

# The Constitution of New Uzbekistan: Pillars of the Welfare State and Assurances of Justice

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**Abstract:** The article provides a comprehensive examination of the concept of constitutions, tracing the historical development and origins of the earliest constitutions in the world. It highlights the evolution of constitutional frameworks over time, offering insights into their role in shaping the foundations of governance and societal organization. A significant focus of the discussion is the comparison between the original and newly adopted constitutions of the Republic of Uzbekistan. The article delves into the key differences, showcasing how the new constitution reflects the nation's evolving priorities and aspirations.

Additionally, it explores the innovative approaches taken in the new constitution to regulate social relations, emphasizing its progressive stance in addressing contemporary societal challenges. The incorporation of international principles into the constitutional framework is another pivotal aspect discussed, demonstrating Uzbekistan's commitment to aligning with global standards while preserving its unique national identity. This blend of tradition and modernity signifies a transformative step in the country's constitutional history, aimed at fostering justice, inclusivity, and the principles of a welfare state.

**Keywords:** Constitution; freedom; separation of powers; state; new Uzbekistan; constitutional functions; constitutional history; social state.



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## Introduction

Humanity has always sought to systematize its way of life with the help of customs, traditions, mononorms and law. The concept of constitutionalism dates back to ancient times. The first constitutions of the world became the basis for the formation of modern states and the development of constitutional law. They reflected the transition from absolute monarchies to systems based on laws and the rights of citizens.

Some ancient societies, such as Athens (6th–5th centuries BC), had elements of constitutional government. The Laws of Solon, for example, regulated the social structure and rights of citizens. In the Roman Republic (509–27 BC), legal norms such as the Laws of the Twelve Tables served as a kind of basis for regulating public life. The constitution is the basic law of the state, which establishes the fundamental principles of its structure, defines the rights and freedoms of man and

citizen, and regulates relations between the various branches of government and society. The constitution occupies the highest level in the system of normative legal acts. All other laws and acts must comply with its provisions. It covers a wide range of issues, including the political system, economic basis, social policy, territorial structure, and the foundations of state power. The constitution enshrines the basic principles of the functioning of the state, such as sovereignty, separation of powers, democratic principles, and the protection of human rights.

## 1. Evolution of the Constitution and Constitutionalism

The revolutions of the 18th and 19th centuries played a key role in the development of modern constitutional systems. These epochal events were not only a struggle for rights and freedoms, but also for the introduction of written constitutions, which became the legal basis for popular sovereignty and the limitation of monarchical tyranny. The main features of this period were the rejection of religious sanction of power and the challenge to monarchical absolutism.

Until the 18th century, monarchies often justified their existence by divine right. This period is also well described in literature, in particular in the works of F. Aquinas in the knowledge of politics and law. He placed ecclesiastical power above secular power, due to the fact that the former is aimed at achieving divine bliss, while the latter is limited to the pursuit of only earthly good; however, to achieve this task, the help of higher powers and grace is necessary<sup>1</sup>. Revolutions challenged this approach, replacing it with the concept of power based on the will of the people. The main requirement was to limit the power of monarchs. This was achieved through the separation of powers (executive, legislative and judicial), the implementation of the principles of the rule of law and the establishment of guarantees of individual freedoms. Attempts to limit the power of the monarch by adopting a law were undertaken at different periods of history in different countries. One of the first countries where an act limiting the power of the monarch was de facto adopted and implemented was Great Britain: the Magna Charta Libertatum (Magna Carta, 1215). In England, the barons forced King John of England to sign the Magna Carta. This document limited royal power and asserted the rights of the aristocracy, becoming the first step towards a constitutional monarchy. Also, the conflict between King Charles I and Parliament led to the Civil War (1642–1651). In 1649, Charles I was executed, and England became a republic for a short time. After the Restoration of the monarchy in 1660, the king's power was significantly limited. The Glorious Revolution (1688) ended with the expulsion of King James II and the invitation of William III of Orange and Mary II to the throne. In 1689, the Bill of Rights was adopted, enshrining the supremacy of Parliament over the monarch. In France, during the French Revolution (1789–1799), the monarchy was limited and then completely abolished. King Louis XVI was executed in 1793 and France became a republic.

These events show that the desire to limit the power of the monarch and to establish the principles of popular representation and the rule of law took place within the framework of a long historical process in different countries.

