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**LEGAL AND CONSTITUTIONAL FOUNDATIONS OF
BUILDING A SOCIAL STATE**

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RESUME: *This article examines the legal and constitutional foundations of building a social state. It explores that a state formed on the basis of social unity and corporate goals should rely on certain legal and constitutional norms and principles, and emphasizes that social states must also possess their own legal and constitutional foundations.*

Keywords: *autocracy, ideology, reform, development, constitution, gender equality, democracy, state, concept.*

РЕЗЮМЕ: *В данной статье исследованы правовые и конституционные основы построения социального государства, изучено, что государство, формирующееся на основе социальной солидарности и корпоративных целей, должно опираться на определённые правовые и конституционные нормы и принципы, а также отмечено, что социальные государства также должны иметь собственные правовые и конституционные основы.*

Ключевые слова: *автократия, идеология, реформа, развитие, конституция, гендерное равенство, демократия, государство, концепция.*

The number and geographical spread of social states are steadily expanding today. If a hundred years ago there were only six social states (Switzerland, Belgium, the United States, Canada, France, and Germany), today, according to our calculations, their number exceeds thirty. Among them are states such as China, where communist ideology predominates, and autocratic North Korea, both of which also define themselves as democratic states. In fact, there is no such thing as a completely non-social state; however, paraphrasing Karl Popper's famous statement ("There is no person who is not a philosopher, but some are more philosophical while others are less so"), we may say that there is no non-social state, yet some states are more social while others are less social. Social reforms inevitably affect the life of society as a whole, the relations taking place within the social sphere, and especially the foundations and mechanisms of public administration.

The social state being built in New Uzbekistan naturally required reconsideration of its legal foundations and the identification of further paths of development as a result of such reforms. As President Shavkat Mirziyoyev stated: "Relying on our renewed Constitution, which will become a vivid expression of our people's political and legal thinking, we will certainly build the New Uzbekistan" [1]. This optimistic appeal encourages confidence in the reforms aimed at building a social state, promotes the generalization of positive experiences in this sphere, and stimulates open discussion of existing problems. The establishment of a social state requires the improvement of the Constitution, which forms the foundation of the state, as well as the introduction of amendments corresponding to the demands of a new era and development. For this purpose, Uzbekistan initiated constitutional reforms in 2022. These reforms laid the legal and constitutional foundations of the social state.

The first legal and constitutional foundation is connected with elevating human dignity, ensuring that state bodies serve the interests of individuals, and

achieving the supremacy of human honor, dignity, and lawful interests in all spheres. In his speech before the members of the Constitutional Reform Commission, the President emphasized that the primary goal of building a social state is to elevate human dignity. He stated: “A human being should not serve merely as a means for the state and society to achieve their goals; rather, the human being must constitute the core content, source, and highest value of those goals” [1].

To implement this principle in practice, the Oliy Majlis developed programs for the socio-economic and cultural development of the regions, and together with local councils established a model aimed at creating new jobs, reducing poverty, and ensuring prosperity and gender equality in every mahalla and family. Today, the three-tier cooperation system of the “Mahalla Seven” – Council – Senate, established by the Oliy Majlis, is actively functioning in the regions [2]. Such cooperation, on the one hand, connects the activities of the national parliament with the needs of real territories and real people, and on the other hand, creates opportunities for ensuring human dignity and rights.

The accountability of Oliy Majlis deputies to their voters and their participation in solving local problems correspond to the fundamental goals and functions of a social state. A social state is an institution aimed at reducing inequalities within society. It is no secret that a market economy generates property-based disparities, while entrepreneurship and business enable certain individuals and groups to accumulate wealth. Millionaires and billionaires in the West have acquired their wealth and property through entrepreneurship and business, and their lifestyle inevitably attracts admiration. Uzbekistan understands that such property stratification may cause social dissatisfaction; therefore, it pursues a policy aimed at reducing social, particularly property-based, inequalities. However, this does not mean that everyone should receive equal wages or that people should not be rewarded according to their labor and entrepreneurship. Rewarding individuals according to their work and talent is

a guarantee of development. Laws concerning entrepreneurship and small business emphasize that there should be no restrictions on how much income business entities may earn. This is consistent with the principles of a market economy.

