
Constitutional Regulation and Protection of Personal Rights and Freedom in Uzbekistan

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Abstract: The abstract in the article examines human dignity as the initial principle of the general legal principle of humanism. The author pays attention to human dignity - the basis of the rights and freedoms of the individual, the right to the dignity of the individual as a subjective right of a citizen, the forms and mechanisms of protecting the dignity of the individual in the branches of law, compensation for moral harm in protecting the dignity of the individual: moral and legal problems. Studied the dignity of the person in the conditions of the formation of civil society in Uzbekistan during the pandemic: legal aspects.

Keywords: dignity, person, personality, form, mechanism, protection, right, Problems.

INTRODUCTION

Personal human rights have always been an urgent topic of research by lawyers, political scientists, philosophers, personal rights and freedoms, at the present stage of state and legal development, they represent not only a natural legal, but also often a moral basis for the entire system of human rights and the further development of the rule of law and civil society. The issues of international and national protection of human and civil rights and freedoms, their constitutional and legal regulation are of particular importance in the modern legal space of modern Uzbekistan.

As we know, 2020 will be remembered in the history of mankind with the fight against the coronavirus, and once again the values are becoming relevant, an active process of searching for the priorities of social development is underway, the main place among which should rightfully be taken by humans. The support of the human personality, its deep inner value is dignity. This greatest good forms the basis of independence and freedom, pride and honor, influences the formation and constant development of the individual. Dignity is the source of human rights, evidence of the level of culture of a society.

The theme of dignity has acquired a special moral meaning and is reflected in the teachings of oriental thinkers like Beruniy, Bobur, Alisher Navoi. In addition, it should be noted that studies of a general legal nature, the special subject of which would be the phenomenon of "human dignity", are now being dealt with by politicians, both sociologists and lawyers, and philosophers ...

The subject of the research is the dignity of the individual as a moral and legal value in all the fullness and variety of characteristics inherent in this phenomenon: as a prerequisite and basis for human rights; the main criterion for the effectiveness of law and the state, the value reference point of the Russian legal system; the idea of the inviolability of human dignity as a general legal principle; the pivotal basis of lawmaking, law enforcement and law enforcement; an inalienable quality of responsibility of power, legality, justice and legal policy of the state.

Methodological are such scientific principles of cognition as historicism, objectivity, consistency, complexity.

DISCUSSION

The humanistic idea of the value of the human person, its dignity is the basis of the concept of the constitutional system of Uzbekistan. The Constitution of the Republic of Uzbekistan proclaims: "The state expresses the will of the people, serves their interests. State bodies and officials are accountable to society and citizens. " (Art. 2), "Article 13 of the Constitution: " Democracy in the Republic of Uzbekistan is based on universal principles, according to which the highest value is a person, his life, freedom, honor, dignity and other inalienable rights. Democratic rights and freedoms are protected by the Constitution and laws. (v. 14).

There are many laws in the legal system of any state. But among them there is one law, which is recognized as the most important - the Constitution. As world practice shows, the main condition for the formation and development of an independent democratic rule of law is the presence of the Constitution. After gaining independence, it became necessary to create the Constitution of the Republic of Uzbekistan. Such urgent tasks as the construction of a national legal state, a democratic society, the formation of market relations, provided for the development of the Constitution of an independent Uzbekistan. The interests of new political parties, social movements and associations, ensuring social and political stability in society, interethnic accord demanded the

adoption of a new Constitution. This was also due to the transformation of the Republic of Uzbekistan into an international legal entity that became known to the world as an independent state.

The main feature of the 1992 Constitution was that it declared a person, his life, freedom, honor and dignity as the highest value, recognized the priority of human interests, his rights and freedoms in relation to the state, returned the state to its direct purpose - to serve the interests of a person and society, consolidated the principle of political pluralism, recognized the people as a source of power.

The peculiarities of the Constitution are reflected in the provisions that take into account the peculiarities of the historical development of the Uzbek people, their customs, culture, and national statehood. Over the past 28 years since the adoption of the Constitution of the Republic of Uzbekistan, its norms and provisions have been consistently implemented. Significant successes are achieved in all areas of our life. In our country, thanks to the Constitution, civil and interethnic accord has been ensured, the standard of living rises every year, high levels have been achieved in socio-cultural development, education, and science.

