

## Main Trends in the Development of Modern National Law

*Kostin Sergey Andrevich*

*PhD in Law, Moscow state institute international relations (university)*

*Kudryavtsev Igor Vladimirovich*

*Acting Professor of the Department of "Theory of the state and law" of Tashkent State Law University*

**Abstract:** *Article is about the main trends in the development of modern national law. And also, this article explores aspects, concepts, types of modern national law.*

**Keywords:** *law, state, normative, history, theory.*

In the history of mankind, there are many significant dates worthy of attention. This year marks the 70th anniversary of the adoption of the Universal Declaration of Human Rights. Such an act in the field of human rights was adopted by the UN General Assembly on December 10, 1948 for the first time in history. The fundamental principles recognized as inalienable rights for every person are reflected in the national legislation of the countries that have acceded to this international document. By the Decree of the President of the Republic of Uzbekistan **"On the program of events dedicated to the 70th anniversary of the adoption of the Universal Declaration of Human Rights"** dated May 5, 2018, a wide range of events dedicated to this significant date is planned. During the years of independence, Uzbekistan has acceded to more than 70 major international instruments in the field of human rights protection and assumed responsibility for their successful implementation. It is noteworthy that Uzbekistan acceded to the Universal Declaration of Human Rights in September 1991 - the year of gaining state independence.

The preamble of the Constitution of our country enshrined universally recognized international norms. They, in turn, are further developed and specified in sectoral legislation - civil, labor, family, criminal and other codes. In our country, an intensive process of bringing legislation into a system is underway, it continues to be updated on fundamentally different principles, designed to promote the development of a market economy, the formation of civil society, the formation and strengthening of the rule of law. We can say that Uzbekistan, which has become a full member of the international community, opens up broad prospects in the field of lawmaking and the protection of human rights. One of the main objects of government attention is the inclusion of international standards in the scope of national legislation. In this regard, the country has made significant progress.

For example, the provision of the declaration that the family is the basic unit of society and has the right to be protected by society and the state is contained in the first part of Article 63 of the Constitution, and is also a fundamental norm of the Family Code of the Republic of Uzbekistan. The provision of the declaration that motherhood and infancy have the right to special care, and that all children born in wedlock or out of wedlock should enjoy the same social protection, is also enshrined in our Constitution. The Basic Law says: "Children are equal before the law, regardless of the origin and civil status of the parents." Motherhood and childhood are also protected by the state. The Family Code includes norms directly devoted to the rights of minor children - the right to live and be brought up in a family (Article 65), the right to protection (Article 67), private property of children in

a family (Article 93) and others. The Law on Guarantees of the Rights of the Child, which entered into force on January 8, 2008, is the first legal act in the field of children's rights in Uzbekistan. This is one of the most important events in the history of legislation. Its legal basis is the Convention on the Rights of the Child, adopted in 1989 by member states of the international community.

One of the provisions of the Universal Declaration of Human Rights states: "Marriage may be entered into with the free and full consent of both parties to the marriage." The principles of freedom and voluntariness of marriage are also enshrined in our Constitution and have been specified in the Family Law. One of the conditions for entering into marriage, the declaration established the age of majority, and this provision is reflected in the Family Code of our country.

Article 7 of the declaration proclaims that all people are equal before the law and are entitled, without any distinction, to the equal protection of the law. This means that both the provisions of the declaration as a norm of international law and the national laws of the state are the same for everyone, everyone is equal before them without any distinction: race, nationality, gender, language, religious, political and other beliefs, social origin, property, official or other status. Everyone is granted the same right to protect their interests, including the right to judicial protection.

Article 8 of the Universal Declaration of Human Rights states: "Everyone has the right to an effective remedy by competent national courts in cases of violation of his fundamental rights granted to him by the Constitution and the law." The purpose of the ongoing judicial and legal reforms, first of all, is to ensure constitutional human rights and freedoms, harmony and stability in society. The country's leadership is taking measures to further democratize, liberalize the judicial and legal system, increase the authority of the court, ensure the execution of court decisions and qualified legal assistance.

