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GUARANTEES OF HUMAN AND CITIZEN RIGHTS AND FREEDOMS IN THE CONSTITUTION THEORETICAL ANALYSIS

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Abstract: The article presents the concept and significance of guarantees of human and citizen rights and freedoms, the state's provision of rights and freedoms, the protection of rights and freedoms through the courts, as well as thoughts and theoretical analyses regarding guarantees of equal rights between women and men, and scientific observations.

Keywords: Constitution, law, state, citizen, human, right, duty, obligation, freedom, guarantee

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Introduction

Section II of the Constitution of the Republic of Uzbekistan is titled "Fundamental Rights, Freedoms, and Duties of the Person and Citizen," and in this section, rights are categorized into three groups:

- Personal rights and freedoms;
- Political rights;
- Economic, social, cultural, and environmental rights.

Chapter X, titled "Guarantees of Human and Citizen Rights and Freedoms," addresses the implementation, provision, and conditions and opportunities related to the above-mentioned rights and freedoms in life and activities, as well as the guarantees provided for them.

Rights are understood as a set of mandatory behavioral rules aimed at regulating social relations, which are protected by the state and embody the principles of freedom, equality, and justice.

Freedom is manifested in actions, behavior, and beliefs. It refers to a set of rules that are not prohibited or restricted by the state, and which can be freely and voluntarily followed. Various freedoms, such as freedom of speech, freedom of thought, freedom of conscience, and freedom of religious belief, are expressed in several articles of the Constitution.

The state is authorized to ensure rights and freedoms and creates guarantees for their implementation. The state and its organs provide the necessary conditions and guarantees for the realization of rights and freedoms through appropriate methods and means. These guarantees are expressed in various material and procedural laws. For example, Article 54 of the Constitution states, "Ensuring human rights and freedoms is the supreme goal of the state. The state ensures the rights and freedoms of the person and citizen enshrined in the Constitution and laws."

In several legal literatures, the term "guarantees" has been explained. For instance, it is stated that "Guarantees are the set of means, methods, and conditions provided by the state that assist in ensuring the realization of the rights and freedoms of citizens enshrined in the Constitution and laws."

Guarantees reflect the enforcement, protection, and the establishment of methods for safeguarding the rights and freedoms enshrined in the Constitution and laws, as well as the existence of measures of accountability for violating these rights and freedoms.

When laws grant rights and freedoms to individuals and citizens, corresponding guarantees must also be established. Only then can citizens freely and voluntarily exercise their rights and freedoms in their lifestyle, living arrangements, and activities, without fear of their actions or their consequences. They will be aware of the legal boundaries and scope of any action and will conduct themselves accordingly. For example, citizens are granted the right to engage in entrepreneurship, and the Law of the Republic of Uzbekistan "On Guarantees of Freedom of Entrepreneurial Activity" outlines the methods for exercising this right. Specifically, Article 1 of the Law states that the main tasks of the law include creating guarantees and conditions for citizens to freely participate in and benefit from entrepreneurial activity, enhancing their business activity, as well as protecting the rights and legitimate interests of the subjects of entrepreneurial activity.

If an entrepreneur violates the law themselves, or if their rights and interests are violated or threatened by another person or organization, they have the right to appeal to the relevant authorities to restore their legal rights, and appropriate guarantees for this are established. For example, these guarantees are upheld by courts, the justice system, the prosecutor's office, the business ombudsman, arbitration courts, mediation, and others.

Methods

This method is used to explain and analyze in depth various aspects of the "Fundamental Rights, Freedoms and Duties of the Person and Citizen" stipulated in the Constitution of the Republic of Uzbekistan. The statement begins by describing the rights granted by the constitution, including personal, political, and economic, social, cultural and environmental rights. In addition, the statement analyzes how the state guarantees these rights, including an explanation of the role of legal and judicial institutions in protecting and enforcing the rights of citizens. The analysis also includes an explanation of gender equality and the state's efforts to ensure equal rights for men and women in various areas of life. Through the descriptive-analytical method, the statement not only describes the existing laws and regulations, but also examines how these rules are implemented and guaranteed by the state, thus providing a comprehensive picture of human rights protection in Uzbekistan.

Result and Discussion

According to Article 55 of the Constitution, everyone has the right to protect their rights and freedoms by all methods not prohibited by law.

In protecting the rights and interests of citizens, the role of the judiciary is paramount. Indeed, the right to appeal to the court represents the procedural guarantee of individuals (both natural and legal persons) to have their rights protected through judicial means.

Everyone is guaranteed the right to defend their rights and freedoms in court, as well as the right to appeal to the court against unlawful decisions, actions, or inaction of state bodies and other organizations, including their officials.

Everyone is guaranteed the right to have their case reviewed by a competent, independent, and impartial court within the time limits established by law to restore their violated rights and

freedoms.

According to Article 4 of the Law of the Republic of Uzbekistan "On Courts," the protection of the rights and freedoms guaranteed by the Constitution and other laws of the Republic of Uzbekistan, international treaties, as well as international documents on human rights, the protection of state and public interests, the rights of legal entities, and the rights and legally protected interests of individual entrepreneurs is the primary function of the courts.

The right to judicial protection (Article 14) is provided as a fundamental principle, which states that citizens of the Republic of Uzbekistan, foreign citizens, and stateless persons have the right to judicial protection against any unlawful decisions of state bodies and other organizations, the actions (or inactions) of their officials, as well as against any encroachments on their life, health, honor, dignity, personal freedom, property, and other rights and freedoms. Legal entities also have the right to judicial protection.

In Uzbekistan, individuals and legal entities can seek protection of their violated rights and interests by appealing to various courts, including the Constitutional Court of the Republic of Uzbekistan, military courts, inter-district, district, and city courts for civil cases, district and city courts for criminal cases, inter-district, district, and city economic courts, and inter-district administrative courts.

