

# **Protection of Life, Liberty, and Property at the Core of Constitutional Reforms in Uzbekistan**

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Today, the Constitution of the Republic of Uzbekistan is in the process of being transformed into a truly people's document based on the principle of "human – society – state." This is evidenced by the involvement of ordinary citizens, non-governmental organizations, representatives of business and professional circles, the scientific and expert community in the development of the new Constitution. More than 220,000 proposals were made during the nationwide discussion, which shows the exceptional importance of this political process.

A useful rule of thumb of constitutional law is the inadmissibility of a gap between the constitutional principles of the development of legal consciousness and social practice. The changing situation in the world demonstrates, first of all, that many tendencies of the past years are subject to serious revision and transformation today. Therefore, national constitutional development should address the effects global processes may have on the legal structure of the state. History provides enough examples of constitutions having been systematically and consistently amended in some of the most democratic countries in the world. One such example stands out among others – the fact that 27 key amendments have been made to the US Constitution over the past two centuries.

The proposed constitutional amendments fall into four thematic categories. The first of these, denoted by the expression "exaltation of human dignity," includes the confirmation of the inalienable right of citizens to life and the expansion of the rights of persons placed in detention by law enforcement agencies. The second category of amendments is set to turn the country into a "welfare state", which suggests that in the future social benefits will be ranked among the fundamental rights. The third category aims to ensure further consolidation of the influence of so-called "mahallas" – traditional district communities. The fourth category proposes the transfer from the President to the Senate of powers to appoint the heads of the anti-corruption agency and the Accounts Chamber, which officially controls public spending.

What is relevant and noteworthy is that the Constitution – as a programmatic set of goals for the development of society and the state – in its proposed new edition increasingly reflects the very essence of the Enlightenment liberal political thought, made famous by John Locke’s utterance about the inalienability of “life, liberty and property.” Indeed, a number of proposed amendments directly address the matters of protecting individual rights, property rights, and the primacy of human life as a social, moral and political value. Indeed, Article 13 of the Constitution retains the provision that the highest value is a person, his life, freedom, honour, dignity and other inalienable rights, but this wording is supposed to be supplemented with the words “respect, observance, protection of the honour and dignity of a person, his rights and freedoms are the responsibility of the state.”

The draft also contains completely new articles that establish the right to use the assistance of a lawyer of one’s own choice and fair access to justice. In addition, the updated article 116 provides that everyone is guaranteed the right to receive qualified legal assistance, which, in cases provided for by law, is provided free of charge. As an innovation, it is also stipulated that land can be privately owned based on the terms and in the manner prescribed by law. The new article establishes that no person may be deprived of his property except by a court decision. It also speaks of preliminary and equivalent compensation in the event of expropriation of property for public needs. Previously, there were no such provisions in the Constitution.

Also of relevance are the new provisions related to human rights in the context of the development of the modern information society – namely provisions concerning the right to access the worldwide information network Internet and free use of it; the right of everyone to get access to the data collected about them by state and non-state organisations, including civil institutions of self-government; the right to demand the correction of false data, as well as the destruction of data collected illegally or no longer having legal grounds. These rights are found in Articles 29 and 30 in the new edition. Such provisions can only be found in a few modern constitutions.

Remarkably, principles governing foreign policy also found their place among the proposed constitutional amendments. It has thus been proposed to include in the new edition of the Constitution of Uzbekistan a provision that international treaties of the Republic of Uzbekistan, along with generally recognized principles and norms of international law, are an integral part of the legal system of the Republic of Uzbekistan. If an international treaty of the Republic of

Uzbekistan establishes other rules than those provided for by the law of the Republic of Uzbekistan, then the rules of the international treaty of the Republic of Uzbekistan shall apply.

According to the Vienna Convention on the Law of Treaties of May 23, 1969, an international treaty is an international agreement concluded by a state in writing with a foreign state or international organization, governed by international law. For example, in German, French and Spanish constitutions establish the generally recognized principles and norms of international law as an integral part of their national legal system. This indicates that today for Uzbekistan, as a full-fledged subject of international law, more than 80 international documents on human rights, covering the generally recognized principles and norms of international law, are of particular importance.

The new iteration of the Constitution also proposes to introduce a fundamentally important provision on the preservation and development of relations with compatriots living abroad, in accordance with the norms of international law. States that protect the rights of their citizens also takes care of maintaining and developing relations with compatriots living abroad, in accordance with the norms of international law. Such a norm serves to strengthen the confidence of our citizens that they are constantly under the protection of the state, and demonstrates that the state and its bodies are not indifferent to the fate of their citizens, wherever they may be.

The modern world is dynamic, and many events are often unpredictable. This inevitably leads to a serious transformation of economic, political and other systems, entails the renewal of almost all spheres of life and activity in society. Any constitution in the world carries, first of all, the function of ensuring social stability, which makes it so valuable in the unpredictable world of today. The idea of a “living constitution” suggests that the adoption of constitutional amendments is necessitated by the very dialectical logic of social and political development. This once again confirms the idea that constitutional reform is a necessary change in the natural course of the development of society itself.