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**Constitutional modernization and effectiveness of constitutional justice  
in Uzbekistan: institutional and procedural decisions**

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**Abstract:** The article is devoted to the study of modern areas of increasing the efficiency of the Constitutional Court of the Republic of Uzbekistan in the context of the constitutional modernization of 2023. Based on the analysis of regulatory sources, judicial practice and comparative legal material, new proposals have been formulated to improve the status and procedural instruments of the Constitutional Court, which go beyond the previously proposed measures. The research revealed such problems of the functioning of the court as limited procedural access of citizens and courts of lower level, the lack of temporary interim measures and an effective mechanism for the execution of decisions, insufficient involvement of external expertise, as well as a shortage of personnel and analytical resources. This study justifies the need for legislative consolidation of the right of the Constitutional Court to temporarily suspend the contested norms pending a decision on the merits, the introduction of a package of measures related to the deferred loss of force of acts recognized as unconstitutional and mandatory execution procedures. It is proposed to institutionalize the participation of external experts (amicus curiae), introduce a pilot constitutional resolution procedure to eliminate repeated structural violations, and create a digital platform for an open register of decisions with neutral quotes and execution statistics. Additionally, the expediency of publishing a dissenting opinion of judges, the formation of a stable budget and personnel base for the independence of the court, as well as the introduction of a mandatory constitutional certificate for each bill and algorithmic monitoring of regulations for compliance with the Constitution. The implementation of the proposed measures will make it possible to transfer the Constitutional Court of Uzbekistan to a proactive model that ensures preliminary constitutional control, strengthens institutional independence, and increases public confidence in constitutional justice.

**Keywords:** constitution, constitutional control, constitutional justice, constitutional court, efficiency, improvement.

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## **Introduction**

The constitutional modernization of Uzbekistan (the new version of the Constitution, adopted at a referendum on April 30, 2023) set higher standards for the protection of rights and the rule of law and thereby increased the requirements for the effectiveness of constitutional control. However, the current architecture of access to constitutional justice is still limited: there is no full individual constitutional complaint, the circle of subjects of appeal does not meet international standards, and the practice of transparency and monitoring of the implementation of decisions is not sufficiently developed. This reduces the potential of the Constitutional Court as a guarantor of the supremacy of the Constitution and weakens the connection between declarative norms and actual law enforcement reality.

The relevance of the topic is justified by the fact that after the adoption of the new version of the Constitution of 2023, the institution of constitutional control in Uzbekistan was at the center of key legal and political transformations. The practical implementation of the updated constitutional principles (the rule of law, the protection of individual rights and freedoms and the separation of powers) depends on how effectively the Constitutional Court will function. In such conditions, a substantive analysis of the factors that determine the real effectiveness of constitutional justice is required. We are talking, firstly, about institutional and regulatory factors (the status of a constitutional control body, the circle of subjects of appeal, the presence/absence of an individual complaint); secondly, on procedural indicators (transparency of procedures, standards of motivation, timing and predictability of consideration); thirdly, on factors related to the execution of decisions (monitoring and law enforcement mechanisms); fourthly, on comparative legal aspects (comparability of applicable models and practices).

The current constitutional procedure in Uzbekistan remains rather complex and limited. Citizens and organizations cannot directly apply to the Constitutional Court to protect their rights if they believe that any law or other normative act contradicts the Constitution. Such an appeal is possible only through certain bodies, for example, through parliament, the President or the Supreme Court. This situation leads to the fact that the Constitutional Court often works with initiatives from above, and not with problems that come from the real life of society. In scientific publications, Uzbek researchers call this phenomenon institutional inertia, when the created institution exists formally, but does not fully fulfill its functions [1; 2]. In fact, the court becomes not an active guarantor of the Constitution, but a reactive body, whose activities are limited to appeals from state actors, and not from citizens. Against the background of a regional discussion on the model of a constitutional complaint (international conference in Samarkand, May 2023, together with the Venice Commission) and literature on the problem of judicial control in Central Asia, the choice of a trajectory for strengthening the effectiveness of the Constitutional Court is updated for Uzbekistan, from the possibility of ensuring citizens' access to constitutional justice to internal standards of motivation and execution. A comparative analysis of modern models of constitutional justice (centralized, decentralized, hybrid) is important, showing their strengths and weaknesses and suitability for the tasks of post-Soviet law and order [3; 4].

The purpose of the study is a comprehensive justification of the status of the Constitutional Court of the Republic of Uzbekistan and the development of recommendations to increase the efficiency of the constitutional justice body in the context of the constitutional modernization of 2023, based on legal specifics and relevant comparative experience.

