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THE CONSTITUTION OF THE REPUBLIC OF UZBEKISTAN IN THE NEW EDITION PROSPECTS FOR THE RIGHT OF CITIZENS TO PROTECTION THROUGH THE COURT

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Jamolov Baxtiyer O'Roqovich

Independent Researcher Of The Academy Of The MIA Uzbekistan

ABSTRACT

In this article, the adoption of the Constitution of the Republic of Uzbekistan provides the political and legal framework for the implementation of the new strategy of Uzbekistan aimed at building a social state, in particular, the Constitution provides for the first time in the history of our national statehood that the main goal of building a state is to build a social state.

KEYWORDS

New Uzbekistan strategy, Constitution, rights and freedoms, historical stage, Oliy Majlis, judiciary, citizens and legal entities.

INTRODUCTION

As a result of the national referendum held on April 30, 2023, the adoption of the new Constitution of the Republic of Uzbekistan, which is a high-level legal symbol of the will of the multi-ethnic Uzbek people, is a political- in the historical stage of the development of our national statehood, along with the creation of its legal foundations, it defined the priority directions for the further development of the state and society.

In particular, in the Constitution, for the first time in the history of our national statehood, the priority goal of state building is to build a social state, and the

constitutional foundations were strengthened, providing for new mechanisms that meet the requirements of the principles of social justice and solidarity, as well as the highest international standards for the protection of human rights and freedoms.

Based on the requirements of the principle of separation of powers and the modern concept of the system of mutual restraint and balance of interests, powers were redistributed between the Oliy Majlis, the



President and the Government of the Republic of Uzbekistan, and the judiciary.

The adoption of the new version of the constitution, which is the basis of our national legislation, requires the revision of all normative documents in legal science and practice, all material and procedural laws related to justice, as well as their scientific-theoretical foundations on the basis of the new norms and rules specified in the constitutional norms. causes. After all, in the new version of the constitution, the content and essence of the norm related to the right to protection through the court, which is one of the important guarantees of human rights and freedoms, was explained in detail based on the requirements of the important provisions defined in the norms of international law, and with the new provisions has been filled.

One of the noteworthy and important provisions of the newly revised Constitution is expressed in paragraph 8 of Article 133 related to the powers of the Constitutional Court of the Republic of Uzbekistan. According to him, "Citizens and legal entities, if all other means of protection through the court have been used, the constitutionality of the law applied by the court against him in a specific case that has been completed in the court is correct. has the right to appeal to the Constitutional Court of the Republic of Uzbekistan with a complaint. The inclusion of such a new norm in the Constitution, firstly, expanded the scope of the powers of the Constitutional Court of the Republic of Uzbekistan, and secondly, the expansion of the scope of the institution of legal protection of citizens and legal entities was strengthened at a high level.

In our opinion, this constitutional norm, which is important in terms of content and essence, requires

the creation of certain legal mechanisms for its successful and effective development in practice.

In order for citizens and legal entities to directly use the new institution defined by this constitutional norm, certain requirements must be met. That is, as required by law, a citizen or a legal entity who is dissatisfied with court decisions issued in civil, administrative, criminal or economic cases in courts of general jurisdiction, when hearing the case in court, firstly, all other means of defense in court used the means, secondly, if the consideration of a specific case related to the appealed court decision has been completed in the courts of general jurisdiction, and finally, thirdly, the citizen or legal entity is unconstitutional of the law applied to him by the court. if it is considered that, it is possible to appeal to the Constitutional Court with a complaint about checking the compliance of the current law applied by the courts of general jurisdiction with the Constitution.

In accordance with this constitutional norm, a supplement was added to Article 27 of the Law "On the Constitutional Court of the Republic of Uzbekistan", and among the subjects who have the right to apply to the constitutional court, citizens and legal entities are included in the above-mentioned constitutional norm it is established that in certain cases it is possible to appeal against the decisions of courts of general jurisdiction.

