

## Constitutional guarantee of political rights

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**Abstract:** All countries in the world have certain customs and laws on human rights. The constitutions of all countries have special sections and chapters on human and civil rights and freedoms. The rights and freedoms of citizens are also reflected in national legislation. In the accordance with this, our country has created a unique national system for ensuring and protecting human rights, and special national institutions have been established in this regard. It says the fact that such unique issues as honoring, respecting, protecting the rights and interests of man are among the eternal values ingrained in the blood of our people.

**Keywords:** constitutional guarantee, political rights, open and transparent elections, legal regulation, constitutional construction, universal rights, decision-making, law.

**Introduction.** Every country in the world has certain customs and laws on human rights. In developed countries, which are on the path of legal or democratic development, a system of national legislation on human rights has been formed, the basis of which is the Constitution. The constitutions of all countries have special sections and chapters on human and civil rights and freedoms. The rights and freedoms of citizens are also reflected in national legislation. The Constitution is the basic law of every state. Its norms, along with the principles of state system, organization of state power and administration, also determine the norms of social life. The peculiarity of the constitutional legal regulation of social relations in the country is that the constitution provides ample opportunities for the full implementation of its basic provisions.<sup>i</sup>

Basic constitutional rules and principles form the legal basis. This legal framework includes the norms of all areas of law - social, economic, political, civil, criminal, labor and others. All normative legal acts of the country (laws, decrees,

resolutions and other documents) are based on the constitution, ie the constitution is a source of high legal force for all legislation.

According to the Constitution of the Republic of Uzbekistan, the highest value is the human person, his life, freedom, honor, dignity and other inalienable rights. Recognition, provision and protection of human rights and freedoms is the main duty of the state. This principle occupies a central place in the system of constitutional construction.

As in the constitutions of modern democracies, the Constitution of the Republic of Uzbekistan reflects such humane principles as equality before the law, the priority of individual interests over the state, the obligation of the state to serve the welfare of man and society. In particular, Article 14 of the Constitution states that “the state shall carry out its activities for the benefit of man and society, on the basis of the principles of social justice and the rule of law.”<sup>ii</sup> Inculcating these unique ideas in the public consciousness will help to raise the legal culture in the society, to form in every citizen a sense of respect for the law.

Indeed, the constitutional basis of any state is human rights and freedoms. In this sense, it is no coincidence that the section “Fundamental rights, freedoms and duties of man and citizen” has a special place in the Constitution of our country. In this section, the most important norms related to citizenship, personal rights and freedoms, political rights, economic and social rights, guarantees of human rights and freedoms, duties of citizens are stated in separate chapters and articles, in clear, simple and fluent language. In this article, we will try to shed more light on the topic of political rights.

At the heart of democracy, that is, the main goal and task of the people's government, is the formation of all branches of government through elections. When it comes to elections, natural questions arise as to what the right to vote should be in the country, what principles and ideas it should be based on. From this point of view, it would be expedient to refer to the norms recognized in international law.

International electoral standards are reflected in a number of international instruments, the main ones of which are: *first*, the Universal Declaration of Human Rights (United Nations General Assembly, December 10, 1948); *second*, the European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950); *third*, the International Covenant on Civil and Political Rights (UN, 16 December 1966); *fourth*, the “Document of the Copenhagen Council of the Conference on Human Criteria of the Organization for Security and Co-operation in Europe” (Copenhagen, 29 June 1990); *fifth*, the Declaration of the Inter-Parliamentary Union on the Criteria for Free and Fair Elections (Paris, March

26, 1994); *sixth*, the Convention on Standards for Democratic Elections, Electoral Rights and Freedoms in the CIS Member States (Chisinau, 7 October 2002) and others.

The Universal Declaration of Human Rights recognizes the importance of open and transparent elections in ensuring the fundamental and universal rights of a democratically recommended government. In particular, Article 21 of the Declaration states:

“1. Everyone has the right to take part in the government of his country, directly or through freely elected representatives. 2. Everyone has the right to equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government;”<sup>iii</sup>

According to Article 25 of the International Covenant on Civil and Political Rights, every citizen should have the following rights and opportunities without discrimination or unjustified restrictions: *first*, to participate in the management of public affairs directly and through freely elected representatives; *secondly*, voting and election in genuine periodic elections on the basis of universal and equal suffrage, by secret ballot and ensuring the free will of the electorate; and *third*, to have equal opportunities in general conditions for entering the civil service in their own country.

According to the Declaration on Criteria for Free and Fair Elections, to ensure the institutions and legal guarantees of truly free and fair elections, to establish an impartial, fair and stable mechanism for organizing and conducting elections, to respect and respect the rights of all citizens, for parties and candidates to provide the necessary opportunities to present their programs, to observe the principle of secret ballot, to prevent bribery or other illegal actions, to ensure a clear and transparent election process, to prevent electoral violence, to lodge complaints with election bodies or courts It is the responsibility of the Member States to take legal and other measures for prompt and effective consideration.