## **Materials and methods**

The study is based on a combination of regulatory, doctrinal and comparative legal approaches, which make it possible to comprehensively consider ways to increase the efficiency of the Constitutional Court of the Republic of Uzbekistan in the context of the constitutional modernization of 2023.

As a regulatory framework, the following were used: the Constitution of the Republic of Uzbekistan as amended on April 30, 2023, the Constitutional Law of the Republic of Uzbekistan "On the Constitutional Court of the Republic of Uzbekistan" dated April 27, 2021, judicial legal acts and clarifications, materials of international organizations, including documents of the Venice Commission of the Council of Europe («Models of Constitutional Complaints in Central Asian Countries», Samarkand, 2023).

The methodological basis of the study is a set of methods:

– comparative legal method used to compare institutional models of constitutional justice. This approach made it possible to determine which elements of foreign models apply to the Uzbek legal system;

– formal legal analysis aimed at identifying gaps and conflicts in the current constitutional norms governing the procedure for appeal, competence and execution of decisions of the Constitutional Court of the Republic of Uzbekistan;

– doctrinal and interpretative method used in the analysis of scientific publications of Uzbek scientists [1; 2; 5] and regional comparative works [6; 7];

– content analysis method used in the study of statistics and thematic publications on the activities of the Constitutional Court of the Republic of Uzbekistan for 2021-2025, including official reports and media materials;

– a comparative historical approach that made it possible to trace the evolution of the institution of constitutional justice in Uzbekistan from the moment of its formation in the 1990s to the perception of modern standards of constitutional control.

The combination of these methods provided a systematic analysis of the institutional and procedural aspects of the functioning of the Constitutional Court of the Republic of Uzbekistan, and also made it possible to highlight the criteria for the effectiveness of the constitutional control body, understood as the ability of the court to timely, independently and convincingly ensure the supremacy of the Constitution and the restoration of violated rights.

## **Results and Discussion**

The modern scientific discussion on the constitutional justice of Uzbekistan is concentrated around the main topics: regulatory and institutional architecture and the evolution of the status of the Constitutional Court; access to constitutional justice and procedural formalities; actual independence and effectiveness of decisions, including transparency and execution. The Constitution of the Republic of Uzbekistan, as amended in 2023, consolidated the supremacy of the Basic Law, expanded human rights and freedoms and concretized judicial institutions [8]. The Special Constitutional Law "On the Constitutional Court of the Republic of Uzbekistan" No. ZRU-687 dated April 27, 2021, defines in detail the goals, competence, subject matter of appeals and the annual reporting of the constitutional justice body on the state of constitutional legality

[9]. The official website of the Constitutional Court confirms its status as a permanent judicial authority for checking the constitutionality of acts and official interpretation [10].

One of the relevant reviews of the development of this institute is O.V. Brezhnev's article "The Development of the Institution of Constitutional Justice in the Republic of Uzbekistan: Problems of Theory and Practice," in which the author systematizes the main trends, noting that at the stage of the institute's formation there was a declarative consolidation of powers without adequate judicial practice [11]. Uzbek scientists emphasize that the effectiveness of constitutional control is largely determined by the architecture of access to the body of constitutional justice. They have formulated and substantiated important theses that the limited direct access of citizens reduces the corrective ability of constitutional control; on the need for clearer regulatory consolidation and procedural accessibility, which correlates with the current reform of 2023 [1; 2].

An important indicator is the international agenda. The Venice Commission, together with the Constitutional Court of the Republic of Uzbekistan, held a regional conference on models of constitutional complaint for Central Asian countries in Samarkand on May 25-26, 2023, where European models and their adaptation were discussed [12]. Directories and reviews (for example, GlobaLex/NYU) record the very fact of the entry into force of the new version of the Constitution on May 1, 2023, and confirm the institutional restructuring of the judicial branch of government, which sets a high demand for the effectiveness of the Constitutional Court [12].

The norms of the Constitutional Law on the Constitutional Court of the Republic of Uzbekistan provide for the annual submission to the Parliament and the President of information on the state of constitutional legality, however, the literature indicates the need to further systematize public statistics and monitor the implementation of decisions as a condition for the preventive effect of constitutional control. Such conclusions are contained in doctrinal publications of recent years and are confirmed by general descriptions of the powers of the Constitutional Court in the reference books of the CIS and the Asian Association of Constitutional Courts [14].

