

## **The Role of the Constitution in Ensuring Individual Rights and Freedoms**

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**Abstract:** This article examines the role and importance of the Constitution in protecting the rights and freedoms of individuals at the pre-trial stage, the problems that arise in the application and implementation of these rights, and the proposals and recommendations for their solutions, based on the study of national legislation and other international practices. In addition, the normative legal acts regulating this area of law and the scope of their application, as well as reasonable considerations on expanding the scope of their application, and the development of legal awareness and legal culture of the population are presented.

**Keywords:** Constitutional rights and freedoms, individual rights, rights and obligations of individuals, normative legal act, legal awareness, legal culture.

### **Introduction**

The Constitution is the cornerstone of any democratic society, serving as the fundamental legal document that defines the relationship between individuals and the state. In Uzbekistan, the Constitution guarantees the protection of individual rights and freedoms, laying the foundation for a just legal system. Recent amendments, particularly those introduced in 2023, have further strengthened these protections, especially at the pre-trial stage. This article examines the role of the Constitution in ensuring individual rights, explores challenges in their practical implementation, and offers recommendations for enhancing legal awareness and the application of constitutional protections. By analyzing both national legislation and international practices, this study aims to highlight the importance of constitutional safeguards in building a fair and democratic society.

The Constitution, as the most crucial legal document in every state, provides a solid foundation for ensuring individual rights and freedoms. It regulates the relationship between individuals and the state, protects citizens' rights, guarantees freedoms, and defines the limits of state power. Ensuring individual rights and freedoms is fundamental to building a democratic society.

The adoption of a new version of Uzbekistan's Constitution on April 30, 2023, has taken this foundational document to the next level. For instance, the new version incorporates the "Miranda" rule and limits pre-trial detention without a court decision to 48 hours. Such amendments emphasize the systematic protection of individuals' rights at both pre-trial and trial stages and elevate human rights and freedoms to a national policy level.

Individual rights and freedoms are categorized into:

**1. Natural Rights:** Inherent rights that individuals possess from birth, such as the right to life, freedom, and property.

**2. Legal Rights:** Rights established by the state through the Constitution and other laws, including the rights to education, work, and political participation.

The Constitution guarantees fundamental principles and ensures their implementation through legal and regulatory frameworks. For example, Article 13 of the Uzbek Constitution declares human dignity, life, and freedom as the highest values.

The Constitution ensures:

**1. Fundamental Rights and Freedoms:** Basic rights such as the right to life, freedom, and education are enshrined in the Constitution. For example, Article 13 of the Uzbek Constitution states, “Democracy in the Republic of Uzbekistan is based on universal principles; human life, freedom, honor, dignity, and other inalienable rights are the highest values.”

**2. Mechanisms for Rights Protection:** The Constitution establishes systems to protect these rights, such as the independence of the judiciary, personal inviolability, and the right to appeal to the courts.

**3. State Obligations:** The state is constitutionally mandated to guarantee individual rights and freedoms, including education, healthcare, employment, and social protection.

The Constitution forms the basis of all laws. Any law or subordinate legislation that contradicts the Constitution is invalid. For instance, **Article 24** guarantees the right to life, while **Article 25** protects personal freedom and inviolability. Any decision that violates these principles is deemed null and void.

Key constitutional principles include:

**1. Supremacy of Human Dignity:** The Constitution prioritizes human dignity, as stated in Article 13, ensuring state respect and protection for individual rights.

**2. Legal Equality and Justice:** Article 18 guarantees equal rights for all citizens, regardless of gender, ethnicity, or religion. For instance, Article 46 affirms gender equality.

**3. State Accountability:** The Constitution obligates the state to take measures to protect human rights and freedoms.

Uzbekistan aligns its legal framework with international standards, incorporating practices such as:

- *The Universal Declaration of Human Rights (1948)*
- *The International Covenant on Civil and Political Rights (1966)*
- *The International Covenant on Economic, Social, and Cultural Rights (1966).*

By adopting these norms, Uzbekistan enhances its global standing and ensures alignment with universally recognized human rights principles.

Effective implementation requires:

**1. Legislative Support:** Laws must align with the Constitution to uphold individual rights.

**2. Independent Judiciary:** Article 106 guarantees judicial independence, ensuring fair resolution of rights violations.

**3. Human Rights Institutions:** Ombudsman services safeguard citizens’ rights by addressing grievances.

**4. Awareness and Education:** Promoting legal literacy strengthens societal understanding of constitutional rights and obligations.