These courts have their own jurisdiction, rules of case relevance, and procedures for determining which cases they are competent to hear.

It is appropriate to explain the means of exercising the right to appeal to a court through the example of civil courts:

- Disputability of the cases (claims): The presence of a dispute that requires resolution.
- Existence of disputing parties: The involvement of parties with opposing interests.
- Procedural competence and authority of the subjects appealing to the court: The parties appealing to the court must have the legal capacity to engage in procedural actions and be authorized to conduct the proceedings.
- Jurisdiction and competence of the court: The claim or case must fall within the jurisdiction and competence of the relevant court.
- Procedural representation by prosecutors and representatives of state administration bodies: These representatives can appeal to the court as procedural claimants to protect the rights and interests of other persons.
- Submission of a claim or application to the court: The appeal is made through the submission of a statement of claim or application to the court.
- Payment of court costs: This includes paying state duties, postal expenses, and other relevant fees.
- Use of procedural institutes: This involves the possibility of withdrawal of the claim, acknowledgment of the claim, ensuring the claim, consolidation or separation of claims, settlement agreements, involvement of third parties, counterclaims, objections, and other procedural mechanisms during the court proceedings.
- Possibility of pre-trial resolution: The opportunity (or lack thereof) to resolve the dispute before it reaches the court.
- Validity of the claim within the statute of limitations: Ensuring that the claim is filed within

the legal time limits.

- Adherence to reconciliation procedures: This includes the possibility of settlement or mediation before or during the court process.

- Need for ensuring the claim (enforcement), securing evidence: The necessity to secure the claim or evidence in the course of the proceedings.

For example, in cases such as recovering material damages caused to a citizen, establishing paternity, canceling an adoption, invalidating a sale-purchase agreement, or declaring a transaction void, the parties, particularly the claimant, have the right to appeal to the court with a statement of claim.

During the proceedings, the following rules are observed:

- When a judge hears and decides a case individually, they act on behalf of the court.

- When the case is heard by a panel, one of the judges presides over the court session.

- All judges have equal rights when hearing and deciding the case.

- A judge is entitled to express a dissenting opinion in writing. Participants in the case are not informed of the judge's dissenting opinion, but the higher instance court has the right to review it.

- A judge is not allowed to participate repeatedly in the hearing of the same case.

- A case that has been initiated by a judge or a specific composition of the court must be completed by the same judge or court composition.

- If a motion for recusal or disqualification of a judge is filed and granted in accordance with the procedure established by this Code, or if it is impossible to hear the case in a timely manner due to the judge's absence, the judge or one of the judges may be replaced.

Article 58 of the Constitution states, "Women and men have equal rights. The state ensures equal rights and opportunities for women and men in the management of society and state affairs, as well as in other areas of public and state life."

The equality of men and women reflects the concept of gender equality and serves as a foundation for both economic and social development. Gender equality primarily manifests in the ability of women to engage in social, economic, and political activities on an equal footing with men. Since 2018, Uzbekistan has successfully begun implementing gender equality policies. Gender equality is not just about women's rights; it is a policy aimed at ensuring and recognizing the equal rights and opportunities of both men and women.

The concept of "gender" was introduced into national legislation with the adoption of the Law of the Republic of Uzbekistan "On Guarantees of Equal Rights and Opportunities for Women and Men" on September 3, 2019. According to this law, gender refers to the social aspect of relations between women and men in all areas of society's life and activities, including politics, economics, law, ideology, culture, education, and science. Additionally, new terms such as "gender-legal expertise" and "gender statistics" have also been introduced into our vocabulary.

Article 6 of the law guarantees equal rights and opportunities for women and men, stating that the state ensures equality for women and men in exercising personal, political, economic, social, and cultural rights. The state guarantees equal participation for women and men in the management of society and state affairs, in the electoral process, and in areas such as healthcare, education, science, culture, labor, and social protection, as well as in other areas of public and state life.

The primary task of the gender policy implemented by the state and society is to achieve real equality between women and men, to expand their participation in all areas of public life, and to eliminate and prevent direct and indirect discrimination based on gender.

In the economic and social sectors, guarantees for equal rights and opportunities for women

and men have been established. For instance, the state ensures equal rights and opportunities for women and men in conducting entrepreneurial activities.

In labor relations, guarantees for equal rights and opportunities for women and men have been created. Specifically, this includes ensuring equal opportunities for employment, equal pay (remuneration) for equal work, and an equal approach to assessing the quality of work for both women and men. Additionally, it includes providing equal opportunities for promotion, retraining, and professional development, and considering the rights of women and men equally in cases of changes in technology, production, or labor organization, as well as in the event of workforce reductions, changes in the nature of work, or the liquidation of enterprises, institutions, and organizations. This ensures that the rights of women and men are equally protected, including granting preferential rights as provided by law when terminating employment contracts under these circumstances.

If an individual believes they have been subjected to direct or indirect discrimination based on gender, they have the right to appeal to the competent authorities or the court.

Conclusion

The conclusion that can be drawn from the above statement is that the Constitution of the Republic of Uzbekistan comprehensively guarantees the basic human rights, freedoms, and obligations of every individual and citizen. The state plays a central role in ensuring that these rights are protected and can be exercised by every citizen, both through the legal system and various related institutions. In addition, Uzbekistan also places gender equality as one of the main priorities in its public policy, by guaranteeing equal rights and opportunities for men and women in various areas of life, including politics, economics, and social. Thus, the Constitution and related laws in Uzbekistan not only provide rights and freedoms, but also ensure the existence of mechanisms and guarantees to enforce and protect these rights, including through the judiciary which serves as the last guard in protecting the rights of individuals and society.

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