A comparative analysis of international documents, foreign and Uzbek legislation of the last decade shows that a significant place is assigned to the idea of human dignity. The UN Universal Declaration on the Human Genome and Human Rights of November 11, 1997, guides all states to take the necessary measures to protect human dignity legally. The constitutions of the post-socialist states directly confirmed this thesis. Thus, the Basic Law of Germany (Art. 1) reads: "Human dignity is inviolable. It is the duty of all state authorities to respect and protect him." The Polish Constitution (Art. 30) says: "The natural and inalienable dignity of a person is the source of freedoms and ... dignity. In Uzbekistan, comprehensive measures are being consistently implemented to ensure reliable protection of the rights and freedoms of citizens, to prevent and suppress torture and cruel, humiliating and degrading treatment of a person.

The Constitution of the Republic of Uzbekistan is the fundamental document of the country that guarantees the protection of the dignity and personal integrity of a person. Thus, according to article 26 of the Constitution, no one can be subjected to torture, violence, other cruel or degrading treatment of a person.

Article 27 of the Basic Law stipulates that everyone has the right to protection from interference in his private life, to the inviolability of his home, that no one has the right to enter the home, search or inspect, violate the privacy of correspondence and telephone conversations, except in case and order, provided by law.

The procedure defining specific cases and regulating such interference is provided for by the Criminal Procedure Code of the Republic of Uzbekistan, in particular chapters 16 (Inspection), 20 (Seizure and search), 21 (Wiretapping of conversations conducted from telephones and other intercom).

At the same time, Article 18 of the Criminal Procedure Code also stipulates that the private life of citizens, the inviolability of their home, the secrecy of correspondence, telegraph messages and telephone conversations are protected by law. Search, seizure, inspection of a dwelling or other premises and territory occupied by a person, seizure of postal and telegraph correspondence and its seizure in communication establishments, wiretapping of conversations conducted from telephones and other intercom devices may be carried out only in cases and in the manner established this Code.

Damage caused to a person as a result of violation of his rights and freedoms during the proceedings is subject to compensation on the grounds and in the manner established by Chapter 38 of the Criminal Procedure Code of the Republic of Uzbekistan.

Along with this, Article 991 of the Civil Code of the Republic of Uzbekistan provides for liability for harm caused by illegal actions of the bodies of inquiry, preliminary investigation, prosecutor's office and court.

In recent years, our people have also been increasing their legal literacy. It is especially pleasing that President Shavkat Mirziyoyev pays serious attention to this issue, pursues an open policy, as a result of which the personal rights and freedoms of every citizen are ensured, normative acts are adopted aimed at increasing the legal literacy of the population, and practical work is being carried out in this direction. The basis of the reform is the generally recognized principles of human rights and the recommendations of international organizations in this area, which are directly reflected in the Development Strategy of Uzbekistan for 2017-2021.

At the same time, the basis of all the reforms implemented in the republic in the field of protecting the rights and freedoms of citizens, the Head of State laid down the main principle - "Human interests above all." The result of these reforms is the Decree of the President of the Republic of Uzbekistan dated November 30, 2017 No.UP-5268 "On additional measures to strengthen guarantees of rights

and freedoms of citizens in judicial and investigative activities", which enshrined important provisions that ensure reliable protection of the rights and freedoms of citizens in criminal proceedings. The decree recognized the use of torture, physical, psychological pressure and other cruel, inhuman or degrading treatment against participants in criminal process or their close relatives.

In the framework of criminal cases, it is strictly forbidden to use any data obtained by illegal means, in particular, audio-video materials and material evidence. This Decree introduces criminal liability for falsification of evidence obtained by coercion to testify, provides the right to appeal in court the court ruling on the application of a preventive measure in the form of detention within 72 hours from the moment the detainee is delivered to the relevant authority. In pursuance of this Decree, by the Law of April 4, 2018

