

# Constitutional Right To Information And The Essence Of Information

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**Abstract:** This paper analyzes the constitutional right to information from the perspective of human rights. Information is considered an essential condition for the realization of fundamental freedoms, enabling transparency, accountability, and civic participation. The study emphasizes the role of this right in strengthening democracy and safeguarding human dignity.

**Keywords:** Right to information, constitution, essence of information, human rights, transparency, accountability.

**Introduction:** An important condition for the development of democracy and civil society in the Republic of Uzbekistan is that citizens are regularly informed about the political, social, and economic events and occurrences taking place in the country. The availability of information enables citizens not only to organize their daily lives and protect their personal interests but also to actively participate in the processes of state governance. From this perspective, the right to access information holds unparalleled importance in shaping citizens' social activity and political awareness. Insufficient provision of information or restricted free access to it also impedes the effective performance of functions by state bodies and public associations. For example, if citizens and civil institutions do not have adequate information about political processes, legislative initiatives, or state programs, they are deprived of the opportunity to express their opinions, proposals, and objections through legitimate means. This, in turn, may lead to the inefficient functioning of democratic processes and foster distrust among citizens toward state policy.

Moreover, the right to access information ensures that citizens receive the necessary data to make free and fair choices, evaluate state policies and governance bodies, and openly express their views. Having comprehensive, truthful, and reliable information strengthens transparency, serves as an effective tool in combating corruption, and guarantees public oversight of state bodies' activities. Thus, the right to access information directly contributes to citizens' informed

decision-making, the increase of social responsibility, the consolidation of democratic values, and the development of civil society.

## METHOD

In the Republic of Uzbekistan, an important condition for the development of democracy and civil society is the citizens' awareness of the political events and incidents occurring in the country. This is necessary not only for the citizens but also for public associations and state bodies. If the necessary amount of information is not available, difficulties arise in satisfying the interests of the citizens and in implementing the functions of state bodies and public associations. The right to access information plays a crucial role in strengthening democratic processes. It ensures that citizens have the information necessary to make free and fair choices, evaluate the state and politics, and express their opinions.

President of the Republic of Uzbekistan Sh. Mirziyoyev states that "it is necessary to further strengthen the activities of mass media in the field of information dissemination on human rights, and to enhance the guarantees of rights of journalists and bloggers to access and distribute information". According to the country's president, the right to information is essential in ensuring human rights.

The Constitution plays an important role in ensuring the right to access information because, as the fundamental law, it regulates the relations between citizens and state bodies. Among other things, the

Constitution guarantees the right to access information and imposes responsibility on state bodies and organizations to provide information. This creates conditions for ensuring state transparency and the exercise of the right to access information. The right of people to receive information is considered one of the democratic principles.

The academic A. Saidov defined the concept of information as follows: "Information is a powerful tool to prevent the violation of human rights. The international reputation of governments partly depends on their adherence to human rights". The right to access information allows citizens to obtain necessary information from state bodies and organizations. This, in turn, increases oversight of state activities and their accountability to citizens.

According to Colombian legal scholar Yoram Rabin, "The primary basis for recognizing the right to access information as a constitutional right depends on the proper functioning of a democratic regime. This right is, in fact, the initial condition for public participation in the democratic process. Indeed, accessing information is crucial for the correct functioning of a democratic regime," he expressed his views. In our opinion, the scholar's approach is based on the idea that today the constitutional strengthening of the right to access information is one of the essential conditions for the implementation of democratic principles.

Indian legal scholar Ramesh Kumar expressed his legal views by saying, "The right to access information is not an absolute right; it is designed to ensure that citizens have access to information under the control of public authorities, to increase transparency and accountability. It is regulated by the Central Information Commission, State Information Commissions, and the rules established by the constitution". In our view, today the right to access information is considered an absolute right of the individual because it is the oxygen of democracy.

According to Kazakh legal scholar S. Kostyanaya, "The constitutional recognition of the right of individuals to access information undoubtedly contributes to the expansion of information opportunities and personal freedom, as well as to the development of new information relations between the individual and the state. This right is a connecting link in the system of fundamental rights and freedoms, serving as a means to secure other rights such as freedom of speech, healthcare, and the right to education. Only thanks to the existence of the right to access information can individuals fully exercise their other fundamental rights". According to S. Kostyanaya, constitutional consolidation of the right to access information not

only expands the individual's possibilities and freedom regarding information but also develops information relations between the state and the individual. This right, as a key link in the system, serves to ensure other rights and freedoms, including freedom of speech, education, and healthcare.

The right to access information is of critical importance as the foundation for the exercise of other fundamental human rights. Because the existence of this right ensures freedom, justice, and equality of opportunities in society. These aspects further confirm the important role of the right to access information in social development. Therefore, developing and protecting this right serves not only a democratic society but also the stability of human rights.

Another Indian scholar, Rajanala Sovjanya Yamini, shared her legal views consistent with her compatriot, stating, "The right to access information has become a constitutional right. Within the spirit of the Indian Constitution, the right to access information is a fundamental right recognized by its citizens. It attained constitutional right status in 1982". From our point of view, Yamini's legal perspective correctly expresses that the right to access information must have a constitutional basis aligned with current democratic principles.

