



HUMAN RIGHTS AND GLOBALIZATION: CURRENT PROBLEMS OF THE STATE AND SOCIETY IN THE FIELD OF ENSURING THE RIGHTS AND FREEDOMS OF HUMAN AND CITIZEN

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Annotation: The article examines the history of the emergence and development of the concept of human and civil rights, how this concept has become an integral part of legal relations in society. The author also analyzes the current problems in the field of human and civil rights in the Republic of Uzbekistan, as well as existing problems, and puts forward a number of ideas as a solution to the problem.

Keywords: human rights, right, freedom, judicial sphere, Civil law, Common law, Habeas corpus, Legal Technology.

Аннотация: В статье рассматривается история возникновения и развития концепции прав человека и гражданина, то, как это понятие стало неотъемлемой частью правоотношений в обществе. Автор также анализирует текущие проблемы в области прав человека и гражданина в Республике Узбекистан, а также существующие проблемы, и выдвигает ряд идей в качестве решения проблемы.

Ключевые слова: права человека, право, свобода, судебно-правовая сфера, Континентальная правовая семья, Общая правовая семья, Habeas корпус, Legal Technology.

Annotasiya: Maqolada inson hamda fuqaro huquqlari tushunchasining vujudga kelish va rivojlanish tarixi, ushbu tushunchaning jamiyatdagi munosabatlarning ajralmas qismiga aylanishdagi bosib o'tgan yo'li haqida so'z boradi. Shuningdek, muallif bugungi kunda O'zbekiston Respublikasida inson hamda fuqaro huquqlari sohasidagi o'zgarishlar bilan bir qatorda saqlanib olayotgan mavjud muammolarni ham tahlil qilgan holsa masalaga yechim sifatida bir qator g'oyalarni ilgari suradi.

Kalit so'zlar: inson huquqlari, huquq, erkinlik, sud-huquq sohasi, Qit'a huquqi oilasi, Umumiy huquq oilasi, Xabeas korpus, Legal Technology.

*Peace can only last where human rights are respected, where people are fed,
where individuals and nations are free.*

— Dalai Lama

The process of human emergence and development, the formation and evolution of societies, the establishment and growth of states, and the ongoing renewal and increasing complexity of the process that began millions of years ago when humans first appeared, are daily imbuing relationships in this field with new meaning. This



process, if I may say so, is filling existing gaps and sometimes setting new requirements.

This translation aims to capture the essence and flow of the original text while making it sound natural in English. The paragraph discusses the ongoing evolution of human society, emphasizing how this continuous process affects our understanding and expectations of social relationships and structures.

Law is one of the unique social values discovered by humanity during its long historical civilization. As one of the most integral parts of society and normal social relations, law appears in our life as a system of universally binding norms established by the state and provided by its coercion and aimed at regulating social relations. In this regard, we should not forget that law is also the real guardian of a person in social relations. When considering human and civil rights and freedoms, human rights as a system of moral standards are integral to human beings. They encompass a set of moral principles and standards that are essential for a person to be considered inherently human, from birth onward.

Each person is born with certain rights and freedoms. Such a view is characteristic of developed societies that recognize the value of man and individual at the highest level of value. Nevertheless, these views were still alive in the ancient world and the Middle Ages, which we consider to be undeveloped, backward and bigoted. Although the laws of Hammurabi, who ruled from 1792 to 1750 BC, the laws of Hammurabi, created by the Sumerians in the 2nd millennium BC, the rules and regulations are very strict and uncompromising, in these laws there were rights common to men, women, children and even slaves. In addition, the punishments for crimes in the Ancient Egyptian society were very severe, even if they are barbaric from a modern point of view, the laws of the country even at that time are amazing for supporting the basic human rights. In this way, the legal reforms implemented by pharaoh Bokhoris led the industry forward. It can be noted that the progress in this field was also transferred to Ancient Greek and Roman law under the reforms of Solon.

This concept, which began to sprout in the ancient world, did not stop even in the Middle Ages, on the contrary, it continued to grow. Islam, which first appeared in the Arabian Peninsula, gave a new spirit and meaning to this field, while the social processes that took place in Western Europe in the 13th-14th centuries served as a foundation for the development of this field. Muhammad (s.a.w.) always put forward ideas such as social injustice, security, sanctity of family relations, slavery, protection of the rights of women and ethnic minorities and their equal rights with all. Even the rules of war developed during the early caliphate, including the rights of prisoners of war and the rules of treatment of them, have become among the main principles of



international humanitarian law today. A little later, in the XIII-XIV centuries, the processes that took place in Western Europe raised such changes to a new level. The Magna Carta, adopted in 1215, and the "Mile End" program, adopted in 1381, became the basis for such changes.