Until 2023, citizens' access to the Constitutional Court was mainly indirect - through authorized entities (President, chambers of the Oliy Majlis, Supreme Court, Ombudsman, etc.). With this design, a significant part of burning interests and disputes did not reach the Constitutional Court, which reduced the effectiveness of the body to ensure compliance of legislation with the constitution. Institutional inertia was stated when the institution formally exists, but its potential is not fully used due to the limited circle of subjects of circulation. The new norm of the Constitution, as amended in 2023 on a complaint after exhaustion of remedies is a positive shift; however, its practical implementation (standards of acceptability, scope of verification) requires development in procedural practice and explanations of the Constitutional Court.

As for the transparency of the court and the execution of its decisions, there is a system for publishing decisions, but unified public monitoring of execution and reporting in the public domain are limited. This trend is characteristic of the constitutional control bodies of some countries: the preventive effect of control and the qualitative connection of the Constitutional Court with the regulator and courts of general jurisdiction are decreasing. It is no coincidence that the law provides for annual information on the state of constitutional legality as a tool for a systematic dialogue with society.

Constitutional Law No. LRU-687 of April 27, 2021, systematized the competence of the Constitutional Court and introduced a regular feedback tool - annual information on the state of constitutional legality, which is addressed to the President and Parliament. This is an institutional mechanism designed to ensure the execution of decisions of the Constitutional Court.

The constitutional reform of 2023 strengthened the status of the Constitutional Court in terms of ensuring the final decisions, binding and secured the possibility of a citizen/legal entity's complaint against the law applied in a particular case after the completion of the trial and the exhaustion of other remedies.

The introduction in the Constitution of Uzbekistan in 2023 of a norm allowing a citizen or a legal entity to appeal a law applied to them by a court in a particular case after exhausting all judicial remedies is an important but balanced step in the development of a national model of constitutional justice. This mechanism, which in the scientific literature is called a derivative constitutional complaint, actually brings the Uzbek system closer to the classical model of individual complaint adopted in the countries of continental Europe, but at the same time maintains its institutional balance.

The essence of this format is that the Constitutional Court does not replace the courts of general jurisdiction and does not revise judicial acts on the merits, but only evaluates the constitutionality of the applied norm. Appeal is allowed only after the completion of all stages of ordinary legal proceedings and provided that the controversial rule was actually applied in resolving a particular case. Thus, a citizen gets the opportunity to protect their constitutional rights not only within the framework of cassation or supervision, but also in the case when the violation is associated with the very content of the law, and not with the errors of the court. Such a decision expands citizens' access to constitutional justice and gives the court a more pronounced human rights function, but at the same time prevents it from becoming a fourth court, which reviews the factual circumstances of cases. The Constitutional Court remains a regulatory control body, not an appeal structure. This is the evolutionary nature of the reform, when a centralized model of constitutional control is maintained, in which the Constitutional Court checks laws for compliance with the Constitution, but at the same time opens up a real, specific and personalized appeal mechanism for citizens.

Such a solution provides a compromise between two goals - expanding access to constitutional protection and maintaining the functional autonomy of ordinary courts. It allows you to gradually form a stable practice of individual appeals, creating a legal basis for the future transition to a full-fledged model of an individual constitutional complaint, in which each citizen will be able to directly initiate an audit of the law that violates their rights.

In parallel, the Constitutional Court continues to point out the uncertainties of the new regulatory environment. So, on July 23, 2024, the Constitutional Court adopted Resolution No. CCR-3, interpreting Part 1 of Art. 86 of the Constitutional Law «On the Constitutional Court of the Republic of Uzbekistan». The reason was the appeal of the National Center for Human Rights, and the public report emphasizes the role of the Constitutional Court in clarifying the procedures for its own activities, which increases predictability for applicants and authorities.

In general, there is a single logic. At an early stage, the Constitutional Court took measures to exclude the substitution of laws with by-laws and ensured uniformity of practice. Since the second half of the 2000s, the Constitutional Court has systematized approaches to the hierarchy of sources and international obligations. In 2021 - 2024, institutional strengthening is observed and finds expression in the preparation of annual reports and explanations. The problem of scalability of access remains unresolved, but the accumulated array of cases shows that the explanatory and corrective functions of the Constitutional Court are not a declaration, but a working tool for leveling the legal system.

