the president was extended from 30 days to 60 days. In the event that the law returned by the president was passed again by the Houses of Parliament, the deadline for the president to sign and declare this law was left unchanged (14 days).

It was established that the president has the right to appoint a presidential election earlier than his term. In addition, the Legislature and Senate were given the power to self-dissolve (requiring a vote of at least two-thirds of the members of the House). It was also written that, in the event of serious events, the two houses could conduct a parliamentary inquiry by passing a joint resolution.

Judges are not accountable for specific cases. There is also a need for a legal review under this norm added to the Constitution. The judicial act does not include the concept of "accountable". How the fact that judges are not accountable for their own decisions affects the provision of justice – the case in the comments, in our opinion. This kind of abstract rule ultimately leaves the new constitution in question that it will be a directly functioning law, which is said many times in its propaganda and is also defined in the document itself.

Judges of the Constitutional Court are elected for a term of 10 years and cannot be re-elected. The previous regulation was 5 years when the term was first elected, and 10 years in the next. The rule that an individual cannot hold a single office more than twice to a date began to apply, in addition to the president, to the president of the Senate, Speaker of the Legislature, president and Deputy Supreme Court, chairman and Deputy Supreme Council of judges, Chairman of the Central Election Commission, attorney general, governors and presidents of councils.

By Section 7 of the law passed in the referendum, the terms held by state officials at all levels at the moment were nullified.

It was established that they have the right to be elected and appointed to the same positions on an equal basis with other citizens, regardless of the number of chronic terms in which they are holding their positions.

10. Changes in local state government. Governors leave the presidency of the council. In local public administration, representative and executive bodies are separated from each other. The current procedure in this regard is contrary to the principle of separation of powers and restraint of the branches of power. According to the new revision of the general committee, this is eliminated, local councils are designated as elected representative bodies, and municipalities as executive bodies.

Conclusion

Ensuring the rule of law in our society is the sacred duty of each of us to protect the rights and freedoms of citizens. This duty and our rights are defined in our Constitution, the main law of our Republic, as they exist in all countries of the world. All Uzbek people, regardless of the nation of our Constitution, which is the basis of our happiness, embody a whole range



of opportunities and obligations of their citizen, still serve for many years as well as for the happy and future great generations of the new Uzbekistan.

December 8 will continue to be the day of equality and opportunities for equal rights in the eyes of our people.

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