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NEW UZBEKISTAN CONSTITUTION AND CIVIL SOCIETY INSTITUTIONS

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ABSTRACT

This article analyzes from a scientific, theoretical, practical and legal point of view the most important factor determining the existence of a modern democratic state and a free, open civil society – the need and conditions for the reflection of civil society institutions in the new Constitution of Uzbekistan.

KEYWORDS

Constitutional reforms, active civil society, civil society institutions, non-governmental non-profit organizations, people, society and the state, multiparty system, state bodies, public control.

INTRODUCTION

If we pay attention to the world experience, the need for constitutional reforms is felt at a time when fundamental changes are taking place in the life of the state and society. Because the word Constitution from latin means structure, order, determines the structure of each state, the powers and formation procedure of the authorities and management bodies in it, the democratic election system, the mutual relations of society, the state and the individual.

With the beginning of a new stage of Uzbekistan's development, constitutional reforms were implemented in order to comprehensively develop the

new society, modernize the country, and liberate all spheres of life.

The President of the Republic of Uzbekistan, Sh. Mirziyoyev, identified the “issue related to the development of a free and justice civil society” as one of the areas that should be given special attention in the process of constitutional reforms. On this basis, as the head of our state noted, “The concept for 2021-2025 was approved in order to raise these measures to a new level in terms of quality and to determine the prospects for the development of a fair civil society in our country in the near and medium term. Now, in our

Basic Law, it is necessary to further strengthen the role and status of civil society institutions - mahallas, political parties, movements, mass media, trade unions, foundations and other public associations”.

From the point of view of strengthening the constitutional foundations of the formation of a free, open, active civil society with the rule of law as one of the strategic goals of the new Uzbekistan Chapter XIII of the updated Constitution of Uzbekistan was named “Civil society institutions” (in the Constitution adopted on December 8, 1992, this chapter is edited as “Community associations” described).

This chapter of the newly revised Constitution, which includes 7 separate articles, gives constitutional legal status to “civil society institutions”. In particular, Article 69 of our Basic Dictionary reflects the constitutional norm in the form of “Civil society institutions, including public associations and other non-governmental non-profit organizations, citizens' self-government bodies, mass media form the basis of civil society”. This legal definition covers all types of non-governmental non-commercial organizations and other institutions of civil society. Article 72 establishes an important constitutional provision related to the fact that the state ensures compliance with the rights and legal interests of non-governmental non-commercial organizations, and creates equal legal opportunities for them to participate in the life of society.

It is understood from the constitutional provisions mentioned above that the development of a free and fair civil society is defined as one of the most important directions of the legal development of our country.

At this point, it should be noted that the constitutions of many former “Union” countries do not have a separate chapter on “Civil Society Institutions”. In

particular, in Article 13 of Chapter I of the Constitution of the Russian Federation, entitled “Basics of the constitutional system”, implied general provisions related to “Community associations are equal before the law”, “Political diversity and multi-party system are recognized in the Russian Federation”.

According to “General provisions” of the Constitution of the Republic of Kazakhstan Article 5 of Chapter I (only 1 article) are defined the norms that the Republic of Kazakhstan recognizes ideological and political diversity, does not allow the establishment of political party organizations in state bodies, and equality of public associations before the law, the constitutional norms on the prohibition of illegal interference of state public associations and public associations in state affairs, transfer of the functions of state bodies to public associations.

The Constitution of the Republic of Belarus includes 1 article related to the activities of such institutions, which is “Fundamentals of the constitutional system” in Article 5 of Chapter I, which states that political parties and other public associations operating within the framework of the Constitution and laws of the Republic of Belarus have been reflected to help implement and protect the rights, freedoms and interests of citizens and human, political parties and other public associations have the right to use the State mass media in accordance with the procedure established by law, for the purpose of forcibly changing the Constitutional system or promoting war, social, national, religious and racial enmity constitutional provisions on the prohibition of establishing and managing political parties, as well as other public associations.

The necessity and conditions for the reflection of “institutions of civil society” in the constitutional legal system of our country can be explained as follows:

First of all, non-governmental non-profit organizations and other institutions of civil society in our Constitution, adopted in the early years of our country's independence, as indicated above, the concept of “Community Associations” (“In the Republic of Uzbekistan, trade unions, political parties, societies of scientists, women's, veterans' and youth organizations, creative associations, mass movements and other associations of citizens registered in accordance with the law are recognized as public associations) does not fully reflect the essence of today's non-governmental non-profit organizations and other institutions of civil society. Because this definition does not take into account many types of non-governmental non-profit organizations, including associations, public funds, patronage and guardianship organizations, advocacy organizations, chambers, unions, institutions.

In addition, at that time, the number and efficiency of such organizations were much lower than today. To compare their number, the following statistics should be cited: “The number of NGOs in our republic was 95 in 1991, 2,585 in 2000, 6,000 in 2013, and 7,800 as of January 1, 2014 (registered in the judicial authorities). Today, “More than 9,200 non-governmental non-profit organizations operating in our country are performing an important task in protecting the rights and legal interests of individuals and legal entities, democratic values, and achieving the goals of social life, culture and education ;

second, during the next 6-7 years, more than 50 normative legal documents were adopted aimed at improving the organizational, legal and economic foundations of the activities of other institutions of civil society, creating favorable conditions for expanding their participation in public management.