Although, the law on the constitution and the Constitutional Court stipulates that citizens and legal entities have the right to appeal to the Constitutional Court of the Republic of Uzbekistan with a complaint about the constitutionality of the law applied to them by the court in a specific case heard in the courts of general jurisdiction. established in the following legal norms:



"using all other means of defense in court";

Regarding what kind of procedural actions and decisions are meant by the "completion of court proceedings" of a certain case related to the appealed court decision, the Constitutional Court of the Republic of Uzbekistan and the Supreme Court of the Republic of Uzbekistan provide relevant explanations with the decisions of their joint plenums, It creates the need to introduce relevant additions and amendments to the Regulations for consideration of cases in the Constitutional Court and, if necessary, to introduce relevant amendments and additions to the procedural legislation. In a word, it will be necessary to develop a mechanism for appealing to the Constitutional Court over the decisions of courts of general jurisdiction.

In the current civil procedural, criminal procedural, economic procedural and administrative court codes, it is established that all types of cases are initially considered in the courts of the first instance. , the citizens or legal entities who are dissatisfied with the decisions of the court of this instance can later appeal to the middle level-provincial and equivalent courts in the procedure of appeal, cassation and inspection, it is regulated by the relevant procedural norms. Citizens and legal entities who are dissatisfied with the decisions of the middle level court, in turn, appeal to the relevant judicial panels of the Supreme Court of the Republic of Uzbekistan with a review procedure, and the appeal is based on the decision of the Supreme Court judge. will be issued for consideration in the audit procedure. Based on the complaints of citizens who are dissatisfied with the decision taken in the relevant judicial panel of the Supreme Court of the Republic of Uzbekistan, based on the protest of the President of the Supreme Court of the Republic of Uzbekistan or the Chief Prosecutor of the Republic of Uzbekistan, certain categories of cases are referred to the Supreme Court Directorate. will be considered. The

decision taken on the case considered by the Department is final and cannot be appealed. In particular, in accordance with Article 52121 of the Code of Criminal Procedure of the Republic of Uzbekistan, the court of the inspection instance of the criminal case on the protest (private protest) of the chairman of the Supreme Court of the Republic of Uzbekistan, the Prosecutor General of the Republic of Uzbekistan on the grounds provided for in Article 485 of this Code The Supreme Court of the Republic will review it repeatedly in the inspection procedure. According to the results of the review, the judgment and decision issued by the Presidium of the Supreme Court of the Republic of Uzbekistan are conclusive.

It seems that a somewhat simpler procedure for making a final decision on the cases reviewed by the Supreme Court in the judicial life of the Supreme Court in civil cases and in the inspection procedure has been established. That is, in order to make a final decision on civil cases, it is not required to review the case repeatedly in the Directorate. According to Article 41926 of the Federal Criminal Code of the Republic of Uzbekistan, the chairman of the Supreme Court of the Republic of Uzbekistan or the Prosecutor General of the Republic of Uzbekistan on the court documents of the cases examined in the procedure of review by the Supreme Court of the Republic of Uzbekistan on Civil Cases The decision issued by the High Court on the basis of the protest filed by the Directorate of the Supreme Court in the inspection procedure is considered final and cannot be appealed (protest is not filed).

In the above-mentioned procedural sequence related to the review of appeals against court decisions, it appears that the final decision is the decision issued by the Supreme Court in the case of the initial or (depending on which court panel it applies to) rehearing case. . However, taking into account that the



cases in the presidium can be considered only on the basis of the protest of the President of the Supreme Court of the Republic of Uzbekistan or the General Prosecutor of the Republic of Uzbekistan, a natural question arises as to what form the final decision will take in the event that the protest is rejected. will In our opinion, in such a case, the official answer given by the President of the Supreme Court of the Republic of Uzbekistan to a citizen or a legal entity regarding the rejection of a protest, as the decision of the relevant judicial panel and the presidium of the relevant court is legal and reasonable, should be considered as the final decision.

In our current procedural laws, if a citizen or a legal entity considers the court decisions he is interested in to be illegal and unconstitutional, it is stipulated in the procedural legislation of appeals against court decisions that he can "use all other means" of defense in court. it is assumed that the cases have been considered in the procedural sequence related to appeal, cassation, inspection and hearing at the Supreme Court of the Republic of Uzbekistan.