The right to judicial protection of interests is even more specified in paragraph 4 of Article 9 of the International Covenant on Civil and Political Rights, adopted by the UN General Assembly on December 16, 1966: "Everyone who is deprived of his liberty by arrest or detention has the right to have his case heard in court so that that court may rule without delay on the lawfulness of his detention and order his release if the detention is unlawful." Since the norms of international law are included in the system of legislation of the Republic of Uzbekistan and their authority is recognized in the Preamble of the Constitution, the right to protect one's interests deserves, of course, broad and comprehensive provision.

**The right of citizens to appeal is one of the important factors in ensuring and effectively protecting human rights and is provided for in accordance with Art. 35 of the Constitution of the Republic of Uzbekistan.** In the legislation of our country, this issue is given a special place; the principles for its implementation are defined. One of the priorities was to ensure the transparency of the activities of state bodies - this is the only way to achieve the effective work of all links. In order to open public access to public services, electronic portals and databases have been created. In particular, the website [www.license.gov.uz](http://www.license.gov.uz) - to simplify the procedure for obtaining permits and licenses, and [birdarcha.uz](http://birdarcha.uz) - to ensure the provision of public services on the principle of "one window". As a result, the number of procedures that, for example, a business entity wishing to register its business had to go through was reduced by four times, and the time required for registration was reduced to 30 minutes.

Since 2003, the registration of business entities on the principle of "one window" was carried out by inspections for the registration of business entities under the khokimiyats of districts. And in 2016, on the basis of inspections, Unified Centers for the provision of public services to business entities on the principle of "one window" were formed. A further step was the transfer from February 1, 2017 of these centers from the structure of district khokimiyats to the jurisdiction of the Ministry of Justice

of the Republic of Uzbekistan. As a result, the number of public services provided by the centers has increased.

**“Everyone has the right to freedom of opinion and expression,” the declaration reads. This right includes the ability to profess a religion or belief of any kind of one’s choice. This provision is enshrined in our Constitution, which guarantees freedom of conscience, as well as in the Law on Freedom of Conscience and Religious Associations.** Currently, 16 confessions function in Uzbekistan. Their legal status is regulated in accordance with the norms and general principles of international law and the national legislation of the republic.

In order to implement international provisions, in particular the declaration, after gaining independence, by decree of the President, the first days of the religious holidays Ruza-Hayit and Kurban-Hayit were declared days off.

As you know, since the adoption of the Universal Declaration of Human Rights, the UN has constantly appealed to the governments of all states with calls to inform the public about human rights, to disseminate the texts of international documents in educational institutions. The promotion of human rights, which is characteristic of the state policy in our country, has received practical implementation in the government decision to introduce the subject "Human Rights" into the curricula of educational institutions. The ever-increasing interest in the problem of human rights, its relevance, the need for a wide dissemination of knowledge in this area attach particular importance to the training of personnel who could successfully deal with these issues.

The provisions of the declaration are designed to ensure the interests of man, because it concisely and clearly reflects, concentrates all fundamental rights and freedoms. Therefore, everyone should know the provisions of this document; use them in order to live with dignity, nobility and happiness.

It is the free development of a person, his ability to self-determine, the consciousness of the value of the human personality that is the key to the successful building of a civil society and the further prosperity of our state. The legal system of any state cannot be considered out of touch with other national legal systems and with international law. Such a “legal triangle” serves as a common legal space in which various normative legal arrays interact, collide, and coexist.

Moreover, in this relationship there is a lot of stable and natural, contradictory and random. It is based on common integrative processes, strengthening cooperation between states in the economic, social, cultural and other spheres.

The Constitution of Uzbekistan of 1992, giving international law an important place in the legal system (Article 17), determined the close contact of the Constitutional Court of the Republic of Uzbekistan with international law. The point is that, according to Art. 109 of the Constitution of Uzbekistan, the Constitutional Court of the country determines the conformity of the Constitution of interstate treaties. The generally recognized principles and norms of international law in the practice of the Constitutional Court act as important criteria for the constitutionality of laws contested in the Court and other normative legal acts falling under its jurisdiction. And international legal regulation. Today, almost any branch of legislation is connected with international treaties. In state law, these are the constitutional foundations of foreign policy, the competence of the highest bodies of state power in the field of international relations, the regulation of citizenship, the rights and freedoms of the individual. In civil and family law, civil procedure, these are both traditional issues of private international law, issues of providing legal assistance in civil and family cases, as well as issues of improving foreign economic relations that have received particular relevance, in criminal law and criminal procedure - multifaceted aspects of cooperation in the fight against crime, providing legal assistance in criminal cases.