Legal scholar J. Shirinov's “At the same time, the concept of civil society institutions is used in more than 50 current normative legal documents of the Republic of Uzbekistan. 20 of them are codes and laws, 20 are decrees and decisions of the President of the Republic of Uzbekistan, 8 are decisions of the Cabinet of Ministers, and 2 are departmental and regulatory documents” opinion and legal scientist Sh. Yakubov's “There is another practice in law-making experience, based on which some laws use “civil society institutions” (the number of such laws is 12 as of November 2018), while other laws use this concept together with “non-governmental non-profit organizations” and “civil society” as “other institutions of the society”” comments are important.

third, for the first time in the history of independent Uzbekistan, the Advisory Council for the Development of Civil Society was established under the President of the Republic of Uzbekistan with the Decree No. PO-5430 dated May 4, 2018 “On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country”. This Council:

- to establish a high-level systematic and effective dialogue between the state and civil society institutions as a modern, democratic and open space that unites the efforts of the state and civil society institutions aimed at more rapid and comprehensive development of the country;
- development of proposals for determining the strategic directions of civil society development and forming a national model in the medium-term and long-term perspective;
- carries out important tasks such as discussing current issues of concern to civil society and the general public, as well as regularly informing the President of the

Republic of Uzbekistan about the state and development trend of this sector;

fourth, to implement the idea of “Society as the initiator of reforms”, to expand the scope of participation of the population in the management of state and community affairs, to achieve the goals of the United Nations Organization for Sustainable Development, to establish close cooperation between citizens, society and the state, as well as public control over the activities of state bodies and institutions for the purpose of strengthening, the establishment of the Public Chamber under the President of the Republic of Uzbekistan was shown for the first time in the practice of our country.

The Public Chamber systematically studies the public opinion, which is extremely important for the development of society, discusses the current issues that concern the population, and also submits proposals for the development of relevant normative legal documents to the President of the Republic of Uzbekistan, the chambers of the Oliy Majlis and the Government on their solution, engages citizens, non-governmental non-profit organizations and other institutions of civil society, mass media representatives and bloggers in discussions on freedom of speech, implementation of citizens' right to receive and distribute information, ensuring freedom of information guarantees, and develops practical proposals related to these issues;

fifth, “civil society is a necessary rational way of social life based on law and democracy in the theory of constitutional law; a social system in which a person is guaranteed a free choice of the forms of his economic, political and cultural life, the rule of law and human rights and freedoms are established, multi-partyism, political institutions, diversity of ideologies and opinions are ensured and the status of self-

government bodies is high. In this, every citizen of the country actively participates in the work of public associations and funds, self-governing bodies, political parties and non-governmental non-profit organizations and satisfies their needs from a political, social, economic, spiritual and legal point of view” ;

sixth, the implementation of the extremely responsible task of building New Uzbekistan, which is faced by state and non-state organizations, as well as the general public, is directly related to the effectiveness of civil society institutions. After all, the decisive factor in the establishment of New Uzbekistan is the unification of the efforts of the members of society, the formation of an active civic position of citizens, the raising of social consciousness, increasing political activity and legal culture, which are necessary conditions for the free functioning of civil society institutions and active participation in state and community management. creation, requires further improvement of their state support mechanisms. “In different historical periods of the country's development, especially in the stages of its rise, the dialectic of the relationship between the state and the society is repeatedly observed by the social consciousness” .

“These public structures, as a social partner of the state, on the one hand, support the socio-economic activity of the broad strata of the population, and on the other hand, involve the citizens in the process of democratic changes more broadly” .

In agreement with the above-mentioned opinions of our scientists, we can say that at the time when the construction of the state and society is fundamentally reformed, modernized and renewed, all groups and academic circles in social life, state bodies, and the general public should be united around the idea of “society as an initiator of reforms”, constructive

among them. and non-governmental non-profit organizations and other institutions of civil society play an important role in establishing mutually beneficial cooperation. There are also a number of tasks in shaping the public's opinion regarding the various changes taking place in our country, as well as at the level of the international community.

From the point of view of the importance and scope of such extremely important and responsible tasks, as well as the urgency of their execution, the establishment of the Public Chamber under the President of the Republic of Uzbekistan and the improvement of its legal status have become the necessity of today.

The adoption of the law “On the Public Chamber under the President of the Republic of Uzbekistan” serves as a basis in practice ensures the effective functioning of a new institution - the Public Chamber under the President of the Republic of Uzbekistan and the public chambers of the Republic of Karakalpakstan, regions and the city of Tashkent.

CONCLUSION

In conclusion, reflecting the institutions of civil society in the newly adopted Constitution of New Uzbekistan, which is boldly moving towards high development, serves as a constitutional foundation for the establishment of a people-friendly state through the development of a free civil society, the main goal of the new society. After all, one of the main requirements of modern jurisprudence is to provide such institutions, which are of decisive importance in the relations between people, society and the state, in a document with high legal force.

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