According to Russian legal scholar A. Odrinskiy, "The right to access information belongs to the newest wave of constitutional development. While previous rights such as freedom of thought, speech, and the press required non-interference by the state, the right to access information represents direct cooperation between the state and the individual. In this case, the state acts as an active participant and ensures all the necessary conditions for a person to fully exercise their rights". In our opinion, this approach essentially aligns with the content of human rights principles. The constitutional essence of the right to access information is not just about providing information held by state bodies and organizations but about ensuring the exchange of ideas between individuals, organizations, and the state.

Kazakh legal scholar A. Jatkanbayeva states, "The constitutional guarantee of the right to access information is its recognition as an integral element of the system of citizen rights and freedoms, and this right is deeply connected with other rights and freedoms". According to the scholar, the right to access information is viewed as an inseparable part of citizens' rights and freedoms. Besides its independent significance, its deep interconnection with other rights and freedoms plays an important role in its realization and protection. The ideas about the independent

importance of the right to access information and its connection with other rights are critically important today for the protection of human rights.

Turkish scholar Sulayman Yaman emphasized that "From the perspective of democratic governance, the right to access information must be constitutionally guaranteed". In our view, protecting this right through the constitution leads to the development of civil society, enhancing public oversight and democratic participation.

Scholars M. Kamilov and B. Saidboyev argue that "The right to access information may not be absolute if it involves important notions such as public safety, human dignity, and honor. In such cases, unrestricted exercise of this right is not possible. Protecting human rights and fundamental freedoms under the European Convention permits restrictions on freedom of expression to safeguard confidential information, ensure the authority and impartiality of officials, protect reputation or the rights of others, health or morality, as well as national security, territorial integrity, and public safety interests". In our opinion, asserting that information is not an absolute right merely because it pertains only to personally relevant information is incorrect. The right to access information is the ability of citizens to obtain information related to the state and societal life. This right is one of the fundamental principles of democratic governance and plays a vital role in informing citizens, ensuring transparency, and increasing government accountability. The right to access information must be absolute because it empowers citizens to protect their rights and influence state policy while ensuring justice and equality in society.

The conducted analysis of constitutional provisions and scholarly opinions clearly illustrates that the right to access information should be regarded as a vital constitutional guarantee with far-reaching implications for democratic governance. It is not confined merely to the ability of citizens to obtain data from public authorities, but extends to the broader function of ensuring transparency, enabling civic oversight, and fostering accountability in all spheres of public life. Comparative legal research demonstrates that although various jurisdictions have established different legal mechanisms to regulate this right, the essence remains the same: access to information serves as an indispensable tool for preventing abuse of power, safeguarding human dignity, and facilitating meaningful public participation in state affairs.

Moreover, the interdisciplinary nature of the right to information confirms its significance as both an individual entitlement and a collective instrument of

democracy. On the one hand, it guarantees the individual's freedom to make informed choices and protect personal rights; on the other, it empowers society to hold institutions accountable and to strengthen the rule of law. Scholars have convincingly argued that the absence or weakness of constitutional guarantees in this area inevitably undermines the efficiency of democratic institutions, diminishes public trust in governance, and hinders the realization of other fundamental freedoms.

Thus, the essence of the constitutional right to access information lies in its dual role: it is simultaneously a shield that protects individuals from arbitrary governance and a bridge that connects state and society through transparency and mutual responsibility. Recognizing this dual role is essential for building sustainable democratic institutions and advancing human rights.

## **CONCLUSION**

In conclusion, the constitutional right to access information constitutes a cornerstone of democratic governance and the realization of human rights in Uzbekistan and beyond. As the analysis has shown, access to reliable and comprehensive information is indispensable for ensuring transparency, strengthening public accountability, and enabling civic participation in state affairs. This right functions not only as an independent constitutional guarantee but also as a precondition for the effective implementation of other fundamental freedoms such as freedom of speech, the right to education, and the right to health care.

The academic debates examined in this study reveal both converging and diverging views. While some scholars argue that the right to information may be subject to certain legitimate restrictions in order to safeguard public safety, dignity, and national security, others emphasize its absolute character, describing it as the "oxygen of democracy." Despite such differences, a consensus emerges that constitutional recognition and effective implementation of this right remain indispensable for the consolidation of democratic values and the protection of human dignity.

Based on the findings of the research, several recommendations can be made. First, it is necessary to further harmonize the national legal framework on access to information with advanced international standards and practices. Second, the establishment of an independent Information Ombudsman could provide an effective mechanism for protecting citizens' rights in this field. Third, ensuring greater openness of state bodies, expanding open data portals, and promoting transparency in financial and statistical reporting would enhance public trust. Fourth, special

attention should be given to guaranteeing the rights of journalists and bloggers in accessing and disseminating information, thereby strengthening the role of the media as a watchdog of democracy. Finally, the promotion of a culture of transparency and information awareness among both citizens and public officials is vital to the sustainability of democratic reforms.

Thus, the constitutional right to access information must be regarded not merely as a legal entitlement but as a dynamic instrument for empowering individuals, protecting human rights, and fostering democratic development in Uzbekistan.

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