

## NATIONAL INTEGRITY IN THE CONTEXT OF CONSTITUTIONAL REFORMS

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**Abstract:** *The Republic of Uzbekistan is currently going through the most crucial phase of its democratic and legal development, which is connected to constitutional changes intended to create a newly democratic nation and the creation of a free and just civil society where honor, dignity, and human rights will be valued above all else. The country's Basic Law of the Republic, which has been updated in accordance with the centuries-old national traditions and in light of current global trends in constitutional reform, is a striking illustration of the advancement of its political and legal thinking. It aptly captures the republic's rising degree of status in the international sphere.*

**Keywords:** *Development Strategy, democratic and legal development, constitutional reforms, foreign policy, human rights, international treaty, living constitution, new Uzbekistan, social contract, third Renaissance.*

Today, practically all nations rely on their constitutions to establish their legal basis for sovereignty, establishing society as the primary source of law, state authority, and the public administration system.

In the modern environment, the Constitution serves as a fundamental instrument providing the legal framework for every state and implements the safeguarding duties of sovereignty and the long-term growth of society. She is responsible for ensuring social agreement as well as political and social stability. Constitutions are viewed as a type of "social contract" between the government and public institutions in the modern world. Typically, we are discussing a "contract" between individuals who must decide how to organize themselves and create their own state structure.<sup>1</sup>

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<sup>1</sup> Horsley T. Constitutional functions and institutional responsibility: a functional analysis of the UK constitution. *Legal Studies*, Volume 42, Issue 1, March 2022, pp. 99 - 119  
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(<https://www.cambridge.org/core/journals/legal-studies/article/constitutional-functions-and-institutional-responsibility-a-functional-analysis-of-the-uk-constitution/B3C51ED473458DC76C2ECBC783C906C0>)

The state's and society's way of life is being profoundly altered by current global trends, which are demanding new circumstances and posing incredibly difficult and urgent problems connected to modernizing the nation and bolstering peace, stability, and independence on a national level. Numerous systems that have developed over the last few decades are currently undergoing substantial adjustment and transformation as a result of uncertainty and exceedingly challenging international relations. As a result, the evolution of national constitutions increasingly reflects the characteristics of systemic global processes and has an impact on national legal systems. These processes are directly influenced by the law, particularly in the area of constitutional law. The inadmissibility of the discrepancy between the constitutional principles of the growth of legal awareness and public practice.<sup>2</sup>

Another paradigm of the period was the idea that a fully developed, contemporary sovereign state and society can only be managed in line with the constitution, in the manner and according to the rules set out by it. Since modifications are made and new constitutions are adopted following a certain historical time in the life of the state and the intensification of political reforms in the nation, all of this is defined by an improvement and a new degree of development of the constitutional process.

Many scholars believe that the bulk of modern constitutions is consistently and frequently amended. This has happened in a number of cases involving both ancient and modern constitutions. In this case, a variety of tactics are possible, and the bulk of them are matched to the extent of constitutional amendments. In the previous 200 years, the US Constitution has undergone 27 noteworthy changes. A good example of this is the 2011 Hungarian Constitution, one of the newest constitutions in the European Union.<sup>3</sup>

The Republic of Uzbekistan is currently going through the most crucial phase of its democratic and legal development, which is connected to constitutional changes intended to create a newly democratic nation and the creation of a free and just civil society where honor, dignity, and human rights will be valued above all else. The country's Basic Law of the Republic, which has been updated in accordance with the centuries-old national traditions of our

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<sup>2</sup> Patrick Collison and Michael Nielsen. Science Is Getting Less Bang for Its Buck. The Atlantic Monthly/ November 16, 2018, <https://www.theatlantic.com/science/archive/2018/11/diminishing-returns-science/575665/>

<sup>3</sup> Robert Longley. How to Amend the Constitution. ThoughtCo September 04, 2021 <https://www.thoughtco.com/how-to-amend-the-constitution-3368310>

people and in light of current global trends in constitutional reform, is a striking illustration of the advancement of its political and legal thinking. It aptly captures the republic's rising degree of status in the international sphere.

The idea of developing long-term strategies for our state's development and the prosperity of the nation and its people is at the heart of all state-led reforms. These strategies should result in a fundamental shift in the political system, legal system, socioeconomic system, cultural system, and spiritual system, all of which will contribute to the creation of a New Uzbekistan and a free and just civil society.