"On amendments and additions to some legislative acts of the Republic of Uzbekistan in connection with the adoption of measures to strengthen the guarantees of the rights and freedoms of citizens in judicial and investigative activities", amendments were made to the Criminal Code,

specifying both the range of persons against whom acts related to the use of torture and other inhuman and degrading treatment and punishment have been committed, and the range of persons subject to responsibility for committing these actions, as well as increasing responsibility for the commission of this crime. In particular: - the range of possible victims has been expanded (the law includes persons subjected to administrative arrest, suspects, accused, defendants, convicted persons, witnesses, victims, other participants in the criminal process or their close relatives to such persons); - the range of persons who bear responsibility has been expanded (such persons are referred to by the law as interrogators, investigators, prosecutors, employees of law enforcement agencies or institutions for the execution of punishment, pre-trial detention centers, military structures, other persons at the instigation of a civil servant or with his knowledge or with the tacit consent of torture and other degrading treatment and punishment); - new signs qualifying responsibility have been introduced (such as torture against two or more persons, with the use of objects, the use of which can harm life and health, with the aim of falsifying (falsifying) evidence); - increased responsibility (increased sanctions). Another important innovation is that Article 235 of the Criminal Code (use of torture and other cruel, inhuman or degrading treatment or punishment) has been brought in line with the requirements

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Work has been carried out to develop a mechanism for the application of this provision of the Criminal Code by introducing appropriate

changes to other legislative acts. Thus, the Law of April 4, 2018 amended the Criminal Procedure Code with a new Article 951 (inadmissibility of evidence),

according to which factual data are recognized as inadmissible as evidence if they were obtained by illegal methods or by depriving or limiting the rights of participants in criminal proceedings guaranteed by law or in violation of the requirements of the Code, including those obtained with the use of torture and other cruel, inhuman or degrading types of treatment and punishment in relation to participants in criminal proceedings or their close relatives.

As a result, the above innovations influenced the effectiveness of increasing the responsibility of judges for making lawful, well-grounded and fair decisions.

It deserves special attention that the testimony of the victim, witness, suspect, accused, defendant during the inquiry, preliminary investigation, which did not find their confirmation in court by the totality of the available evidence, cannot be admissible. It should be noted that this provision serves to ensure the presumption of innocence, helps to prevent the prosecution of persons who deliberately incriminate themselves or others. Which is also included in the Constitution of the Republic of Uzbekistan. After all, the value orientations of the legislator must and can be subordinated to the needs of human existence. The position of human dignity should be considered as the most important constitutional principle that affirms the intrinsic value of the individual, its activity and autonomy, allowing to overcome the immunodeficiency of personal morality and the inertia of decay. And only on this platform can you get a stable civil society, a responsible government, a decent standard of living.

Article 26 of the Constitution stipulates that no one can be subjected to torture, violence, other cruel or degrading treatment of a person. This provision of the Constitution lies at the basis of criminal proceedings, and is the main task of judicial, law enforcement and other bodies in ensuring the rule of law, law and order, and protecting human rights and freedoms.

The Republic of Uzbekistan, being a party to the UN Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights of 1966, has undertaken to ensure the rights of a person accused of a criminal offense, to be considered innocent until the guilt of committing a crime is proven in the prescribed by law and established by a court judgment that has entered into legal force. The principle of the "presumption of innocence" is also enshrined in article 23 of the Criminal Procedure Code as the main one, which clearly states that a suspect, accused or defendant is not obliged to prove his innocence. The presumption (from Lat. *Presumptio* - recognition of a fact as legally reliable until proven otherwise) of innocence ... constitutes the basis of the criminal law principle of legality and is one of the basic principles of justice. " The media, however, do not participate in the proceedings, and therefore the principles of the latter do not apply to them.

The criminal procedural legislation of the Republic of Uzbekistan also includes the principle of the presumption of innocence in a number of principles of the criminal process (Article 23, Chapter 2 of the Criminal Procedure Code of the Republic of Uzbekistan). The media are not a party to the criminal process and therefore cannot be required to "adhere" to its principles.