The OSCE Conference on the Criteria for Humanity states that the will of the people, which is regularly held and freely expressed in real elections, is the basis of the legitimacy of government and any government. At the same time, a number of norms of this document state that the will of the people serves as the basis of state power.

Now, we turn our attention to the extent to which these unique, universally recognized humanitarian norms in international law are reflected in the national legislation of Uzbekistan.

First, Article 32 of the Constitution of the Republic of Uzbekistan stipulates that citizens have the right to participate in the management of public and state affairs directly and through their representatives. through development and improvement.

Secondly, in accordance with Article 117 of the Constitution, “Citizens of the Republic of Uzbekistan have the right to elect and be elected to representative bodies of state power. Each voter has one vote. The right to vote, equality and freedom of expression are guaranteed by law. Elections shall be held by secret ballot on the basis of universal, equal and direct suffrage. Citizens of the Republic of Uzbekistan who have reached the age of eighteen have the right to vote”.<sup>iv</sup>

Third, according to Article 18 of the Constitution, “In the Republic of Uzbekistan, all citizens have the same rights and freedoms and are equal before the law, regardless of gender, race, nationality, language, religion, social origin, belief, personal and social status.”

Fourth, according to Article 4 of the Electoral Code of the Republic of Uzbekistan, “Elections of the President of the Republic of Uzbekistan, deputies of the Legislative Chamber and deputies of local Councils are general. Citizens of the Republic of Uzbekistan who have reached the age of eighteen on election day have the right to vote. “Citizens have equal suffrage, regardless of gender, race and nationality, language, religion, social origin, beliefs, personal and social status, education, type and nature of occupation.”

Mechanisms for the implementation of these political rights of our citizens enshrined in the Encyclopedia “On Local Government” (September 2, 1993), “On Referendum in the Republic of Uzbekistan” (August 30, 2001), “On transparency of public administration” (May 5, 2014), the Law “On Public Oversight” (April 12, 2018) and the Electoral Code of the Republic of Uzbekistan (June 25, 2019).

In particular, Article 7 of the Electoral Code of the Republic of Uzbekistan stipulates that free and secret ballot, inadmissibility of control over the will of voters, and the creation of appropriate conditions that exclude the possibility of any control over the will of the electorate.

According to Article 8 of the Electoral Code, the preparation and conduct of elections shall be carried out by election commissions in an open and transparent manner, election commissions shall inform citizens about their work, constituencies, precincts, voter lists, lists of political parties participating in elections. provide information on voting and election results.

The mass media shall cover the preparation and conduct of the elections, the meetings of the election commissions shall be open, their decisions shall be published in the mass media or made public in accordance with the law, in all events related to

the preparation and conduct of the elections. and observers from political parties, citizens' self-government bodies, other states, international organizations, and representatives of the mass media have the right to participate in the counting of votes.<sup>v</sup>

Also, election commissions and their members carry out their activities independently of any state bodies, public associations and officials. Interference in the activities of election commissions is not allowed. Electoral commissions and their members shall comply with the Constitution, the Electoral Code and other legislation in their activities.

Consideration of issues and decision-making in accordance with the national electoral legislation shall be carried out by the election commission in a collegial manner. Election commissions shall take necessary measures to ensure equal conditions for candidates and political parties to conduct their election campaigns, fair distribution of budget funds allocated for the preparation and conduct of elections, and fair voting and tabulation of results.

There are many examples of similar norms reflected in our national legislation, which are universally recognized in international law, which do not contradict the national interests and values of Uzbekistan. As Uzbekistan declares its commitment to human rights to the world, it has fully implemented the basic provisions of the Universal Declaration of Human Rights and other international instruments into national legislation.

The country's global prestige is largely dependent on the openness and democracy of its electoral system. Because elections are considered an integral part of a democratic state governed by the rule of law, with a strong civil society, free expression of the will of the people, the main form of participation of citizens in the management of society and state affairs. In the development of a democratic state, it is important that the relationship between the people and society is regulated by law, not by the will of one individual or group of individuals. Therefore, the rule of law is recognized as one of the main features of a democratic state governed by the rule of law. After all, it serves to ensure justice. This principle, which is included in the constitutions of developed democracies, is also enshrined in the Constitution of the Republic of Uzbekistan.

It is noteworthy that on this basis, our country has created a unique national system for ensuring and protecting human rights, and special national institutions have been established in this regard. Today, they are effectively working and making an effective contribution to the worthy protection of the rights of the people of the Republic of Uzbekistan, both at home and abroad. This is an expression of the fact

that such unique issues as honoring, respecting, protecting the rights and interests of man are among the eternal values ingrained in the blood of our people.

## References

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