It should be noted that the constitutional provisions are based on important values, such as the preservation and further strengthening of independence, the transfer to future generations of a free and prosperous country, the further promotion of reforms aimed at the interests of the people, the rule of law and justice. These values, forming the basis of our statehood, are inextricably intertwined with the tasks set out in the Development Strategy of the New Uzbekistan for 2022-2026<sup>4</sup>, aimed at further improving the welfare of the people, transforming economic sectors, ensuring human rights and interests, forming an active civil society, which ultimately should serve to achieve a nationwide goal, namely: building a New Uzbekistan, the formation of the foundation of a new Renaissance - the third Renaissance. Implementing liberal reforms, establishing a direct line of communication between the government and society, fundamentally altering the state of affairs regarding freedom of speech, religion, and movement, fostering better ties with the neighboring nations, and enhancing Uzbekistan's standing abroad were the main priorities.<sup>5</sup>

The constitutional affirmation of the function and standing of institutions of civil society, as well as the promotion of the tenet that "society is the initiator of reforms." The revised Constitution unites our whole society under the vision of creating a New Uzbekistan that takes into account the needs of all demographic groups. As you are aware, members of the general public, political parties, public organizations, non-governmental organizations, representatives of business and professional circles, members of the scientific community, and members of the intelligentsia actively participated in the drafting of the Constitution.

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<sup>4</sup> On the State program for the implementation of the Development Strategy of New Uzbekistan for 2022-2026 in the "Year of human care and quality education". <https://president.uz/ru/lists/view/5980>

<sup>5</sup> On the Development Strategy of the New Uzbekistan for 2022-2026. Decree of the President of the Republic of Uzbekistan, dated 28.01.2022, No. UP-60. <https://lex.uz/ru/docs/5841077>

Additionally, regular citizens were involved, and their initiatives and proposals demonstrate that our people are not indifferent to changes in New Uzbekistan but are instead becoming active and interested participants in it<sup>6</sup>. For the first time in the history of the country, more than two hundred thousand proposals have been submitted for public discussion, which demonstrates the exceptional importance of this political process.

Constitutional amendments that include specific environmental parts and laws that address climate change. ensuring a healthy ecological environment for each and every nation's people. To ensure that citizens' rights to the environment are upheld and harmful environmental effects are avoided, the State takes action in this regard to improve, restore, and protect the environment, maintain ecological balance, and establish favorable conditions for public control in the area of urban development.

A policy aimed at minimizing social disparities, helping families, women, the elderly, and those in need, as well as ensuring access to a good education, competent medical care, and fair wages for workers, must be implemented in order for the principle of "New Uzbekistan - a Social State" to be codified as a constitutional norm. These objectives all serve as the cornerstone for constitutional revisions and ought to serve as a strong base for the nation's future growth.

The core and most commonly acknowledged tenet of the Constitution is the separation of powers, which Charles Montesquieu originally articulated in the founding documents of European law. It was developed to prevent protecting individuals' rights and liberties while the state acts in three different sorts of sovereign activity: enacting laws, upholding them, and settling disputes. Thus, there are several factors that make the 2008 French Constitutional Reform important. It greatly increases the parliament's power, especially when contrasted with the executive branch. Additionally, the influence on legislative committees is significant.<sup>7</sup>

The "man-society-state" concept, which is directly reflected in the framework of the legal evolution of the world's most developed nations, is the

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<sup>6</sup> Address of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the People of Uzbekistan. <https://president.uz/ru/lists/view/5774>

<sup>7</sup> Iain Stewart. Men of Class: Aristotle, Montesquieu and Dicey on 'Separation of Powers' and 'The Rule of Law'/ Macquarie Law Journal (2004) Vol 4/ Macquarie University/ January 2004 ([https://www.researchgate.net/publication/228175224\\_Men\\_of\\_Class\\_Aristotle\\_Montesquieu\\_and\\_Dicey\\_on\\_Separation\\_of\\_Powers\\_and\\_The\\_Rule\\_of\\_Law](https://www.researchgate.net/publication/228175224_Men_of_Class_Aristotle_Montesquieu_and_Dicey_on_Separation_of_Powers_and_The_Rule_of_Law))

most significant aspect of the present changes in our republic in terms of their social relevance. Basic social rights are codified as constitutionally recognized principles and unalienable rights and freedoms in several European countries due to their constitutional histories. In this sense, civil and political rights are acknowledged by every European constitution, and all contemporary democracies view them as the foundation of their sovereignty.<sup>8</sup>