Despite the fact that after the constitutional reform of 2023, the Constitution and the Law «On the Constitutional Court of the Republic of Uzbekistan» enshrine the possibility of a citizen or legal entity appealing against the law applied to him by the court after the completion of the consideration of the case and the exhaustion of all other means of judicial protection, this mechanism remains partially mediated. In fact, this is a derivative complaint filed not directly against the law, but through the fact of its application in a specific lawsuit. However, the law under consideration does not provide for a direct mechanism for lower courts to request the constitutionality of the norm applied in a particular case. Appeal is possible only through the Supreme Court, which significantly limits the intensity of interaction between the courts of general jurisdiction and the Constitutional Court. Such a model prevents the formation of proper interaction between the levels of the judicial system and reduces the speed of response to constitutionally significant issues. The introduction of a direct channel from the courts of first instance and appeals contributes to strengthening the preventive potential of constitutional control.

The legislation on the Constitutional Court provides for its obligation to annually submit to both chambers of the Oliy Majlis and the President a report on the state of constitutional legality, but does not provide for effective instruments to monitor the implementation of decisions made. In foreign practice, such instruments include the delayed loss of force of an act recognized as unconstitutional, the preparation of plans to bring legislation into line with the Constitution, the appointment of responsible bodies and the establishment of deadlines for execution. There are no such mechanisms in Uzbek legislation as a means of restoring a violated right. As a result, the decisions of the Constitutional Court, although they are binding, are implemented in a fragmented form by different departments without a single coordination center, which weakens their legal effect.

The Constitution and the Constitutional Law «On the Constitutional Court» grant the court the right to make proposals on the adoption or amendment of laws aimed at eliminating the revealed contradictions to the Basic Law. However, this right is not actually used. There is no institutional link between the Constitutional Court and Parliament at the stage of preparing regulations. The Constitutional Court rarely initiates preventive measures to prevent the contradiction of draft laws with the Basic Law. The creation of a permanent consultative channel between the Constitutional Court and the legal unit of the Oliy Majlis would make it possible to turn this right from a formal into a practical tool for preventing legal conflicts.

The national legislation of Uzbekistan does not have a procedure for attracting independent specialists and public organizations to consider cases. The absence of such a mechanism in Uzbekistan makes it impossible for the Constitutional Court to use expert knowledge and reduces public involvement in the constitutional control process. The introduction of a procedure for submitting opinions by third-party experts and organizations would increase the quality of the argumentation of decisions and the level of public confidence.

The Law on the Constitutional Court does not provide for the possibility of temporary suspension of the contested normative act until a final decision is made. The absence of such a mechanism makes constitutional protection effective - rights are restored after their violation, and not prevented in advance. The introduction of procedural rules on the suspension of controversial provisions in exceptional cases would ensure the real preventive nature of constitutional control.

Although the Constitution and laws guarantee the independence of judges, in practice, it still depends on organizational and financial conditions. Financing of the Constitutional Court is

carried out through the general state budget without a fixed item of expenditure, which makes the planning of its activities unstable.

The selection of judges is carried out with the participation of the President and the Senate, which requires additional procedural guarantees of impartiality - public competitions, open criteria for professional qualifications and the exclusion of political influence. Strengthening personnel and budgetary autonomy will make it possible to implement the principle of actual, not just formal, independence of constitutional justice.

Limited procedural access, poor implementation of decisions, insufficient involvement of external expertise and limited institutional resources remain complex problems of the status and instruments of the Constitutional Court of the Republic of Uzbekistan. The solution of these tasks is possible through the consistent strengthening of procedural independence, the digitalization of law enforcement analytics and the creation of sustainable channels of interaction between the Constitutional Court, courts, parliament and civil society. This will allow the Constitutional Court to move from passive conflict resolution to a full-fledged function of preventing violations of the Constitution and systematically strengthening constitutional legality.

An important area for improving the effectiveness of the Constitutional Court of the Republic of Uzbekistan is the development of mechanisms for the execution of its decisions. Currently, the Constitution and the Law «On the Constitutional Court of the Republic of Uzbekistan» provide for the binding nature of the Court's decisions and its annual obligation to inform the President and both chambers of parliament about the state of constitutional legality. However, the legislation does not contain specific means of ensuring the implementation of decisions and does not determine the procedure for monitoring their implementation. This leads to the so-called gap between the decision and the actual elimination of the identified violation, which reduces the overall legal effect of constitutional control.