One of the important amendments introduced into the new Constitution, glorifying human dignity and life, is the abolition of the death penalty. Article 25 of the Basic Law now includes the provision that the death penalty is prohibited in Uzbekistan [3]. Philosophical and legal literature emphasizes that human life is inviolable, that it is granted by the Creator, and that the state has no right to take it away.

For example, the Russian philosopher Vladimir Solovyov stated: “Life is given to a person by God; therefore, no one except God has the right to take it away” [4]. Similar opinions have been expressed by other philosophers and legal scholars, although supporters of capital punishment are still numerous. In Singapore and China, the death penalty is applied in anti-corruption cases, and every year nearly a hundred individuals are executed for serious crimes; nevertheless, it has not been possible to eliminate crime completely. Therefore, the application of the death penalty for such exceptional crimes constitutes an inhumane measure.

According to the international “Miranda Rule,” when a person is detained or arrested, the reasons for the detention, the individual’s rights, and the procedures for obtaining legal assistance must be explained. This rule operates in social states around the world and allows individuals to defend themselves legally. Since jurisprudence contains complex interpretations, the foundations of legal self-defense should be explained to individuals in simple language, without encouraging unlawful behavior. In a social state, granting individuals the opportunity to protect themselves legally, and assigning this duty even to the arresting authority itself, reflects an aspiration toward the humanization of legal institutions.

In a social state, providing citizens with housing is considered an important aspect of domestic policy. The prosperous mahallas, prosperous villages, new “cities,” New Tashkent, New Namangan, and newly built residential areas being established in New Uzbekistan are intended to meet the population’s housing needs. In 2024 alone, citizens were allocated 25.1 billion soums in subsidies and 40.3 billion soums in preferential loans to purchase housing and improve living conditions [5]. The “Mahalla Budget,” introduced as an entirely new system, is serving to improve the living standards of the population. According to Doctor of Political Sciences, Professor Quronboy Quronboyev, 307.8 billion soums were allocated last year alone to the Mahalla Socio-Economic Problem-Solving Fund. The “Mahalla Seven” and the “Call Center” have introduced a 24-hour system of working with the population [5].

A social state reliably guarantees private property rights. This is specifically emphasized in Chapter IX of the Constitution [3].

The legal foundations of the social state were primarily defined by President Shavkat Mirziyoyev. In this regard, it is appropriate to recall his speeches before the members of the Constitutional Reform Commission and his Addresses to the Oliy Majlis. The principle emphasized in these speeches is that the rule-of-law state is a great idea and achievement of human civilization, as well as an expression of our people’s aspirations. From the “Avesta” to the Jadid ancestors, thinkers consistently promoted the establishment of a state founded on the principles of justice, social equality, and humanism. Due to objective and subjective obstacles, however, it had not previously been possible to establish such a state. In New Uzbekistan, the necessary opportunities have now emerged.

According to the distinguished legal scholar and academician Akmal Saidov, the rule-of-law state being built in Uzbekistan includes the following aspects:

- ensuring transparency, openness, and accountability in the activities of state institutions;
- introducing effective mechanisms of popular governance and checks and balances among branches of power;
- expanding the powers of the Oliy Majlis;
- introducing the procedure whereby the Senate approves the presidential decree appointing the head of the Anti-Corruption Agency;
- hearing the government's annual anti-corruption report in parliament;
- introducing the institution of legislative initiatives aimed at expanding citizens' participation in state governance [6].

Each of these tasks is important for strengthening the legal foundations of the social state.

At the same time, there remain a number of scientific and practical issues in this sphere that require further attention. Among them are the following:

First, studying the political and philosophical foundations of the social state;

Second, researching international experiences;

Third, creating modern mechanisms for improving the legal culture of society and citizens;

Fourth, improving the activities of institutions of social justice and social protection;

Fifth, developing new forms, methods, and mechanisms for supporting citizens' legal literacy.