As people and society developed, the concepts of human and civil rights and their freedoms began to develop more and more rapidly. During the new era, from the second half of the 19th century to the second half of the 20th century, the foundation of this industry continued to be created. Documents such as the Habeas Corpus Act of 1679, the Bill of Rights of 1689 (Great Britain), and the Declaration of the Rights of Man and Citizen in 1789, adopted by various societies, are the basis of the modern concepts of human and civil rights. created the religious base. The document entitled "Bill of Rights" adopted in 1791, which provides for the amendment of the Constitution of the United States of America, guarantees the society freedom of speech and the press, freedom of conscience and the right to protest, the right to appeal to the government. and also introduced priority aspects of human rights in the legal system.

The Second World War was a great lesson for humanity. Losses in war have had a negative impact on almost every family on earth. The countries that drew a conclusion from this disaster began to solemnly announce in front of the whole world that the human being is the highest value. After the end of the war, the creation of the United Nations Organization and the principles of the organization's activities, which envisage the promotion of human and civil rights and freedoms, were reflected in all its documents. The biggest and greatest step in this regard was the Universal Declaration of Human Rights, adopted and promulgated by the United Nations General Assembly on December 10, 1948. This document consists of 30 articles and officially embodies all the rights that are integral to a person. Its provisions are included in the constitutions and laws of most countries of the world. In this regard, the International Covenants "On Civil and Political Rights" and "On Economic, Social and Cultural Rights", adopted on December 16, 1966, were adopted, and served as the basis for further development of the field.

The entire history shows that the development of concepts such as human rights, freedom, legal protection of citizens, equal rights of all, has traveled a long way along with the human being and continues to develop along with the society. It is an exaggeration to say that in the process of the long history of human and civil rights and freedoms, which we have discussed above, all social relations related to human and civil rights and freedoms have been formed and reached the highest level in the development stage of this field. will be a. After all, as renewal, development, change



and complexity take place in society, the issue of human and civil rights and freedoms continues to develop.

The Uzbek statehood, which has a history of thousands of years, has also existed as one of the hot spots where the life of the society has progressed in different periods. Accordingly, the concept of human rights and freedoms has been developing and enriching the life of our country. However, it should be emphasized that the processes of integration, convergence of societies and globalization have brought the development of human and civil rights and freedoms to a newer and more active stage in the country. As our country got out of the shackles of former Soviet colonialism, it turned to the wider international community. In its place, it was the impetus for the rebirth and resurgence of the concept of human and civil rights and freedoms in the country, which had hardened under 70 years of subjugation, social and economic dependence, moral oppression and pressure, and were almost forgotten.

Since the 90s of the 20th century, Uzbekistan has consistently participated in many integration organizations as an equal member of the international community. It has set itself the main goal of becoming an independent state that is democratic, legal and guarantees the well-being of its citizens. This, in turn, put before the country the task of harmonizing and harmonizing state legislation and the spirit of society with the societies of developed countries where rights prevail. In accordance with these tasks, the 17-article Law "On the Foundations of State Independence of the Republic of Uzbekistan" adopted in the Republic on August 31, 1991 established citizenship in the country based on the Universal Declaration of Human Rights and all citizens of the Republic, regardless of nationality, population, it was declared that they have the same civil rights, regardless of their social origin, religion and belief. This Law itself meant that from now on, the legislation of the country will be based on the universal declaration of human rights, which is recognized by the world.

Since the adoption of the Constitution of the independent Republic of Uzbekistan on December 8, 1992, there have been many changes in the field of human and civil rights and freedoms in our society. Article 24 of the Constitution stipulates that the right to live is an inherent right of every person. One after another, changes in the field of human rights began to appear in the country. First, the issue of punishment in criminal legislation began to be humanized. At the beginning, the number of crimes punishable by death was reduced in the criminal law, and later, on January 1, 2008, the death penalty was completely abolished in the country. Consistent humanitarianization of the judicial system has begun. As a result of these actions, Uzbekistan improved its human rights image every year. But even today, it is



difficult to say that the issue of human rights protection has been fully resolved in the country.

As a result of fundamental reforms carried out in recent years, great progress is being made in the protection of human rights in the country. However, it should also be noted that this does not put an end to situations that violate human rights in our society. For example, the torture, unfair investigation and investigative actions that have been revealed in the last years, people are subjected to severe psychological and physical stress, in addition, the rights stipulated in the Universal Declaration of Human Rights and our Constitution. It is proof of our opinion that the norms that prevent the violation of the freedom of a citizen of the Republic of Uzbekistan to move from one place to another in the territory of the Republic still exist, that the existing problems in the issue of gender equality are highlighted, and that there are still controversial situations in the field of freedom of conscience.