For systemic and repeated violations detected during constitutional control, it is advisable to introduce a pilot constitutional resolution mechanism. Its essence lies in the fact that in standard cases reflecting the same structural problem (for example, repeated errors in the interpretation of legal norms), the Constitutional Court adopts a single decision establishing specific measures to eliminate the source of the violation. In the decision, the Constitutional Court can determine the time frame for the adoption of the relevant amendments to the legislation, instruct the responsible departments to prepare corrective acts, and also temporarily suspend the consideration of similar cases until the identified discrepancy is eliminated. The introduction of pilot decisions will provide a more prompt response to systemic dysfunctions of the legal system and will avoid many of the same types of appeals. Instead of dozens of repeated decisions, the Constitutional Court will be able to concentrate resources on the development of comprehensive structural remedies. This will strengthen the regulatory and preventive function of the Court and bring the national model closer to modern international standards of constitutional justice.

An important area for improving the procedural status of the Constitutional Court of the Republic of Uzbekistan is the legislative consolidation of the right of judges to express and publish dissenting opinions. In the current law, there is no direct permission to publish such opinions, which makes the position of the court formally unanimous even in cases where there were disagreements during the discussion. The introduction of a norm allowing the publication of individual opinions, both special, expressing disagreement with the decision, and coinciding

with the result, but differing in motivation, corresponds to the world practice of constitutional justice. For the Uzbek legal system, this would be a step towards forming a mature culture of legal dialogue and increasing public confidence in the judiciary.

The proposed procedural and organizational innovations are fully consistent with the current constitutional and legal structure of Uzbekistan. The Constitution and the Law on the Constitutional Court already provide for elements that can become the basis for the introduction of new instruments: a derivative constitutional complaint, a mechanism for the Supreme Court to apply for specific control, an annual report on the state of constitutional legality and the right to legislative initiative of the Constitutional Court.

These provisions create the legal basis for the development of the proposed measures, from the introduction of temporary interim decisions and enforcement mechanisms to the institution of *amicus curiae*, pilot decisions, digital transparency and personnel and financial independence of the court. Consequently, the proposed reforms do not require a change in the model of constitutional justice, but act as its evolutionary strengthening aimed at improving the quality of legal regulation and strengthening the rule of the Constitution.

## **Conclusion**

The analysis showed that the Constitutional Court of the Republic of Uzbekistan, for almost three decades, has undergone a significant institutional transformation from a body that mainly performed explanatory and coordination functions to a full-fledged participant in the system of checks and balances, which ensures the supremacy of the Constitution. The early practice of the Court (1997-2006) formed stable standards of legal certainty: protection of social guarantees, interpretation of labor, tax and investment laws, and ensuring the independence of the legal profession. These decisions created uniform enforcement guidelines and strengthened confidence in constitutional justice as a tool for balancing law and regulation.

New directions for improving the status of the Constitutional Court are:

- creation of a direct mechanism of interaction between courts of general jurisdiction and the Constitutional Court. It is necessary to consolidate the right of the courts of first instance and appeal to send requests for the constitutionality of the norm to be applied without the mediation of the Supreme Court;
- introduction of the institution of temporary suspension of the controversial norm (temporary protection) in the presence of a threat of significant violation of rights;
- institutionalization of participation of experts and organizations through the legally approved procedure for submitting opinions;
- creation of a digital analytical platform of the Constitutional Court, including a complete register of decisions, citation index, metadata and execution reports;
- formation of budgetary and personnel independence: allocation of a separate budget item, consolidation of positions of analysts and legal assistants, competitive procedure for appointment of judges;
- revitalization of the legislative initiative of the Constitutional Court, including drafting and amending the review of practices in annual reports, as well as the participation of representatives of the Constitutional Court in parliamentary hearings on bills affecting human rights and freedoms;

– introduction of a control mechanism for the execution of decisions, including the obligation of authorities to submit reports on measures to bring legislation in line with the decisions of the Constitutional Court.

### **The contribution of the authors**

The authors, **Ye. Adam, M.S. Beibitov** and **O.Z. Mukhamedzhanov** contributed equally to the writing of the article and the conduct of the study. Each author provided important information that played a significant role in shaping the study.

