



THE NEW CONSTITUTION IS A PLEDGE OF RAISING LEGAL AWARENESS AND LEGAL CULTURE

Tursunov Akhtam Salomovich
doctor of legal sciences, professor

Amirov Zafar Aktamovich
candidate of legal sciences, associate professor
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Annotation: In this article, information about the new norms of human rights introduced in the new Constitution of the Republic of Uzbekistan and their essence, as well as information about the norms of international law, the provisions reflected in the laws and legal documents of the Republic of Uzbekistan, are reflected in the new Constitution with specific examples. Also, a conclusion is given about the effectiveness of the reflection of such norms in the Constitution.

Keywords: human rights, Constitution, Constitutional law, suspect, accused, international agreements, convention, pact, optional protocol, freedom, privacy, legal consciousness, legal culture.

On August 31, 1991, the Republic of Uzbekistan declared its independence and gained the right to independently determine the domestic and foreign policy of the country and the fate of its people as a sovereign state. He made his first move in foreign policy on September 30, 1991 by joining the Universal Declaration of Human Rights[1], which is an international legal document. In addition, he became a member of international organizations established for the purpose of protecting human rights. Except, it became a member of international organizations established for the purpose of protecting human rights. For example, on March 2, 1992, it became a member of the United Nations Organization, and on July 13, 1992, it became a member of the People's Labor Organization. From this it can be understood that the state of Uzbekistan paid the first and main attention to the protection of human rights from the first days of independence. In this way, during the past period, it implemented a number of reforms aimed at strengthening the guarantee of human rights protection at the international and national level, and joined about 100 international documents on human rights. As a result, he took his rightful place in the world community. It has acceded to the following 7 main treaties and 4 optional protocols of the United Nations.

Agreements: 1) International Covenant on Civil and Political Rights [2], 2) International Covenant on Economic, Social and Cultural Rights[3], 3) Convention on the Rights of the Child [4], 4) Convention on the Elimination of All Forms of Racial Discrimination [5], 5) Convention on the Elimination of All Forms of Discrimination against Women [6], 6) "On Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" against types of discrimination" Convention [7], 7) "Convention on the Rights of the Disabled"[8].

Optional Protocols: 2 Optional Protocols to the International Covenant on Civil and Political Rights: 1) Second Optional Protocol of the Republic of Uzbekistan to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty [9], 2) Referrals are related to the procedure, i.e." Optional Protocol to the International Covenant on Civil and Political Rights [10].

2 Additional Optional Protocols to the Convention on the Rights of the Child: 1) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict [11], 2) Optional Protocol to the Convention on the Rights of the Child on Child Trafficking, Child Prostitution and Child Pornography [12].

Certain legal documents are accepted as a legal guarantee of the independence and sovereignty of each country, and these documents become a sign of high value, pride and honor for these countries. For the Republic of Uzbekistan, the guarantee and legal basis of the sovereignty and independence of the Republic of Uzbekistan is its Constitution. The constitution is a document with supreme legal force, which expresses the most important basic norms that directly regulate all social, economic and political relations in the life of the country, and guarantees the independent determination of the internal and external policies of the state. At the same time, the Constitution also strengthens the legal foundations of relations between the individual and the society, the society and the state, and the individual and the state. On December 8, 1992, the Independent Republic of Uzbekistan adopted its first Constitution. A number of norms guaranteeing the basic rights and freedoms of people and citizens have been reflected in the Constitution. However, the development of society and the emergence of new social relations showed the need to enrich the Constitution with new norms. In this regard, on April 30, 2023, the New Constitution of the Republic of Uzbekistan was adopted by referendum[14]. It can be said with full confidence that the new Constitution “serves as the main fundamental legal basis for the establishment of consistent reforms, large-scale creative works, a legal democratic state and a just civil society” in the country.