And so in the development of the provisions of the Constitution of the country, the main international legal documents, as well as in order to unconditionally and unconditionally ensure the constitutional principles of the rule of law, equality of citizens before the law, humanism, justice and the presumption of innocence, respect for

the rights and freedoms of citizens in judicial and investigative activities, further improvement of the criminal procedure and criminal executive legislation, the Decree "On additional measures to strengthen the guarantees of the rights and freedoms of citizens in judicial and investigative activities" was adopted. In particular, in accordance with the Decree, the primary attention of law enforcement and judicial authorities should be paid to the need for strict and unswerving compliance with the requirements of Article 11 of the Criminal Procedure Code of the Republic of Uzbekistan, according to which any deviation from the exact execution and observance of the norms of laws, whatever the motives caused, is a violation of the law in criminal proceedings and entails established liability. Forensic authorities, first of all, are not allowed to use data obtained with significant violations of procedural legislation or by illegal methods as evidence in criminal cases. The use of torture, psychological and physical pressure, and other cruel, inhuman or degrading treatment of suspects, accused and other participants in criminal proceedings is strictly prohibited.

The decree introduced measures for mandatory verification by the prosecutor's office or the court of applications for the use of unauthorized methods when collecting and securing evidence, which, first of all, are aimed at a timely and objective investigation of allegations of torture. At the same time, it should be noted that during the inspection, a medical examination is required.

An integral characteristic of any democratic state is legislation with a system of guarantees of individual rights. The Constitution of the Republic of Uzbekistan, proclaiming a person, his rights and freedoms as the highest value, thereby determined the priority of the individual in the interactions of the chain "person - society - state" and laid the main guidelines in the system of national legislation.

According to article 45 of the Constitution of the Republic of Uzbekistan, the rights of minors, disabled and lonely elderly people are under the protection of the state. Evidence of the fulfillment of this provision of the Basic Law is the fact that the Decree under consideration for the first time establishes the procedure according to which the rule that does not allow exemption from criminal liability in connection with reconciliation of a person who has an outstanding or unexpunged conviction for committing grave or especially grave crimes is not applied in relation to minors, invalids of the first and second groups, women, men over sixty years of age, as well as persons who have committed a crime through negligence. In addition, it will no longer be allowed to apply to minors, disabled persons of the first and second groups and persons of retirement age, a preventive measure in the form of detention in cases of intentional crimes, for which a punishment is imprisonment and for a period not exceeding three years. and also about crimes committed through negligence, for which punishment is imprisonment and for a term not exceeding five years.

It should be noted that the current Criminal Procedure Code contains Articles 50 and 51, which regulate the procedure for inviting a defense lawyer and his mandatory participation. Dignity as the moral source of human rights, which is the basis of the legal status of an individual, must be distinguished from the human right to a dignified life. The latter is derived from the former. Dignity refers to the inalienable rights and freedoms that belong to a person from birth, and the right to a decent life is revealed in the content of the legal status of an individual. The right to human dignity in its moral dimension is the individual's right to safety of life, physical and mental integrity, freedom from violence, both moral and physical.

A decent life is a social category. At the same time, it is closely related to the preservation of dignity as a natural human right, as a condition of vitality, and is based on the constitutional principle of respect for human dignity. A dignified life reflects the goal of a social and legal state. In conditions of poverty and misery, dignity is not applied. What can be said in Uzbekistan during the pandemic, social and humanitarian assistance was provided to the population. The period of the pandemic has been very challenging for social safety nets in many countries. During the period of loss of jobs and livelihoods, the need for social assistance and services has increased for many people. Moreover, the mechanisms of their provision have undergone changes in conditions of social distancing and other precautions taken to contain the spread of infection. In Uzbekistan, large-scale one-time social assistance to low-income and vulnerable people is provided from the Anti-Crisis Fund, established in March, whose expenditures on the social sphere amounted to 2.56 trillion soums as of August 11, of which 489 billion were for social benefits.

To provide assistance to socially vulnerable families in Uzbekistan, a list ("iron notebook") was introduced, where information about those in need is entered. The list is formed by the chairmen of the mahalla committees together with the heads of the sectors. Officials enter information into the "iron notebook" in electronic form on the site sakhovat.argos.uz using an electronic signature key.

Five categories of needy families have been identified when maintaining the "iron notebook":

- the presence of disabled and chronically ill family members;
- families consisting of lonely elderly people, widows and low-income people, people in need of care;
- families with five or more children;
- citizens who have lost their jobs and sources of income as a result of quarantine measures, including returned migrants;
- families below the poverty line in need of help and financial support.