### **References**

1. Гафуров А. «Constitutional Control in Uzbekistan: Current State and Development Perspective» - Режим доступа: [https://cale.law.nagoya-u.ac.jp/wp/wp-content/uploads/2021/09/alb6\\_08\\_Gafurov.pdf](https://cale.law.nagoya-u.ac.jp/wp/wp-content/uploads/2021/09/alb6_08_Gafurov.pdf) (дата обращения: 18.10.2025).
2. Abdunazarova, M. (2025). The essence and legal foundations of the constitutional court's consideration of appeals from citizens and legal entities in Uzbekistan. *Modern Science and Research*, 4(5), 32–37. - Режим доступа: <https://inlibrary.uz/index.php/science-research/article/view/86466>
3. Онгдашулы, Е., Ахатов У, Бискултанова А. Современные модели конституционного правосудия и их отличительные особенности // Вестник Евразийского национального университета им. Л. Н. Гумилёва. Серия «Право». - 2024. - Т. 147, № 2. - С. 63–77. - DOI: 10.32523/2616-6844-2024-147-2-63-77. - Режим доступа: <https://bullaw.enu.kz/index.php/main/article/view/334> (дата обращения: 18.07.2025).
4. Содействие эффективному функционированию государственных институтов и органов государственного управления. - Режим доступа: [https://pjp-eu.coe.int/en/web/central-asia/institutional-support/-/asset\\_publisher/dAveSAmu3Lh1/content/international-conference-on-models-of-constitutional-complaints-in-central-asian-countries-in-uzbekistan?utm\\_source=chatgpt.com](https://pjp-eu.coe.int/en/web/central-asia/institutional-support/-/asset_publisher/dAveSAmu3Lh1/content/international-conference-on-models-of-constitutional-complaints-in-central-asian-countries-in-uzbekistan?utm_source=chatgpt.com) (дата обращения: 18.07.2025).
5. Ismatov, I. The Constitutional Judiciary and Its Role in the Development of Constitutionalism in Uzbekistan // *Asian Law Bulletin* /Nagoya University, 2019. Vol.5. P. 15–28. - Режим доступа: <https://cale.law.nagoya-u.ac.jp/wp/wp-content/uploads/2021/10/ALB-Vol.5.pdf> (дата обращения: 18.07.2025).
6. Toktogazieva, S. Political Economy and Politico-Historical Context as Defining Factors of Constitutional Review in Central Asia // *Constitutional Review*. 2021. Vol. 7. No. 2. P. 300–325. <https://doi.org/10.31078/consrev725>\* Saniia Toktogazieva is an Associate Professor and Coordinator of the Human Rights program at the American University of Central Asia in Bishkek, Kyrgyz Republic.
7. Urinboyev, R. (2023). Islamic legal culture in Uzbekistan. *Legal Pluralism and Critical Social Analysis*, 55(3), 402–429. <https://doi.org/10.1080/27706869.2023.2269511>
8. Конституция Республики Узбекистан (ред. от 30.04.2023) - Режим доступа: <https://lex.uz/en/docs/6451070> (дата обращения: 20.07.2025).
9. Конституционный закон Республики Узбекистан «О Конституционном суде Республики Узбекистан» № 3РУ-687 от 27.04.2021 - Режим доступа: <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/116490/UZB-116490.pdf>
10. Конституционный суд Республики Узбекистан. Официальный сайт - Режим доступа: <https://www.konstsud.uz/en> (дата обращения: 20.07.2025).

11. Брежнев О.В. Развитие института Конституционного правосудия в Республике Узбекистан: проблемы теории и практики // Вестн. Том. гос. ун-та. 2020. №451. - Режим доступа: <https://cyberleninka.ru/article/n/razvitiie-instituta-konstitutsionnogo-pravosudiya-v-respublike-uzbekistan-problemy-teorii-i-praktiki> (дата обращения: 20.07.2025) [in Russian]

12. Models of constitutional complaints in Central Asian countries (Samarkand, 25–26 May 2023) - Режим доступа: Venice Commission / Council of Europe. - URL: <https://www.coe.int/en/web/venice-commission/-/event-3510> (дата обращения: 20.07.2025).

13. Law Library of Congress (Global Legal Monitor). Highlights (incl. "Uzbekistan: New Constitution Takes Effect", May 2023) - Режим доступа: <https://content.govdelivery.com/accounts/USLOC/bulletins/358e254> (дата обращения: 20.07.2025).

14. Legislationline (OSCE/ODIHR). Constitution of the Republic of Uzbekistan (англ. перевод, 2023) - Режим доступа: <https://legislationline.org/taxonomy/term/25792> (дата обращения: 28.07.2025).