Today, concerted efforts are underway to resolve the issues discussed above. Specifically, in accordance with Presidential Decree No. PF-6012 dated June 22, 2020, the "National Strategy of the Republic of Uzbekistan on Human Rights" has been established with clear and robust regulations aimed at addressing challenges in this field. This strategy comprehensively aims to democratize the judiciary and legal sector in our country today, embedding concepts of justice and the independence of courts into vibrant societal aspirations. It seeks to strengthen the supremacy of our Constitution and laws, solidify equality before the law, enhance the effectiveness of dispute resolution processes within the judiciary, and apply achievements not only to states belonging to regional legal families but also to systems adhering to universal legal principles. The strategy's decisive adoption of the habeas corpus institution, along with addressing issues related to arbitration and mediation processes, aims to enhance transparency in judicial proceedings and strengthen direct public oversight, achieving tangible progress in these areas.

In addition to the solution of the mentioned issues, today our state faces the tasks of introducing existing achievements in the judicial process of developed foreign countries into our national legal system, including the introduction of institutions that ensure transparency in investigative processes and complete and perfect opening of cases. In this regard, it is possible to cite as an example that the introduction of the institution of agreement in the investigation process related to common law, particularly the field of judicial law of the United States, can be a big step towards a quick and fair resolution of the case. Through the introduction of this institute, in addition to achieving a quick and truthful opening of complex cases, the investigation of which is taking a long time today, the cases of torture of people by the investigative authorities in order to obtain testimony and solve the case even if it



is one-sided, through this, people and violation of the inherent rights of citizens can be prevented.

In addition to the above, the issue of digitization of the judiciary in the field of human rights is also considered urgent. In countries with an economy based on market relations, market rules have influenced even the legal sphere. For example, the concept of "Legal Technology", which appeared in the 2000s, became a breakthrough in the digitization of the legal field. This sector of business, in addition to great convenience for the population during legal relations, brings great benefits to the owners of this business and creates an atmosphere of interest. This, in turn, played a major role in building a "digital bridge" in the relationship between the population and the law. Legal relations in the digital space created by this method are distinguished by their convenience and the fact that they develop step by step with time and can have a wider range of clients than such services created by the state. After all, where there is a sense of interest and competition, there will undoubtedly be development. With this, the possibility of an individual to respond immediately to cases of seemingly small violations of human and civil rights will be expanded.

A number of internet platforms providing legal services operating in Uzbekistan, in particular, "Lex.uz" national database of legal documents, "Advice.uz" legal information portal, "Regulations.gov.uz" portal for discussion of regulatory legal documents projects, In addition, the national legal internet portal "Huquqiportal.uz", which was launched relatively recently, along with the existing progress in this field, has made it a priority to provide high-level legal services to the population by attracting qualified lawyers to provide these services. It cannot be said that there is no need for internet platforms that provide legal services that are owned by the private sector.

As a logical continuation of our opinion, the presentation of court decisions to the general public is one of the activities that can become a major step in the activity of courts and prosecutor's offices through the discussion of judgments, rulings and decisions based on the standards of national legislation among the population, which imposes great responsibility on these bodies. is considered We can see an example of this once again in the example of legal systems belonging to the Common Law family, whose foundation is directly based on the activity of courts and the decisions they make. Today, in Uzbekistan, which has a national-electronic legal base, the creation of a national-electronic base of court decisions can be a measure that requires a more responsible approach to the independence of courts and their activities in the country.

In the context of globalization, the protection of human rights faces new challenges and opportunities. The interconnectedness of our world has brought about



unprecedented levels of cultural exchange, economic interdependence, and shared information. However, this globalized landscape also presents complex issues in safeguarding human rights. Transnational corporations, for instance, often operate across borders where labor laws and environmental regulations may be less stringent, potentially leading to human rights abuses. The digital age, while offering new platforms for free expression and organization, also raises concerns about privacy rights and the potential for mass surveillance. States must now grapple with balancing national security interests against individual freedoms in an era of global terrorism and cybercrime. These challenges require a coordinated international approach to human rights protection, emphasizing the universality of these rights while respecting cultural diversity.

Moreover, the COVID-19 pandemic has highlighted both the fragility and the importance of human rights in a globalized world. The crisis has exacerbated existing inequalities and created new vulnerabilities, particularly for marginalized groups. Issues such as access to healthcare, freedom of movement, and the right to work have come under intense scrutiny. The pandemic has also raised questions about the balance between public health measures and individual liberties, as governments worldwide implemented various restrictions to contain the virus. This global health crisis underscores the need for robust human rights frameworks that can withstand and adapt to unforeseen challenges. As we move forward, it is crucial for states and international bodies to reassess and strengthen human rights protections, ensuring they are resilient in the face of global crises and capable of addressing the complex, interconnected nature of human rights in our modern world.

All the above-mentioned measures and activities work towards a single goal, along with the rise of the rule of law, legality, and legal culture in our country, and serve as a major factor in the protection of human and civil rights and freedoms.

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