The Constitution of Uzbekistan in 1992 adopted a set of principles and norms of international law from the UN Charter, the Universal Declaration of Human Rights of 1948 and other international human rights covenants, from the Helsinki Final Act, the Paris and Madrid Charters. This approach is especially pronounced not only in Chap. IV "Foreign Policy" of the Constitution, but also in its Preamble, Section Two "Fundamental Rights, Freedoms and Duties of Man and Citizen" and Section Three "Society and Personality", in Ch. XXIII "Electoral system", ch. XXII "Judicial power of the Republic of Uzbekistan", ch. XXVI "Defense and Security".

For the first time in the history of Uzbek law, the Constitution of Uzbekistan proclaims the priority of universally recognized norms of international law over domestic ones. This fully corresponds to the general trend in resolving the issue of the relationship between domestic and international law, reflecting the increased role of the latter in the second half of the 20th century.

**The National Center of the Republic of Uzbekistan for Human Rights prepared information under the heading “New Uzbekistan and Human Rights”.** It highlights the main directions of state policy for the period 2018-2019. on the implementation of personal, political, economic and social rights, the development of national human rights institutions and the role of civil society institutions in their protection, the initiatives of Uzbekistan in this area in the international arena, the implementation of the provisions of international treaties. A detailed report was given on the work done in recent years to ensure the implementation of international obligations in the field of human rights, the creation of a legislative and institutional framework for the observance and protection of the rights and freedoms of citizens, the formation of a system for monitoring the observance of constitutional human rights and freedoms, the development of cooperation with international and regional mechanisms for their protection. Systemic problems in the field of implementation of international human rights treaties are indicated, which negatively affect the effective implementation of international standards, ensuring reliable protection of the rights and freedoms of citizens, which hinders the effective implementation of democratic reforms and the sustainable development of the national model for the protection of human rights.

In order to effectively fulfill the obligations arising from international treaties of the Republic of Uzbekistan in the field of human rights, comprehensive solutions are offered. In order to improve the mechanism of protection, it is proposed to adopt the National Strategy of the Republic of Uzbekistan on human rights, improve legislation to ensure rights based on the recommendations of international and regional organizations, develop education in the field of human rights, etc. Preparation of information by the NCHR on the implementation of international treaties in the field of human rights and human freedoms are implemented in accordance with **the Decree of the President of the Republic of Uzbekistan “On improving the activities of the National Center of the Republic of Uzbekistan for Human Rights” dated December 10, 2018.**

In Uzbekistan, the issues of observance and protection of human rights are one of the priorities of the state policy. Today, the country has formed its own model of systematic and phased implementation of international human rights standards in national legislation and law enforcement practice.

The large-scale reforms carried out over the years of independence have laid a solid foundation for national statehood and sovereignty, ensuring security and law and order, the inviolability of state borders, the rule of law, human rights and freedoms, interethnic harmony and religious tolerance in society, created decent living conditions for the population and the realization of the creative potential of citizens.

Rejection of administrative and command management of the economy, phased implementation of market reforms and prudent monetary policy contributed to ensuring macroeconomic stability, high economic growth rates, keeping inflation within forecast limits, creating broad opportunities and

favorable conditions for the development of small businesses and private entrepreneurship, the farming movement .

At the same time, a comprehensive analysis of the past stage of the country's development, the changing conjuncture of the world economy in the context of globalization and increasing competition require the development and implementation of radically new ideas and principles for further sustainable and advanced development of the country.