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## **Өзбекстандағы конституциялық модернизация және конституциялық әділеттіліктің тиімділігі: институционалдық және іс жүргізушілік шешімдер**

**Аннотация:** Бұл мақала 2023 жылғы конституциялық модернизация жағдайында Өзбекстан Республикасы Конституциялық сотының қызмет тиімділігін арттырудың заманауи бағыттарын зерттеуге арналған. Нормативтік дереккөздерге, сот практикасына және салыстырмалы-құқықтық материалдарға талдау жасау негізінде Конституциялық соттың мәртебесін және оның іс жүргізу құралдарын жетілдіруге бағытталған жаңа ұсыныстар тұжырымдалған, олар бұрын ұсынылған шаралар аясынан шығып кетеді. Зерттеу барысында сот қызметіндегі бірқатар өзекті мәселелер анықталды: азаматтар мен тәмен тұрған соттардың шектеулі процессыалдық қолжетімділігі, уақытша қамтамасыз ету шаралары мен шешімдерді орындаудың пәрменді тетігінің болмауы, сыртқы сараптаманың жеткіліксіз қатысуы, сондай-ақ кадрлық және талдамалық ресурстардың тапшылығы.

Зерттеу Конституциялық Соттың даулы нормалардың қолданысын мәні бойынша шешім шығарылғанға дейін уақытша тоқтата тұру, конституциялық емес деп танылған актілер мен міндетті орындау рәсімдерінің күшін кейінге қалдыруға қатысты шаралар пакетін енгізу құқығын заңнамалық тұрғыдан бекіту қажеттігін негіздейді. Сондай-ақ сыртқы сарапшылардың (amicus curiae) қатысуын институционализациялау, қайталанатын құрылымдық бұзушылықтарды жою үшін «пилоттық конституциялық қаулы» рәсімін енгізу, шешімдердің ашық тізілімінің цифрлық платформасын бейтарап сілтемелермен және орындалу статистикасымен құру ұсынылады. Қосымша тұрде судьялардың ерекше пікірлерін жариялау, соттың тәуелсіздігін қамтамасыз ететін тұрақты бюджеттік және кадрлық базаны қалыптастыру, әрбір заң жобасына міндетті конституциялық анықтама енгізу және нормативтік актілердің Конституцияға сәйкестігін алгоритмдік мониторинг арқылы қадағалау қажеттігі дәлелденеді.

Ұсынылған шараларды іске асыру Өзбекстан Конституциялық сотын алдын ала конституциялық бақылау жүргізетін, институционалдық тәуелсіздікті нығайтатын және қоғамның

конституциялық әділеттілікке деген сенімін арттыратын проактивті үлгіге көшіруге мүмкіндік береді.

**Түйін сөздер:** конституция, конституциялық бақылау, конституциялық әділет, конституциялық сот, тиімділік, жетілдіру.

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## **Конституционная модернизация и эффективность конституционного правосудия в Узбекистане: институциональные и процессуальные решения**

**Аннотация:** Статья посвящена исследованию современных направлений повышения эффективности деятельности Конституционного суда Республики Узбекистан в условиях конституционной модернизации 2023 года. На основе анализа нормативных источников, судебной практики и сравнительно-правового материала сформулированы новые предложения по совершенствованию статуса и процессуальных инструментов Конституционного суда, выходящие за рамки ранее предлагаемых мер. Исследование выявило такие проблемы функционирования суда как ограниченный процессуальный доступ граждан и судов низших инстанций, отсутствие временных обеспечительных мер и единственного механизма исполнения решений, недостаточную вовлечённость внешней экспертизы, а также дефицит кадровых и аналитических ресурсов. Исследование обосновывает необходимость законодательного закрепления права Конституционного суда временно приостанавливать действие оспариваемых норм до вынесения решения по существу, введения пакета мер, касающихся отложенной утраты силы признанных неконституционными актов и обязательных процедур исполнения. Предлагается институционализировать участие внешних экспертов (*amicus curiae*), внедрить процедуру пилотного конституционного постановления для устранения повторяющихся структурных нарушений, создать цифровую платформу открытого реестра решений с нейтральными цитатами и статистикой исполнения. Дополнительно аргументируется целесообразность публикации особого мнения судей, формирования устойчивой бюджетной и кадровой базы независимости суда, а также внедрения обязательной конституционной справки к каждому законопроекту и алгоритмического мониторинга нормативных актов на предмет соответствия Конституции. Реализация предложенных мер позволит перевести Конституционный суд Узбекистана к проактивной модели, обеспечивающей предварительный конституционный контроль, укрепление институциональной независимости и повышение доверия общества к конституционной юстиции.

**Ключевые слова:** конституция, конституционный контроль, конституционное правосудие, конституционный суд, эффективность, совершенствование.

### **References**

1. Gafurov, A. «Constitutional Control in Uzbekistan: Current State and Development Perspective» - Rezhim dostupa: [https://cale.law.nagoya-u.ac.jp/wp/wp-content/uploads/2021/09/alb6\\_08\\_Gafurov.pdf](https://cale.law.nagoya-u.ac.jp/wp/wp-content/uploads/2021/09/alb6_08_Gafurov.pdf) (data obrashhenija: 18.10.2025).