Listing means that the family is eligible to receive a one-time cash aid during the quarantine period. But it remains completely unclear by what specific criteria mahalla employees and sector leaders identify low-income families as a result of yard rounds in order to include them in the “iron notebook”.

Digitalization of this process will allow avoiding paperwork and will provide an opportunity to objectively assess the degree of need of low-income families with the ability to track the level of wealth, wages and other closed personal data.

When forming the register, it is important to remember that everyone has different lists of vulnerable and needy segments of the population - the mahalla, the ministries of public education and health, have lists and VTEK. It seems that all of them should be integrated into the Unified Register.

One-time assistance to families affected by the socio-economic crisis as a result of the pandemic allowed them to hold out for a period. At the same time, representatives of the mahalla and sectors, assisted these people in finding employment after strict quarantine measures, but the positive impact on the total family income may be negligible due to low salaries from low-skilled and public works.

Initially, social protection of the population meant assistance to socially vulnerable segments of the population, which served as an argument for our state in the transition from a universal system of social benefits to the introduction of methods of targeted assistance to low-income families - poverty targeting.

However, even before the pandemic, the significantly lowered poverty threshold and bureaucratic obstacles to receiving social benefits left many vulnerable children and adults without adequate social assistance from the state.

At the beginning of the year, President Shavkat Mirziyoyev in his message to parliament noted that, based on various estimates, 12-15% of the population of Uzbekistan, or 4-5 million citizens, live below the poverty line. In the context of the current crisis, this figure could grow significantly. In this situation, the use of poverty targeting becomes meaningless because many groups of the population are affected in one way or another and may need social assistance.

Keeping “iron notebooks” for those in need is based on non-standardized, subjective criteria for assessing the well-being of families. Taking into account that during yard visits, employees of the mahalla committee and sector leaders assess the material condition based on the property (vehicles, real estate, etc.) accumulated over several years, they may not pay due attention to the lost income of families during time of crisis.

CONCLUSION

In conclusion, we would like to note that, for the first time in modern history, Uzbekistan was elected to the UN Human Rights Council, because as we can see, Uzbekistan is committed to continuing large-scale reforms under the leadership of President Shavkat Mirziyoyev and contributing to the promotion of human rights around the world.

In accordance with the definition of the evolution of the idea of affirming the dignity of the individual, identified the main approaches and ideas about the value of dignity in the history of human development; also, substantiated the moral and legal nature of human dignity; emphasized the connection between the value under study and the worldview concept of humanism;

studied the relationship between dignity and the principles of law, determine the place and significance of the principle of respect for the dignity of the individual in the system of general legal principles of justice, equality, freedom; to argue the status of the idea of dignity as an independent general legal principle. On the one hand, the category of dignity as an object of theoretical and legal study is revealed in the work as the fundamental principle and justification of law, on the other, as a phenomenon of legal protection. Dignity is the central concept of human rights and the absolute concept of morality; its leveling leads to the destruction of national self-identification. As a moral phenomenon that is enshrined in law, but goes beyond its limits, dignity is the object of legal protection. Its belittling entails the loss of normal social relations, and hence the loss of a certain status in relations with other subjects. The legal nature of dignity is proved by its substantial existence as a legal obligation, contributing to the interpenetration of regulatory systems, harmonization of the formal property of law. In each of the meanings, the category "dignity" has its own content, which must be taken into account when determining the legal meaning of the considered value. Such versatility predetermines the possibility of not only different approaches to understanding dignity, but also, as a consequence, many of its definitions. The significance of dignity is realized through the entire complex of subjective rights and freedoms, and not only those that directly ensure its inviolability.

The principle of respect for fundamental human and civil rights and freedoms is an obligation of every state. Therefore, the aforementioned reforms in the judicial and investigative sphere, aimed at ensuring the unconditional and unconditional observance of the rights and freedoms of citizens in judicial and investigative activities, will improve the quality of the work carried out by the bodies of inquiry, investigation, the prosecutor's office and the court to fully protect the rights and legitimate interests of citizens. It is necessary to develop the concept of human integrity, which means, first of all, the recognition of the high importance of his dignity.

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