The Republic of Uzbekistan already possesses valuable national experience in these areas, and the tasks of generalizing and scientifically analyzing this experience remain before researchers.

The establishment of a social state takes place within a specific geographical, ethno-political, and ethno-cultural environment. In this regard, it

is necessary to refer to the experience of New Uzbekistan and its legal and constitutional reforms. The reforms carried out in Uzbekistan over the past decade were implemented in accordance with the principle that state institutions should serve the people, rather than the people serving state institutions. This principle, advanced and consistently implemented by President Shavkat Mirziyoyev, ultimately led to the goal of building a social state. Reforms do not have a fixed or rigid model; rather, they are clarified, enriched, and supplemented with new ideas and concepts in accordance with the dynamic demands of social development. In 2016–2017, when constitutional reforms were initiated, we did not yet realize that our strategic political objective would become the establishment of a social state. The renewal and democratic transformations carried out over seven years elevated the interests of the people and the individual to the highest priority and contributed to the democratization of public administration. In turn, this objectively necessitated the development of the concept of a social state and the introduction of fundamental amendments into the Constitution. This objective necessity entered the philosophy of national democratic development under the term “constitutional reforms.”

Within the constitutional reforms, the establishment of a social state (where social justice prevails and prosperity is ensured) and the guarantee of human rights and freedoms (where democracy and human rights are regarded as criteria of a rule-of-law state) are closely interconnected. They should be understood in dialectical harmony. A social state is not limited merely to ensuring social justice and prosperity; it also guarantees the realization of human rights and freedoms. From this perspective, the concept of a social state does not contradict the idea of a “democratic rule-of-law state” enshrined in the first Constitution. The preservation of this term in the new Constitution further confirms this point.



It should also be noted that amendments had previously been introduced into the first Constitution in accordance with the demands of the time. According to Doctor of Law, Professor, Academician, and Chairman of the Constitutional Reform Commission Akmal Saidov: “Over the years, our Constitution has been improved in accordance with the spirit of the era, the requirements of reforms, and the needs of our people. Today, however, the large-scale tasks defined in the Development Strategy of New Uzbekistan, the construction of a people-oriented state, and the goals of more effectively ensuring human rights, interests, and dignity are creating the need for a new constitutional and legal environment corresponding to the fundamental reforms in our country” [7].

In the scholar’s opinion, the new constitutional reforms represent a gradual continuation of national democratic development and an expression of the will and aspirations of the people in accordance with the development strategy. The amendments introduced into the first Constitution paved the way for legal reforms corresponding to the requirements of a new era. This does not mean that the previous amendments have become completely outdated or unnecessary. For example, the amendments introduced into Chapter XVIII concerning the Oliy Majlis and political parties, as well as those introduced into Chapter XXII concerning electoral rights, have not lost their significance. From a philosophical and legal perspective, they continue to strengthen the position of the individual within the socio-legal space and ensure integrative harmony between the individual and state authorities. Therefore, constitutional reforms in New Uzbekistan should not be opposed to the reforms of the previous period; rather, both stages should be viewed as interconnected reform processes corresponding to the requirements of national democratic development.

The main subject of constitutional reforms is the people. As President Shavkat Mirziyoyev emphasized: “If we implement constitutional reform through a referendum, based on the opinions and support of our citizens, it will

truly become an expression of the will of our people — a genuine people's Constitution" [8]. The first Constitution consisted of 128 articles, whereas the new Constitution, based on proposals and recommendations from the people, now contains 155 articles. The number of constitutional norms increased from 275 to 434, while the provisions concerning human rights and freedoms increased three and a half times. Out of 223,000 proposals and recommendations submitted by citizens, every fourth proposal, in a generalized form, was incorporated into the new Basic Law.