Confirming the regularity of the current Constitutional reform in our country, it can be argued that only with the development of modern models of statehood, especially in the context of the international practice of constitutionalism of recent decades, new typologies of fundamental rights based on the close integration of the concepts of freedom and equality. It defines a new family of rights – social rights – based on constitutional law, the scope of which is identical to the scope of traditional civil liberties. And it is fully consonant with the provisions of the new version of the Constitution of our republic. It is enough to recall Article 1 of the Universal Declaration of Human Rights as an example.<sup>9</sup>

All this is evidence that in a constitutional state, they exist through the Constitution, which is more important and different from the law: the latter, in fact, is the primary source of the legal system, from which the main meaning of the process follows, when the constitution is recognized as the highest sphere of law, and which turns fundamental rights into inviolable.

They not only represent the guiding principles of the constitutional State and international law, as well as the basis of the pluralistic organization of society but also define the contours of a broader law that defines them as an inevitable prerequisite for a peaceful life together between States. The UN Charter (1945), the Universal Declaration of Human Rights (1948), and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)<sup>10</sup> confirm and expand the activities of each of the constitutional States in the field of protection of human dignity, thereby contributing to the unconditional

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<sup>8</sup> Nazir Sabirov. Features Of Further Increasing The Role Of Civil Society Institutions In The Implementation Of Uzbekistan's New Development Strategy / Feb 2022

[https://www.researchgate.net/publication/365352245\\_Actual\\_Issues\\_Of\\_The\\_Development\\_Of\\_Civil\\_Society\\_Institutions\\_In\\_Uzbekistan\\_In\\_The\\_New\\_Basic](https://www.researchgate.net/publication/365352245_Actual_Issues_Of_The_Development_Of_Civil_Society_Institutions_In_Uzbekistan_In_The_New_Basic)

<sup>9</sup> Elliot Bulmer. What is a Constitution? Principles and Concepts International IDEA Constitution-Building Primer 1. / 2017 International Institute for Democracy and Electoral Assistance Second edition. First published in 2014 by International IDEA. <https://www.idea.int/sites/default/files/publications/what-is-a-constitution-primer.pdf>

<sup>10</sup> United Nations publication issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Human rights and constitutional drafting. Internet source: [https://www.ohchr.org/sites/default/files/Documents/Publications/Constitution\\_Making\\_RU.p](https://www.ohchr.org/sites/default/files/Documents/Publications/Constitution_Making_RU.p)

commitment to the protection of fundamental human rights within the framework of the well-known model of the welfare State. An example is the constitutions of Western Europe, in particular the constitutions of Belgium, Luxembourg, Sweden, Finland, France, and Greece. The constitutions of these countries include basic social rights, which are provided with appropriate judicial protection. The topic of social rights shows the special role of the institution of the constitutional court and judges in terms of their guarantee and effectiveness since it is the judicial methods used by constitutional judges that can to a certain extent make the degree of effectiveness of these rights unchanged and stable.<sup>11</sup>

It is following these principles that the Maastricht, Amsterdam, and Nice Treaties are extremely important in the transformation of pan-European constitutional law. These treaties define the transformation of the original economic communities based on the fundamental principles of a democratic and rule-of-law State. Within this framework, in accordance with our constitutional practice, they prescribe respect for fundamental rights, on the one hand, in accordance with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms, on the other hand, in accordance with "constitutional traditions common to the Member States."

Similarly, to the constitutional practice of our country, in the constitutional system of France, as one of the leading European states, there is also a specialized commission that is convened to study a proposal or bill. At the same time, it provides for joint commissions between the National Assembly of France (the prototype of the Oliy Majlis) and the Senate created to coordinate a single text of the Basic Law. In fact, such a principle, which is acquiring a new sound already in the current edition, is aimed at more reliable protection of rights and freedoms by more flexible mechanisms that ensure cooperation between the three branches of government, when on the one hand, none of them can act without the help of the other, and on the other, being independent, can resist the decisions of the other branch the authorities, which makes the Basic Law of the country a balanced and at the same time a unique political and legal document of the state.