## 2. The written constitution as a symbol of a new era

The United States Constitution (1787) is the first modern written constitution, adopted in Philadelphia. It established a federal state structure, a system of separation of powers, and guarantees of citizens' rights. This constitution continues to operate with amendments to this day. The Polish Constitution of May 3, 1791, is the first written constitution in Europe and the second in the world after the American one. It provided for a limited monarchy, introduced equality before the law, and strengthened the role of parliament. The French Constitution of 1791 was adopted during the French Revolution, it established a constitutional monarchy, limiting the

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<sup>1</sup>Thomas Aquinas: [archived December 3, 2022] / Apollonov A. V. // Uland - Khvatcev [Electronic resource]. - 2017. - P. 458-460. - (Great Russian Encyclopedia: [in 35 volumes] / ed.-in-chief Yu. S. Osipov; 2004-2017, v. 33). - ISBN 978-5-85270-370-5.

power of the king and introducing a legislature. Other constitutions worth mentioning include the Constitution of San Marino (1600): although it mainly consists of a series of statutes, it is sometimes considered one of the oldest constitutions still in force, and the Constitution of Haiti (1801): important as the first constitution adopted by an independent state of black citizens.

The Constitutions consciously and confidently proclaimed the end of monarchical legitimization and the beginning of a democratic era: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America<sup>2</sup>. ”

After the Republic of Uzbekistan gained independence, the development of a new constitution began. The need to develop a new Constitution was announced at the 2nd session of the Supreme Council of the Uzbek SSR, which took place on June 20, 1990, and at which the "Declaration of Sovereignty" was adopted. The session adopted a resolution on the creation of a commission for the preparation of the draft Constitution consisting of 64 people, headed by the President of Uzbekistan Islam Karimov. The commission included deputies of the Supreme Council, representatives of Karakalpakstan and regions, scientists and specialists.

The Constitutional Commission of the Republic of Uzbekistan spent almost 2.5 years developing the text of the Constitution, which became an important stage in the formation of the legal foundations of a sovereign state. At the meeting of the commission on April 12, 1991, a working group was created, which included 32 leading specialists and scientists. Six specialized groups of 50 people were formed to prepare individual sections of the basic law. The proclamation of state independence of Uzbekistan on August 31, 1991 and the adoption of the Law "On the Fundamentals of State Independence of the Republic of Uzbekistan", which was given the status of a constitutional act, significantly increased the significance and responsibility of the work of the Constitutional Commission.

In developing the draft Constitution of the Republic of Uzbekistan, the world practice of constitutional development, as well as achievements in the field of human rights, democracy and legislation, were carefully studied. The draft of the basic law was presented for public discussion on September 26, 1992, which contributed to the broad involvement of the population in the process of forming the legal basis of the state. The discussion lasted about two months, during which more than 6 thousand proposals were submitted. Taking into account these initiatives, the draft Constitution was revised and re-published in the press on November 26, 1992. This approach ensured a high degree of public participation and consideration of public opinion in the creation of the basic law.

The country's first constitution was a kind of stronghold for the new government and state policy. It is noteworthy that all the people of Uzbekistan took part in the development of the basic law.

### **3. Key changes and innovations in the Constitution of the Republic of Uzbekistan**

The Constitution of the Republic of Uzbekistan in the new edition of 2023 has become an important milestone in the development of the country. Its update was associated with the need to adapt the basic law to modern realities and reforms initiated by President Shavkat Mirziyoyev . The constitution was adopted in a referendum on April 30, 2023, and the overwhelming majority of voters voted for it. There are many changes in the constitution - the number of articles in the constitution increased from 128 to 155, and the number of norms increased from 275 to 434. That is, the text of the Basic Law increased by almost 65% and was updated taking into account the people's proposals.

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<sup>2</sup>Constitution of the United States of America of September 17, 1787. Preamble // Constitutions of Foreign States states: textbook / compiled by: V. V. Maklakov. 3rd ed., revised and enlarged. Moscow: BEK, 2002. P. 348.

The 2023 Constitution reflects Uzbekistan's aspiration to become a modern and progressive state focused on human rights, the rule of law and sustainable development.

It laid the foundations for deepening democratization, increasing openness and attracting foreign investment.

At the same time, it preserves national identity and takes into account the historical, cultural and social characteristics of the country.

This revision became one of the steps in the strategic plan of reforms aimed at developing Uzbekistan as a stable and successful state in the 21st century.