Among some citizens, there exists an opinion that constitutional reforms are solely an initiative of the President and the government. In reality, although supported by the President and the government, this initiative was first advanced in 2021 by activists of political parties and later supported by various segments of the population, including intellectuals, scholars, farmers, and activists of the Youth Union. These initiatives and proposals were subsequently formulated into concrete tasks by the President, and the Constitutional Reform Commission was established. Deputies of the Oliy Majlis, representatives of the academic community, legal scholars, specialists in state governance, and representatives of civil society institutions were involved in the work of the Commission.

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The Commission studied the constitutions and constitutional-building experiences of 193 countries, as well as more than 400 international

conventions, declarations, and legal-regulatory documents. With the participation of legal scholars from different countries and Uzbek researchers, such fundamental academic works as “World Constitutions,” “Constitutions of the Member States of the Shanghai Cooperation Organization,” and the five-volume collection “Constitutional Reforms: The Experience of Countries Around the World” were published.

These works are of great importance for organizing national legislation and legal systems in accordance with international standards, identifying problems in the philosophy of law, and finding scientific solutions to them. Until recently, Uzbek legal scholars and specialists in state governance had not been sufficiently informed about global experiences of constitutional reform.

The objective necessity of constitutional reforms is clearly confirmed by the changes that have taken place in the sphere of law and legislation. Over the past seven years, more than 6,000 decrees and resolutions have been adopted by the President, along with over 70 state programs, comprehensive plans, and concepts for regional and sectoral development aimed at implementing the Action Strategy (2017) and the Development Strategy (2022). Each of these documents contains instructions and guidelines directed toward the formation of a new socio-legal environment, as well as new laws and norms. In reality, even specialists and legal experts sometimes struggle to analyze and implement them оперативно in practice.

However, this does not hinder the implementation of constitutional reforms and, on this basis, the democratization and liberalization of the socio-legal environment in our society. It is axiomatic that subjective processes often lag behind objective changes and may even display conservative tendencies.

Nearly one-fifth of the proposals and comments submitted to the Constitutional Reform Commission concerned the judicial and legal system, the presumption of innocence, and the illegality of violence and pressure used during investigations. It is well known that the principle of the presumption of

innocence exists in international law. Although it has been discussed in scholarly legal literature, in practice the use of physical and psychological pressure during investigations has often been commonplace. According to Doctor of Law, Professor, and Constitutional Commission expert S. Raxmanova, between 2017 and 2021, 2,300 individuals who had been wrongfully imprisoned were acquitted on the basis of the presumption of innocence, while more than 3,500 women who could have been subjected to criminal punishment received lighter sentences and remained with their families due to guarantees provided by mahallas and the public. The new constitutional norm now establishes that “regardless of whether confessions are obtained voluntarily or under pressure, if they constitute the sole evidence in a case, a person cannot be found guilty or subjected to punishment. Henceforth, the process of proving guilt must not rely primarily on confessions; rather, accusations must be substantiated by other evidence verified during the investigation. If these guarantees are not observed, the court shall issue an acquittal due to insufficient evidence confirming the person’s guilt” [9].

Humanizing the activities of the judicial and legal system is one of the objectives envisaged in the reforms. Judicial and law-enforcement bodies should focus not on punishment or revenge, but rather on preventing unlawful actions. Today, economic crimes remain widespread, and in many cases the involvement of women is observed [10]. Therefore, the constitutional reforms propose norms aimed at ensuring women’s employment, realizing their rights and freedoms, and eliminating discrimination within the family. Certainly, these norms must also be reinforced through special laws and legal provisions. The new Constitution is a document of strategic importance; the laws, legal-regulatory acts, subordinate norms, and procedures adopted by the state are all based upon it.

The constitutional reforms also recommend a number of norms concerning the protection of the rights and freedoms of entrepreneurs, the

expansion of the powers of self-governing bodies, the establishment of continuous and inclusive education, and the development of international relations. Undoubtedly, these reforms will contribute to the formation of New Uzbekistan as a people-oriented social state striving for democratic renewal. It is reasonable to believe that by the 2030s this state, where human dignity and rights are highly valued, will take its place among the advanced nations of the world.

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