It is equally important that the updated version of our Constitution includes such key amendments as "International treaties of the Republic of Uzbekistan, along with generally recognized principles and norms of international law, are an

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<sup>11</sup> Armin von Bogdandy. *Founding Principles of EU Law / A Theoretical and Doctrinal Sketch*, p. 35-56.  
<https://doi.org/10.4000/revus.131> <https://journals.openedition.org/revus/131>

integral part of the legal system of the Republic of Uzbekistan. If an international treaty of the Republic of Uzbekistan establishes rules other than those provided for by the law of the Republic of Uzbekistan, then the rules of the international treaty of the Republic of Uzbekistan apply." Such an amendment indicates that today more than 80 international human rights documents covering generally recognized principles and norms of international law are of particular importance for Uzbekistan as a full-fledged subject of international law. According to the Vienna Convention "On the Law of International Treaties" of May 23, 1969, an international treaty is an international agreement concluded by our State in writing with a foreign State, an international organization, governed by international law, regardless of the treaty, agreement, convention, act, pact, declaration, exchange of letters or notes and other names and methods of the structure of an international treaty. The constitutional practice of many countries has established that generally recognized principles and norms of international law are an integral part of the national legal system.

Of particular interest is Article 17 in the new version of the Constitution, which enshrines the principle of territorial integrity of States, according to which any State must respect the territorial integrity of another State, and refrain from any actions aimed at violating its sovereignty, national unity, and territorial integrity. This principle is defined as one of the main principles of the foreign policy of the Republic of Uzbekistan. The introduction of this principle into the Constitution guarantees that Uzbekistan recognizes and respects the territorial integrity of all other countries of the world, and promotes good neighborliness, and mutual trust in foreign policy. This article also emphasizes that the Republic of Uzbekistan, being a full-fledged subject of international relations, carries out its foreign policy based on the principles of sovereign equality of States, non-use of force or threat of force, inviolability of borders, territorial integrity of States, peaceful settlement of disputes, non-interference in the internal affairs of other States and other generally recognized principles and norms of international law.

The content and essence of Article 18 of the Constitution, in its updated version, enshrines one of the generally accepted principles of international law - "The Republic of Uzbekistan will pursue a peaceful foreign policy", and establishes that foreign policy refers to friendly relations of Uzbekistan with other countries, peoples and international organizations based on mutual trust, assistance to each other, humanism, solidarity and cohesion. The directions of strengthening peace and stability in our region, expanding the potential of our

country in the international arena, and developing comprehensive and mutually beneficial relations with foreign countries are defined in the "Concept of foreign policy activity". Having established diplomatic relations with 131 countries of the world, with embassies in 32 countries, consulates general in 14 cities, permanent missions to the UN and other international organizations, as well as with the functioning of embassies of 42 foreign states in our country, one can be convinced of the truly peaceful nature of our state's foreign policy,

Article 23 in its new version introduces a fundamentally important provision: "A citizen of the Republic of Uzbekistan cannot be expelled from Uzbekistan or extradited to another State. The state, in accordance with the norms of international law, takes care of maintaining and developing ties with compatriots living abroad." Such a new norm serves to strengthen the confidence of our citizens that they are constantly under the protection of the state, to prevent situations such as expulsion from their country or transfer to another state, to demonstrate that the state and its organs are not indifferent to the fate of their citizens. Every State that protects the rights of its citizens unconditionally and fully cares about the preservation and development of relations with compatriots living abroad, in accordance with the norms of international law. The amendment is being introduced at the initiative of the President of the Republic of Uzbekistan, who has repeatedly stressed the need for comprehensive support and protection of compatriots living in other countries. At a meeting with members of the Constitutional Commission on June 20, 2022, the President of the Republic proposed to establish a new obligation of the state, stating that "the state will take care of maintaining and developing regular relations with our citizens and compatriots living and working abroad." All this is just a fraction of the painstaking efforts of experts and scientific specialists considering and making changes to the new draft Constitution of our country.

In general, the modern world is dynamic and many events are often unpredictable, and this inevitably leads to a serious transformation of economic, political, and other systems, entailing the renewal of practically all spheres of the state's life. Any constitution in the world primarily carries the function of ensuring social stability, which is especially valuable in the current conditions. Perhaps, the concept of a "living constitution" is connected with this feature, especially in



the USA<sup>12</sup>, where the adoption of constitutional amendments is the main means of state development, confirming the idea that constitutional reforms are a radical change in the nature and scale of the development of the state itself as a whole.

Such changes for the country are also relevant, since the constitutional reforms carried out in the republic serve as a solid legal foundation for ensuring political and social stability, and ultimately should contribute to the implementation of the tasks of further improving the well-being of the population and prosperity of the country, as well as strengthening its economic power and strengthening its prestige on the world stage.

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