

Modernization of Constitutional Justice in Uzbekistan: Institutional Transformation of The Constitutional Court In 2017–2024

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Abstract: This article analyzes the institutional transformation of the Constitutional Court of Uzbekistan in 2017–2024. The study focuses on the conceptual foundations of judicial reforms, renewal of the legal framework of constitutional justice, strengthening of human-rights safeguards, the practical impact of constitutional review under the 2023 Constitution, as well as digital modernization and international cooperation.

Keywords: Constitutional Court, constitutional review, constitutional justice, institutional transformation, 2023 Constitution, human rights, direct applicability, digitalization, procedural safeguards, international cooperation.

Introduction: The institute of constitutional justice is one of the central guarantee mechanisms of the rule of law, bringing the primacy of the Constitution from the declarative level to the level of a practical and legal “working norm”. In Uzbekistan, 2017–2024 is considered a period of increased substantive renewal, organizational improvement and harmonization with international standards of the institute of constitutional control.

Since 2017, reform of the judicial and legal system has become a priority area of state policy. In particular, the “Strategy of Actions” has defined a strategic approach to strengthening judicial independence, ensuring the rule of law and improving constitutional control.

At this stage, the following needs have become urgent in relation to the activities of the Constitutional Court:

- strengthening the institutional status of the court;
- clarifying powers and modernizing procedural procedures;
- making constitutional justice more accessible to citizens.

The Law No. O'PX-687 "On the Constitutional Court of the Republic of Uzbekistan", adopted on April 27, 2021, was of particular importance in updating the

organizational and legal foundation of constitutional justice. This document redefined the status, powers and principles of the Constitutional Court, strengthening the binding nature and procedural clarity of court decisions. The most important innovation of this Law is the strengthening of the right of citizens and legal entities to file a complaint with the Constitutional Court.

Based on the experience of constitutional courts of foreign countries, the scope of the right of citizens and legal entities to appeal to the Constitutional Court in case of violation of their rights by the law applied in a particular case has been clearly defined. Citizens and legal entities may appeal to the Constitutional Court: if the law violates the constitutional rights of a citizen or legal entity, as well as if it was applied in a particular case and the consideration of the case in court has been completed. That is, citizens and legal entities may only file complaints about the violation of their constitutional rights by the law. Such complaints are filed no later than one year from the date of completion of consideration of the case, after all other protective measures of the court have been applied.

The scope of subjects having the right to appeal to the Constitutional Court has also been expanded. While in

the previous law 11 subjects had the right to submit a case to the Constitutional Court, in the new version of the law 14 subjects were granted such a right. In particular, the following entities were included in the list of entities with the right to appeal to the Constitutional Court:

The Deputy Ombudsman of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman) - Ombudsman for the Rights of the Child;

The National Center for Human Rights of the Republic of Uzbekistan;

The Ombudsman for the Protection of the Rights and Legitimate Interests of Business Entities under the President of the Republic of Uzbekistan.

The inclusion of these entities in the scope of constitutional control subjects undoubtedly became an important factor in further enhancing the role of the Constitutional Court in the field of protection of human rights and freedoms.

In the constitutional courts of foreign countries, the practice of introducing issues by judges of the Constitutional Court is rare. Therefore, the updated law abolished the right to introduce issues on the initiative of judges of the Constitutional Court. This, in turn, served to ensure the impartiality of judges in relation to the issue under consideration.

During this period, within the framework of the "New Uzbekistan" concept, reforms in the state administration and judicial system were also explained theoretically and methodologically. This, on the one hand, served as a practical implementation of constitutional values, and on the other hand, as a conceptual justification for the modern model of constitutional control.

The new version of the Constitution, adopted by referendum on April 30, 2023, brought constitutional control to a qualitatively new level. It placed special emphasis on the principles of the supreme legal force, direct application of the Constitution, and the inviolability of human rights.

As a result, the decisions of the Constitutional Court have become more and more important as a methodological guiding factor in the practice of law enforcement; the share of the approach based on constitutional criteria has also increased in the activities of courts of general jurisdiction.

In 2024, the direction of increasing the accessibility of constitutional justice has become even more pronounced: electronic appeal mechanisms, information solutions that ensure openness and transparency have emerged as factors for increasing the institutional efficiency of constitutional justice.

In the international arena, the Constitutional Court of Uzbekistan has actively participated in global and regional networks of constitutional justice, expanding the exchange of experience through membership in the WCCJ and cooperation within the AACC. Also, regional programs and expert platforms in the direction of the Venice Commission have increased the opportunity to harmonize constitutional reforms with international standards.

CONCLUSION

2017–2024 was a period of institutional renewal and substantive transformation of constitutional justice in Uzbekistan. The formation of a strategic approach (2017–2020), modernization of the regulatory framework (2021–2022), a new version of the Constitution (2023), as well as digital modernization and expansion of international integration (2024) further strengthened the Constitutional Court as a central institution strengthening constitutional statehood.

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