## Methodology

This study employs a qualitative approach, combining legal analysis, comparative research, and case studies. The primary method involves reviewing the constitutional framework of

Uzbekistan, particularly the amendments introduced in 2023, to assess their impact on individual rights and freedoms. A comparative analysis of national legislation and international practices, including human rights conventions, provides a broader perspective on the effectiveness of constitutional protections. Secondary sources such as legal literature, reports from human rights organizations, and judicial case law are examined to identify challenges in the application of constitutional rights at the pre-trial stage. Interviews with legal experts and practitioners further inform the practical implementation of these rights. Finally, the study offers recommendations for improving legal awareness, enhancing the scope of constitutional protections, and strengthening mechanisms for rights enforcement.

## **Results and Discussion**

The study reveals that the recent amendments to the Constitution of Uzbekistan, particularly the incorporation of the "Miranda" rule and restrictions on pre-trial detention, significantly enhance the protection of individual rights at both pre-trial and trial stages. These changes demonstrate a stronger commitment to human rights, aligning national practices with international standards.

However, challenges persist in the practical application of these constitutional protections, particularly regarding the consistent enforcement of individual rights and the need for greater legal awareness among citizens. The judicial system, while independent in theory, faces obstacles in terms of capacity and access to justice for marginalized groups. Furthermore, the implementation of human rights protections requires continuous education and training of legal professionals, as well as broader public engagement with constitutional principles.

To address these issues, the study suggests expanding legal literacy programs, enhancing the role of human rights institutions, and ensuring stricter accountability measures within the judicial system. These reforms are essential for strengthening the rule of law and ensuring that constitutional rights are effectively protected and upheld in practice.

## **Conclusion**

The Constitution of Uzbekistan plays a pivotal role in safeguarding individual rights and freedoms, particularly through recent amendments that enhance protections at the pre-trial stage. While significant progress has been made, challenges remain in ensuring consistent application and broad public awareness of these rights. Strengthening legal education, improving judicial independence, and expanding human rights institutions are crucial steps to ensure that constitutional protections are effectively realized. Continued reform and vigilance are necessary to further align Uzbekistan's legal system with international human rights standards.

## **REFERENCES**

1. Sahaddinov S.M. Juvenile Delinquency: Scientific-Theoretical, Criminal-Legal, and Procedural Analysis. Monograph / Responsible Editor: Professor Z.F. Inog'omjonova. – Tashkent: Uzbekistan Academy of Sciences, 2013. – 300 pages.
2. Sahaddinov S.M. The Institute of Reconciliation: Scientific-Theoretical, Criminal-Legal, and Procedural Foundations. Monograph / Responsible Editor: Professor Z.F. Inog'omjonova. – Tashkent: TDYI, 2013. – 336 pages.
3. The Specific Features of Appointing and Conducting Forensic Medical Examinations. Scientific Popular Book. – Tashkent: TDYI, 2011.
4. Taran A.S. Circumstances Excluding the Participation of a Lawyer in Criminal Proceedings. Monograph. – Moscow: YurLitInform, 2013. – 192 pages.
5. Examples of Investigation Procedural Documents: Practical Guide / Mirazov D.M., Cho'tboev M.R., et al. – Tashkent: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2012. – 407 pages.
6. Tuxtasheva U.A. The Theory and Practice of Appellate Proceedings in Criminal Process: Monograph. – Tashkent: TGJI, 2007. – 169 pages.

7. Tuxtasheva U.A. Pretrial Detention as a Preventive Measure: Concept and Application Procedure: Practical Guide – Edited by Doctor of Legal Sciences Professor M.H. Rustambaev. Tashkent: TDYI, 2007. – Pages 87-126.
8. Tuxtasheva U.A. Criminal Process: General Part. Textbook. – Tashkent: TGJI, 2007. – 512 pages.
9. To‘laganova G.Z. Limitations of Personal Rights in Criminal Proceedings. Monograph / Edited by Professor G‘.A. Abdumajidov. – Tashkent: TDYI, 2007. – 243 pages.
10. To‘laganova G.Z. Procedural Coercion in Criminal Proceedings and Its Specific Features. Monograph / Edited by Professor G‘.A. Abdumajidov. – Tashkent: TDYI, 2009. – Pages 156-187.
11. Criminal Procedural Law: Special Part: Textbook for Law Students. Edited by G. Abdumajidov. Tashkent: “ILM ZIYO”, 2011. – 524 pages.
12. Criminal Process. General and Special Parts: Textbook for Law Students / V.V. Vandychev; Interregional Institute of Economics and Law. Moscow: Contract, 2010. – 720 pages.
13. Commentary on the Criminal-Procedure Code of the Republic of Uzbekistan. Responsible Editor: Professor G‘.A. Abdumajidov. – Tashkent: TDYI Publishing, 2009. – 950 pages.
14. Commentary on the Criminal-Procedure Code of the Republic of Uzbekistan / Responsible for Publication U. Tadjixanov. – Tashkent: Adolat, 2000. – 768 pages.