The term "completion of the judicial review" of a specific case related to the appealed court decision refers to the complaints of certain categories of citizens who are dissatisfied with the decision of the Supreme Court of the Republic of Uzbekistan. It should be understood as the official answer given to a citizen or a legal entity that the decision made by the High Court of the Republic of Uzbekistan in the procedure of repeated review or the decision of the President of the Supreme Court of the Republic of Uzbekistan that the decision of the relevant judicial panel and the Head of the High Court is legal and reasonable will be

The above-mentioned cases related to the expansion of the scope of the institution of judicial protection of citizens defined in the new version of the Constitution,

i.e., the disputed cases regarding the conformity of the law applied to the Constitution in connection with certain cases completed in the courts of general jurisdiction, exist in practice. a natural question arises whether it can be. We can definitely answer that it can happen.

Let's say that the decision issued by the higher court instance regarding the complaint of a citizen or a legal entity in the verification procedure and issued on the basis of a certain category of crime or civil case was completed due to the fact that it was found to be legal and reasonable based on the norms of procedural and substantive law established in our national legislation. If a citizen or a legal entity believes that the provisions of our national legislation applied in this case are incompatible with the provisions of an international agreement or agreement signed by the Republic of Uzbekistan, he may apply to the Constitutional Court using his constitutional rights.

After all, according to Article 15 of the Constitution of the Republic of Uzbekistan, if the international treaty of the Republic of Uzbekistan stipulates different provisions than those stipulated by the law of the Republic of Uzbekistan, the provisions of the international treaty of the Republic of Uzbekistan shall be applied.

This procedure is directly recorded in several codes in force in the Republic of Uzbekistan. In particular, in accordance with Article 7 of the Civil Code of the Republic of Uzbekistan, if the international agreement or agreement stipulates different rules than those of the civil legislation, the rules of the international agreement or agreement shall be applied. In accordance with Article 10 of the Labor Code of the Republic of Uzbekistan, if an international agreement of the Republic of Uzbekistan or a convention of the International Labor Organization ratified by



Uzbekistan provides for more preferential provisions for employees compared to labor laws or other regulatory documents, the provisions of an international agreement or convention shall apply. In accordance with Article 9 of the Family Code of the Republic of Uzbekistan, if the international agreement of the Republic of Uzbekistan stipulates different provisions than those of the family legislation of the Republic of Uzbekistan, the provisions of the international agreement shall be applied. We can observe a similar procedure in Article 4 of the Tax Code, Article 2 of the Customs Code, Article 3 of the Land Code, Article 1 of the Urban Planning Code and related articles in other codes.

As can be seen from the requirements of the mentioned legal norms, in any case where a citizen or a legal entity considers the norms of our national legislation based on the judgments issued by the courts of general jurisdiction on the case they are in dispute to be incompatible with the provisions established in international treaties or agreements, in the courts of general jurisdiction will have the right to appeal to the constitutional court on a specific case whose review has been completed.

In our opinion, several other norms of the new version of the Constitution of the Republic of Uzbekistan give citizens and legal entities the right to appeal to the Constitutional Court in case they are dissatisfied with the decisions of courts of general jurisdiction. It is known that in paragraph 5 of Article 20 of the Constitution of the Republic of Uzbekistan All conflicts and ambiguities in the legislation that arise in the interaction between a person and state bodies are interpreted in favor of the person. This provision established in the Basic Law applies to any proceedings related to the application of law, in particular, to cases pending in courts of general jurisdiction. Therefore, in the process of considering cases related to disputes

arising from the interaction between citizens or legal entities and state bodies, if a person believes that the conflicts and ambiguities in the legislation have been interpreted in favor of the state by the court's decision, the review in the courts of general jurisdiction has been completed. will have the right to appeal to the constitutional court on this issue.

Although, due to the fact that the norms of the Constitution have the highest legal force, they are directly and unconditionally applied in the activities of state bodies and organizations, including courts and law enforcement agencies. Decree of the President No. PD-67 dated May 8, 2023 "On the first priority measures for the implementation of the newly revised Constitution of the Republic of Uzbekistan" to the codes of the Republic of Uzbekistan in connection with the determination of the issue of the implementation of the constitution in life and practice, and the coordination of laws and subordinate documents facing state bodies, Oliy Majlis Chambers, the Cabinet of Ministers, courts and law enforcement bodies, and educational institutions Article 20, Clause 5 of the Constitution requires to be supplemented with a norm providing for provisions. This strengthens the guarantees of the right of citizens and legal entities to be protected by the court and ensures the clear and uniform application of the constitutional norm in the courts.

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