2. Abdunazarova, M. (2025). The essence and legal foundations of the constitutional court's consideration of appeals from citizens and legal entities in Uzbekistan. *Modern Science and Research*, 4(5), 32–37. - Rezhim dostupa: <https://inlibrary.uz/index.php/science-research/article/view/86466>
3. Ongdashuly E., Ahatov U., Biskultanova A. Sovremennye modeli konstitucionnogo pravosudija i ih otlichitel'nye osobennosti // *Vestnik Evrazijskogo nacional'nogo universiteta im. L. N. Gumiljova. Serija «Pravo»*. - 2024. - T. 147, № 2. - S. 63–77. - DOI: 10.32523/2616-6844-2024-147-2-63-77. - Rezhim dostupa: <https://bullaw.enu.kz/index.php/main/article/view/334> (data obrashhenija: 18.07.2025).
4. Sodejstvie jeffektivnomu funkcionirovaniyu gosudarstvennyh institutov i organov gosudarstvennogo upravlenija. - Rezhim dostupa: <https://pjp-eu.coe.int/en/web/central-asia/institutional-support/> / asset\_publisher/dAveSAmu3Lh1/content/international-conference-on-models-of-constitutional-complaints-in-central-asian-countries-in-uzbekistan?utm\_source=chatgpt.com (data obrashhenija: 18.07.2025) [in Russian].
5. Ismatov I. The Constitutional Judiciary and Its Role in the Development of Constitutionalism in Uzbekistan // *Asian Law Bulletin* / Nagoya University, 2019. Vol.5. P. 15–28. - Rezhim dostupa: <https://cale.law.nagoya-u.ac.jp/wp/wp-content/uploads/2021/10/ALB-Vol.5.pdf> (data obrashhenija: 18.07.2025).
6. Toktogazieva S. Political Economy and Politico-Historical Context as Defining Factors of Constitutional Review in Central Asia // *Constitutional Review*. 2021. Vol.7. No. 2. P. 300–325. <https://doi.org/10.31078/consrev725>\* Saniia Toktogazieva is an Associate Professor and Coordinator of the Human Rights program at the American University of Central Asia in Bishkek, Kyrgyz Republic.
7. Urinboyev, R. (2023). Islamic legal culture in Uzbekistan. *Legal Pluralism and Critical Social Analysis*, 55(3), 402–429. <https://doi.org/10.1080/27706869.2023.2269511>
8. Konstitucija Respublikи Uzbekistan (red. ot 30.04.2023) - Rezhim dostupa: <https://lex.uz/en/docs/6451070> (data obrashhenija: 20.07.2025) [in Russian].
9. Konstitucionnyj zakon Respublikи Uzbekistan «O Konstitucionnom sude Respublikи Uzbekistan» № ZRU-687 ot 27.04.2021 - Rezhim dostupa: <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/116490/UZB-116490.pdf>
10. Konstitucionnyj sud Respublikи Uzbekistan. Oficial'nyj sajt - Rezhim dostupa: <https://www.konstsud.uz/en> (data obrashhenija: 20.07.2025) [in Russian].
11. Brezhnev O.V. Razvitie instituta Konstitucionnogo pravosudija v Respublike Uzbekistan: problemy teorii i praktiki // *Vestn. Tom. gos. un-ta*. 2020. №451. - Rezhim dostupa: <https://cyberleninka.ru/article/n/razvitie-instituta-konstitutsionnogo-pravosudiya-v-respublike-uzbekistan-problemy-teorii-i-praktiki> (data obrashhenija: 20.07.2025) [in Russian].
12. Models of constitutional complaints in Central Asian countries (Samarkand, 25–26 May 2023) - Rezhim dostupa: *Venice Commission / Council of Europe*. - Rezhim dostupa: <https://www.coe.int/en/web/venice-commission/-/event-3510> (data obrashhenija: 20.07.2025).
13. Law Library of Congress (Global Legal Monitor). Highlights (incl. "Uzbekistan: New Constitution Takes Effect", May 2023) - Rezhim dostupa: <https://content.govdelivery.com/accounts/USLOC/bulletins/358e254> (data obrashhenija: 20.07.2025).
14. Legislationline (OSCE/ODIHR). Constitution of the Republic of Uzbekistan (angl. perevod, 2023) - Rezhim dostupa: <https://legislationline.org/taxonomy/term/25792> (data obrashhenija: 28.07.2025).

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