In fact, the Constitution is the main basis of the laws and regulations that are being developed for the protection of human rights of the country. It is the main and main resource that increases the legal consciousness and legal culture of citizens. That's why it is defined as “Constitution is our happiness”. Citizens will fully understand their rights, duties and responsibilities by studying it carefully. In this respect, every citizen of Uzbekistan can say with confidence that the new **Constitution is “my Constitution”**. In it, the interests of no section of the society were neglected. As it is declared that the provision of human rights and freedoms is the highest goal of the state, the norms of human rights in the new Constitution [13] have increased more than 3 times compared to the existing norms of the previous Constitution. Guarantees of human rights and freedoms, including Habeas Corpus and the Miranda Rule, have been significantly strengthened by strengthening universally recognized institutions at the constitutional level.

In particular, human rights and freedoms belong to everyone from birth; interpretation of all legal conflicts and ambiguities arising in the interaction between a person and state bodies in favor of a person; that every person has the right to freely develop his personality, that no one can be imposed an obligation not specified in the law without his consent; Prohibition of the death penalty in the Republic of Uzbekistan; that everyone has the right to freedom and privacy; if a person's admission of guilt is the only evidence against him, he cannot be found guilty or punished, persons deprived of their liberty have the right to be treated humanely and respect for the dignity and dignity inherent in the human person, the person's conviction and that the resulting legal consequences cannot be the basis for limiting the rights of his relatives; every person has the right to use the assistance of a lawyer at any stage of the criminal process, and when a person is arrested, when his freedom of movement is practically restricted, anyone convicted of a crime has the right to have his sentence

reviewed by a higher court in accordance with the procedure established by law, as well as amnesty having the right to plead for relief of punishment, etc. enriched with such norms.

In addition, the Law on the Constitutional Court of the Republic of Uzbekistan [15], the Code of Criminal Procedure of the Republic of Uzbekistan [16], the Code of Administrative Court Proceedings of the Republic of Uzbekistan [17], the Optional Protocol to the International Covenant on Civil and Political Rights [18] the norms regarding the rights are also reflected in the new Constitution (Articles 15, 27, 28, 29, 55) [13].

An example of this is that *“no one can be arrested without a court order, a person is considered innocent until proven guilty of a crime in accordance with the law, all doubts about guilt should be resolved in favor of the suspect, the accused or the defendant, provided that the possibilities of eliminating them have been exhausted. , the suspect has the right to use the services of an interpreter, the essence of the accusation is explained to him, the accused has the right to know what he is accused of, the suspect has the right to know what he is suspected of, if the arrested person does not know the language of the case, his rights are explained with the help of an interpreter, the period of detention is from the moment the person is actually arrested (free the actual limited period of movement rights) is a maximum of forty-eight hours (Articles 18, 23, 46, 48, 111, 224, 226 of the Code of Criminal Procedure of the Republic of Uzbekistan)”, “Principle of supremacy of the Constitution of the Republic of Uzbekistan in conducting constitutional court cases , is carried out on the basis of the implementation of the constitutional principle of the priority of human rights and freedoms and other norms of the Constitution of the Republic of Uzbekistan in the documents of the legislative and executive authorities (Article 21 of the Law on the Constitutional Court of the Republic of Uzbekistan)”, “No one shall testify against himself and his close relatives is not obliged (Article 51 of the Code of Administrative Court Proceedings of the Republic of Uzbekistan)”, “Persons who claim that any of the rights mentioned in the Covenant have been violated and have used all available internal means of legal protection may submit a written report for consideration by the committee (Civil and Norms such as Article 2 of the Optional Protocol to the International Covenant on Political Rights)” can be cited.*

Of course, the Constitution is the Supreme Council of the country, where justice and humanity are blowing. Therefore, it should be perfect and form the fundamental basis of the legal guarantee of human rights protection. Moreover, the consolidated reflection of such norms in the Constitution, which provide the legal guarantee of the protection of human rights, plays an important role in the rise of the legal consciousness and legal culture of the population.

In particular, the legal scholar Z.M. Islamov defines the concept of “legal consciousness” as “the sum of legal feelings, ideas and views of citizens about the current legislation, legal practice in the country, as well as legal documents reflecting rights, freedoms and obligations” [19]. In fact, legal consciousness is an embodied expression of the imaginations, views, definitions, feelings and moods of the members of the society regarding the law, the law and the activity of the state mechanism [20].