**Among the priority areas for improving the national legal system, as well as the system of state and public construction of the Republic of Uzbekistan, the following should be mentioned:**

**1. Further strengthening the role of the Oliy Majlis, political parties in deepening democratic reforms and modernizing the country:**

strengthening the role of the Oliy Majlis in the system of state power, further expanding its powers in solving the most important tasks of the country's domestic and foreign policy, as well as in exercising parliamentary control over the activities of the executive branch;

fundamental improvement in the quality of law-making activities aimed at strengthening the influence of adopted laws on the course of socio-political, socio-economic, judicial and legal reforms;

Development of the political system, strengthening the role of political parties in the life of the state and society, the formation of a healthy competitive environment among them.

**1. Reforming the public administration system:**

Reforming the system of public administration and civil service through the decentralization of public administration, increasing the level of professional training, material and social security of civil servants, as well as the gradual reduction of state regulation of the economy;

Introduction of modern mechanisms of public-private partnership aimed at increasing the effectiveness of mutually beneficial cooperation in the implementation of the tasks of the socio-political and socio-economic development of the country;

ensuring the openness of the activities of public authorities and administration, the introduction of modern forms of providing information regarding the rights, freedoms and legitimate interests of individuals and legal entities;

Improvement of the "Electronic government" system, increasing the efficiency, quality of provision and accessibility of public services for the population and business entities.

**3. Improving the system of public administration:**

Introduction of effective mechanisms for dialogue with the people;

Development of modern forms of public control, increasing the efficiency of social partnership;

Development of civil society institutions, increasing their social and political activity;

Increasing the importance and effectiveness of the mahalla institution in public administration;

Strengthening the role of the media, protecting the professional activities of journalists.

Law as an important regulator of social relations plays a significant role in legislation. First of all, the role of law as a fundamental value in society is revealed in the adopted Basic Law - the Constitution. The Constitution of the Republic of Uzbekistan, adopted in 1992 and marking the emergence of a new independent state - the Republic of Uzbekistan, in its Preamble emphasizes: "confirming its loyalty to the ideals of democracy and social justice, it sets the task of creating a humane democratic state of law."

Analyzing the meaning and importance of law in society, it is necessary to pay attention to the principles of law, since they reflect the main purpose of law. The principles of law are objectively determined by the nature of social relations on which a certain system of law is based. Each system of social relations is regulated not arbitrarily, but in accordance with objective requirements that are reflected in the system of law and constitute its essence.

The nature and universal recognition of the principles of a particular legal system cannot be determined in isolation from the socio-economic conditions, the structure and content of state power, the principles of building and functioning of the entire political system of society, the harmonious development of the individual, where the generally binding principles of law act as an objective basic criterion of law, without binding to the national or international system of law.

Our country, like other democratic countries, is on the verge of the formation and approval of a single, integral, meaningful concept of generally recognized principles of law, their place and role in the legal system. That is why one of the main tasks of modern legal science in the Republic of Uzbekistan is the conceptual theoretical development and in-depth study of this problem.

I would especially like to emphasize that the above principles of law acquire particular urgency and relevance in a pandemic. The spread of COVID-19 and its impact on all aspects of the social life of society poses many challenges for the state. Following principles such as justice, humanism and legality in the distribution of material assistance to the population, the organization of medical care for the sick, the implementation of quarantine measures is a positive moment in the implementation of the main tasks of government bodies.

Adoption by the President of the Republic of Uzbekistan Sh.M. Mirziyoyev of the Decree "On additional measures to prevent the widespread spread of coronavirus infection in the Republic of Uzbekistan" dated March 26, 2020, decrees "On priority measures to mitigate the negative impact on the sectors of the economy of the corona virus pandemic and global crisis phenomena" dated March 26, 2020 March 20, 2020 and "On additional measures to support the population, economic sectors and business entities during the corona virus pandemic" dated April 3, 2020 once again proves that the general principles of law are more relevant than ever.

Having set today the task of building a developed civil society and the rule of law, it should be clearly understood that there is a difficult path ahead of the formation of legal consciousness and legal thinking, based on the close connection between civil society and stable law. The creation of a strong rule of law state and civil society at the present stage based on generally recognized principles of law is the desire to improve the legal system, make it flexible and receptive to international legal processes, and balance the legitimate interests of the individual, society and the state.

Various kinds of conflicts arise between the social institutions of society, the legal system of the state must adequately respond and resolve them based on the accepted concept of generally recognized principles of law.

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