Indeed, the new edition of the Constitution of the Republic of Uzbekistan of 2023 has become an important step in consolidating the principles of the social state and strengthening the role of the individual as the main value of state policy.

Article 1 of the Constitution clearly states that Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government <sup>3</sup>. This article proclaims the form of government, the political regime, and the essence of the state of the Republic of Uzbekistan. Except for the concepts of "sovereign" and "democratic" all other terms The concept of a social state was not introduced and enshrined in the constitution itself at the legislative level, although all this time (after gaining independence) the state has been fulfilling its social function. The introduction of this concept into the constitution itself means that now the state is guaranteed to implement social policy.

*Table 1.*

	<b>Previous edition</b>	<b>Current edition</b>
Art.1	Uzbekistan is a sovereign democratic republic. The names of the state "Republic of Uzbekistan" and "Uzbekistan" are equivalent.	Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government. The names of the state "Republic of Uzbekistan" and "Uzbekistan" are equivalent.

As can be seen from the table, the current version significantly expands the legal foundations of a democratic state. By securing these foundations, the state assumes responsibility and guarantees the implementation of its functions. The new version of the article highlights the terms legal, social and secular.

For the first time in history, Uzbekistan is defined as a **social state**, where the main priority is the protection of the rights, freedoms and well-being of citizens. It is enshrined that **attention and care for a person is the main responsibility of the state and society**. New mechanisms for ensuring social justice have been introduced, which guarantees equal opportunities for all citizens, regardless of their origin, gender, religious or other beliefs. The state is obliged to provide support to vulnerable categories of the population: people with disabilities, children, pensioners and low-income families. The new version of the Constitution strengthens **the guarantees of personal, political, social, economic and cultural rights of citizens**. Particular attention is paid to the rights of women, children and other groups requiring additional protection.

The Constitution provides for free and compulsory **pre-school, secondary and vocational education**.

Ensuring the availability and quality of medical services has become one of the key responsibilities of the state.

<sup>3</sup>Article 1. Constitution of the Republic of Uzbekistan. <https://lex.uz/docs/6445147>

The new Constitution creates a solid legal basis for achieving these goals, reflecting the country's aspirations for modernization and sustainable development. It aims to transform Uzbekistan into a modern, democratic and socially oriented state.

In particular, the Constitution defines a new strategic goal – the construction of a social state, and establishes the foundations that provide for a completely new mechanism of social justice, protection of human rights and freedoms. For the first time, Uzbekistan is defined as a social state. It is established that attention and care for a person is the main responsibility of the state and society.

The Constitution stipulates that the state takes on a number of new obligations to reduce poverty, ensure employment, and protect against unemployment. In general, the number of norms related to the state's responsibilities in the social sphere has increased threefold.

The approaches inherent in the social state are reflected in numerous articles and regulations concerning the sphere of education. The number of regulations in the spheres of education and science has increased by 2 times, and the regulations on human rights have increased by more than 3 times. It has been determined as a strict requirement that ensuring human rights and freedoms is the main meaning of our laws, the priority goal of the activities of ministries and departments.

#### **4. Theoretical analysis of the meaning of the term "Welfare State" and the basic principles of the activities of this type of state**

Let us consider the meaning of a social state and the basic principles of functioning of this type of state. As is known, there have been different types of welfare states. Here is a simple and precise definition of such a state: "A set of institutions, including both public and private organizations, that provide a range of social services, primarily monetary and non-monetary, in an organized manner and are designed to protect citizens from the cradle to the grave from the social and economic risks that would be expected to exist in the absence of such services."<sup>4</sup>

The basic principles of the welfare state include:

**Universalism:** The welfare state aims to provide social services and benefits to all citizens, regardless of their income or social status, ensuring that basic needs are met for everyone.

**Social justice:** It seeks to reduce inequality and promote fairness by redistributing wealth and providing support to disadvantaged groups through social programs.

**Public responsibility:** The state takes responsibility for the well-being of its citizens by providing access to basic services such as health care, education and housing.

**Collective insurance:** Welfare states often operate on the principle of collective insurance, whereby people contribute to social security systems to finance benefits for the unemployed, the sick, and the elderly.

**Active labour market policies:** These policies promote employment and help people move into work through training and support, reducing dependency on welfare.

**Integration of services:** Welfare states typically integrate different services (health, education, housing) to create a cohesive system of support for individuals and families.

**Prevention and Empowerment:** The focus is on preventive measures and empowering people to improve their situation, rather than just providing assistance.