In this regard, the compilation of human rights norms in the new Constitution, as mentioned above, allows citizens to acquire basic and basic knowledge about their economic, social, political and cultural rights.



Also, the strengthening of human rights norms at the Constitutional level serves to achieve the following results:

- first, to increase the guarantee of enforcement of laws;
- secondly, to further increase the legal literacy of the population;
- thirdly, to prevent the possibility of violations of civil rights by civil servants, etc.

References:

1. Universal Declaration of Human Rights. Adopted and promulgated on December 10, 1948 by United Nations General Assembly Resolution 217 A (III).
2. International Covenant on Civil and Political Rights. December 16, 1966, New York. Entered into force for the Republic of Uzbekistan on 28.12.1995.
3. International Covenant on "Economic, Social and Cultural Rights". December 16, 1966, New York. Entered into force for the Republic of Uzbekistan on 28.12.1995.
4. Convention on the Rights of the Child. Adopted by General Assembly Resolution 44/25 of 20 November 1989. Entered into force for the Republic of Uzbekistan on 29.07.1994.
5. The Convention on the Elimination of All Forms of Racial Discrimination. Adopted by the General Assembly on 21 December 1965 and entered into force on 4 January 1969. Entered into force for the Republic of Uzbekistan on 28.10.1995.
6. The Convention on the Elimination of All Forms of Discrimination against Women. Adopted by Resolution 34/180 of the General Assembly of December 18, 1979) entered into force for the Republic of Uzbekistan on August 18, 1995/
7. "Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" Convention. December 10, 1984, New York. It entered into force for the Republic of Uzbekistan on October 28, 1995.
8. Convention on the Rights of Persons with Disabilities. New York, December 13, 2006. Entered into force on June 8, 2021 for the Republic of Uzbekistan.
9. The Second Optional Protocol to the International Covenant on Civil and Political Rights of the Republic of Uzbekistan aimed at abolishing the death penalty. New York, December 15, 1989. Entered into force for the Republic of Uzbekistan on 22.12.2008.
10. Appeals are related to the procedure, namely, "Optional Declaration on the International Covenant on Civil and Political Rights. December 16, 1966, New York. It entered into force for the Republic of Uzbekistan on December 28, 1995.
11. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. May 25, 2000, New York. Entered into force for the Republic of Uzbekistan on January 23, 2009.
12. Optional Protocol to the Convention on the Rights of the Child on Child Trafficking, Child Prostitution and Child Pornography. May 25, 2000, New York. Entered into force for the Republic of Uzbekistan on January 23, 2009.
13. New Constitution of the Republic of Uzbekistan. April 30, 2023.
14. Decision of the Senate of the Oliy Majlis of the Republic of Uzbekistan on conducting a referendum of the Republic of Uzbekistan on the draft Constitutional Law of the Republic of Uzbekistan "On the Constitution of the Republic of Uzbekistan". March 14, 2023, No. SQ-702-IV.
15. Constitutional Law "On the Constitutional Court of the Republic of Uzbekistan". 27.04.2021. LRU-687.

16. Criminal Procedure Code of the Republic of Uzbekistan. 01.04.1995. National database of legislative information of the Republic of Uzbekistan. <https://lex.uz>.
17. Code of the Republic of Uzbekistan on Administrative Court Proceedings. 01.04.2018. National database of legislative information of the Republic of Uzbekistan <https://lex.uz>.
18. Optional Protocol to the International Covenant on Civil and Political Rights. National database of legislative information of the Republic of Uzbekistan <https://lex.uz>.
19. Islamov Z.M. Obshchestvo. Gosudarstvo. Pravo (Uchebnik), T.: "Adolat", 2001. -B.403.
20. The system of protection of the rights of minors and young people: problems and solutions.//Collection of educational-methodical and scientific-practical articles, T.: -2008. - B.313.