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Distinctions Of The Legal System Of The Republic Of Karakalpakstan

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ABSTRACT

The article highlights the thoughts on the legal system of the Republic of Karakalpakstan, which is within the Republic of Uzbekistan, the elements of the legal system and the universally recognized principles, as well as the logical interdependence of legal events, means, processes, institutions, organizations acting in accordance with conditions created for the free life and prosperous future of citizens.

KEYWORDS

National Legal System, Family Of Law, State Based On The Rule Of Law, Constitutional-Legal System, State Sovereignty, Normative-Legal Documents.

INTRODUCTION

Given the fact that the Republic of Karakalpakstan (hereinafter, Karakalpakstan) is a sovereign democratic republic within the Republic of Uzbekistan (hereinafter, Uzbekistan), similar to the legal system of Uzbekistan, the legal system of Karakalpakstan reflects the universally recognized principles and the interests of the people, logical interdependence of legal events, means,

processes, institutions, , organizations acting in accordance with conditions created for the free life and prosperous future of citizens.

The declaration of state sovereignty of the Republic of Uzbekistan, together with the transformation of the country to market economy and political and ideological pluralism open up a wide range of opportunities for the

national legal system to approach the Romano-Germanic legal system (family) in both form and content.

It is generally accepted that a legal family demonstrates a broad set of national legal systems, more or less united on the basis of the similarity of historical formations within a single legal framework, sources of law, leading areas of law and legal institutions, law enforcement, as well as general aspects of legal science¹.

The current legal system of Uzbekistan can be easily included in the family of Romano-Germanic legal systems, as stated by well-known legal scholars A. Saidov and U. Tojikhonov, according to the following main aspects.

First, Uzbekistan is a country where normative legal acts are codified. The primary source of law is the normative legal acts adopted by the supreme bodies of the country. The principal branches of law have been codified in our country.

Second, the country has a strict hierarchy of sources of law. The Constitution, constitutional laws, presidential decrees, decisions of the Cabinet of Ministers, normative legal acts passed by central and local authorities constitute the system of sources of law in Uzbekistan.

Third, the principle of rule of law is a crucial part of the hierarchy of the system of sources of law, in which the priority of the Constitution plays an important role. This means prohibiting any activity, as well as law-making activities that is unconstitutional. In addition, this refers

to compliance to the constitutional norms on the interpretation and application of laws, and that all law-making bodies are obliged to act in accordance with the constitutional norms, the nature of the adoption of the Constitution, the complex procedure of constitutional review, as well as existence of constitutional control (protection of the Constitution).

Fourth, the basic principles of the administration of justice and the judicial system are of vital importance.

The main criteria of the rule of law state in Uzbekistan are as follows: the separation of powers, the priority of human rights and freedoms, the priority of the Constitution and laws, and constitutional control, which are all reflected in practice. These principles are considered significant factor in bringing the legal system of Uzbekistan closer to the Romano-Germanic legal system, which evidences that Uzbekistan now has a system of sources of law and legislation specific to the Romano-Germanic family of law. Accordingly, this means that the legal system of Karakalpakstan belongs to the Romano-Germanic legal system.

For almost 85 years, the peoples of Karakalpakstan and Uzbekistan have been living almost all spheres of socio-political life together. After the dissolution of the former Soviet Union, Karakalpakstan has become a sovereign democratic republic within Uzbekistan. This is specified in the constitutional law “On the Foundations of State Independence of the Republic of Uzbekistan”. In particular, Article 17 of the Law

¹ Theory of State and Law: Coursebook / Editors-in-Chief H.B. Boboev and H.T. Odilkoriev. -T.: The world of economics and law, 2000. -p. 387.

states: “The Republic of Uzbekistan recognizes the territorial integrity and independence of the Republic of Karakalpakstan. The relations between the Republic of Uzbekistan and the Republic of Karakalpakstan shall be established on the basis of equality, through bilateral agreements and treaties”.

When the the Constitution of the independent Republic of Uzbekistan was adopted on December 8, 1992, a separate chapter was devoted to strengthening the legal status of the Republic of Karakalpakstan, autonomy in Uzbekistan. In Chapter XVII of the Constitution of Uzbekistan, which is devoted to the constitutional status of the Republic of Karakalpakstan, enshrined that “The sovereign Republic of Karakalpakstan is a part of the Republic of Uzbekistan” (Article 70)².

This Article 70 of the Constitution substantiates that the Republic of Karakalpakstan was established on January 9, 1992 and the Constitution adopted on April 9, 1993 justifies that it is a sovereign republic within the Republic of Uzbekistan.

The Republic of Uzbekistan is a unitary state to which the Republic of Karakalpakstan is a part. It should be noted that there are some aspects of federalism in the state structure of Uzbekistan, which indicates that the Republic of Karakalpakstan has a certain state sovereignty.

It should be highlighted that the Constitution provides for the protection of the sovereignty of the Republic of Karakalpakstan by the

Republic of Uzbekistan. Furthermore, as stated in the Constitution of Uzbekistan, the Republic of Karakalpakstan adopts its own Constitution. Accordingly, the Republic of Karakalpakstan has its own constitutional and legal system:

- The Constitution of the Republic of Karakalpakstan;
- Constitutional laws of the Republic of Karakalpakstan;
- Normative legal acts of the Republic of Karakalpakstan adopted on the basis of laws to address issues of absolute authority.

The constitutional and legal system of Karakalpakstan is an integral part of the constitutional and legal system of Uzbekistan. This imposes certain requirements on the constitutional and legal system of Karakalpakstan.

They are as follows:

The Constitution of the Republic of Karakalpakstan may not contradict the Constitution of the Republic of Uzbekistan;

The laws of the Republic of Uzbekistan are also binding on the territory of the Republic of Karakalpakstan³.

The essence of state sovereignty is reflected and clearly defined in the Constitution of the Republic of Karakalpakstan, as the first chapter states that “Karakalpakstan is a sovereign democratic republic that is part of the Republic of Uzbekistan”⁴.

² Constitution of the Republic of Uzbekistan. T. “Uzbekistan”, 2019.

³ M. Utemuratov “Theoretical, historical, political and ideological foundations of the formation of the

Republic of Karakalpakstan in Uzbekistan”. - Tashkent 2005. - p.36.

⁴ The Constitution of the Republic of Karakalpakstan. Nukus. “KARAKALPAKSTAN”, 2021.

Reverence for sovereignty is a fundamental principle of international law and international relations. It is evident that Karakalpakstan has not yet achieved the true meaning of sovereignty. There is an obvious reason for it. As Karakalpakstan is a part of Uzbekistan, it voluntarily gives over some of the aforementioned parts of its sovereignty to Uzbekistan.

Many countries around the world do, in fact, have similar structures. This principle is enshrined in Article 70 of the Constitution of Uzbekistan. It recognizes that the sovereignty of the Republic of Karakalpakstan is protected by the Republic of Uzbekistan.

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