**Decentralization:** Many welfare states delegate powers to local governments to tailor services to the needs of specific communities.

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<sup>4</sup> I.M. Umarova . On the way to building Welfare State // Pravda Vostoka. August 31, 2024. No. 176. Page 3.

Sustainability: Social security policies must be financially sustainable, balancing social needs with economic considerations to ensure the long-term viability of the social security system.

These principles taken together contribute to the effective functioning of welfare states, aiming to maintain the well-being of citizens and strengthen social cohesion.

## 5. Conclusions

In conclusion, it should be noted that the social state is one of the key models of organization of modern society, aimed at ensuring justice, equality and protection of citizens' rights. Its activities are based on such principles as social justice, solidarity, responsibility and subsidiarity .

The welfare state strives to create conditions in which every citizen has access to basic social benefits, such as education, health care, social security and protection from poverty. However, the implementation of these principles requires a balance between economic efficiency and social responsibility, as well as close interaction between the state, business and society.

In the era of globalization and technological change, the welfare state faces new challenges, including a demographic crisis, economic instability and growing social inequality. However, its principles remain an important guideline in building a sustainable and harmonious society, where every person can realize their potential and feel protected. In a word, the Constitution in the new edition is a historical document that has undergone nationwide discussion. It will serve as an important legal basis for further improving the well-being of citizens based on the principle “In the name of human dignity”, intensive development of the state and civil society.

## References

1. D. Bergland . *Libertarianism, Natural Rights and the Constitution: A Commentary on Recent Libertarian Literature*. 1996. [Read here](#)
2. C.V.Olson . *Effect of Government on the Distribution of Income: Evaluations and Explanations*. 1979. [Read here](#)
3. R. D. Putnam. *Do Per Capita Expenditures Affect the Quality of State Government Management ?*, 2007. [Read here](#)
4. A. Graycar . *Welfare and community services review: setting the policy agenda* , 1984. [Read here](#)
5. G. Lester. *Can Joe the Plumber Support Redistribution? Law, Social Preferences, and Sustainable Policy Design*, 2011. [Read here](#)
6. N. Breznau . *Economic Equality and Social Welfare: Policy Preferences in Five Nations*. 2021. [Read here](#)
7. Olivia C. Estrella López . *Social capital and government in the production of public goods*. 2006. [Read here](#)
8. Alexander V. Butakov . *Russian statehood ( Russian Statehood )* . 2017.
9. S. I. Shkiryak. *On the issue of models of interaction between state power and civil society ( On the Models of Interaction between State Power and Civil Society)* . 2013.
10. Olga Novikova-Monterde. *Opposition to the pouvoir imperial in theory Russian politics ancienne (Opposition to Imperial Power in Ancient Russian Political Theory)*. 2017.
11. Irina Petrovna Denisova et al. *Financial instruments of the socially responsible economy*. 2017.
12. T. Yashchuk . *EVOLUTION LOCAL CONTROLS AND SELF-GOVERNMENT IN RUSSIA (Evolution of Local Government and Self-Government in Russia)*. 2017.
13. Anastasia Sergeevna Petrova . *Role of State in the Formation of the Civic Culture of a Modern Russian Society*. 2018.

14. Andrei V. Grinev Transformation of the Russian “Leviathan” over the Centuries . 2017.
15. S. I. Shkiryak ( S. I. Shkiryak ). On the issue of models of interaction between state power and civil society ( On the Models of Interaction between State Power and Civil Society ). 2013.
16. I.M. Umarova. On the way to building Welfare State // Pravda Vostoka. August 31, 2024. No. 176. Page 3. <https://yuz.uz/ru/newspaper?page=10>
17. Olga Novikova-Monterde . L'opposition au pouvoir imperial in theory Russian politics ancienne (Opposition to Imperial Power in Ancient Russian Political Theory). 2017.
18. Irina Petrovna Denisova et al. Financial instruments of the socially responsible economy. 2017.
19. T. Yashchuk . EVOLUTION LOCAL CONTROLS AND SELF-GOVERNMENT IN RUSSIA (Evolution of Local Government and Self-Government in Russia). 2017.
20. Anastasia Sergeevna Petrova . Role of State in the Formation of the Civic Culture of a Modern Russian Society. 2018.
21. Andrei V. Grinev . Transformation of the Russian “Leviathan” over the Centuries. 2017.