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Research Article

WELFARE STATE AND NEW NORMS OF THE CONSTITUTION OF UZBEKISTAN

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ABSTRACT

The article discusses the functions, the concept of a welfare state. Studied social security as a function of the welfare state. The author paid attention to the ideas, emergence and development of the social state. And also analyzed the constitutional foundations of the social state and its significance for the citizens of Uzbekistan. The exercise of the constitutional right to social security can be organized in various forms, which are usually distinguished according to such features as the range of those provided; sources and methods of formation of funds to finance relevant activities; types of security; conditions and amounts of security; security agencies.

KEYWORDS

State, sociality, law, guarantee, reform, constitution.

INTRODUCTION

According to the history of the development of law and legal reforms, he pays special attention to the influence of state law on ideas about social justice. So, for example, the Magna Carta of 1215 allows "to be convinced of the generally recognized position that the law forms and teaches society." The Magna Carta

appears "as a result of resistance to arbitrariness on the part of the monarch, as an attempt to put the king in a certain legal framework ... Subsequently, the provisions of the Magna Carta had a great influence on the development of such human rights as the right to life and the right to liberty, as well as many procedural

guarantees, which, in turn, played an important role in shaping the concept of the rule of law." The concept of "welfare state" was first used in 1850 by Lorenz von Stein. He included in the list of functions of the state "the maintenance of absolute equality in rights for all different social classes, for an individual private self-determined person through his power."

The logical continuation of the historical experience at the present stage is consolidated by the Resolution of the United Nations General Assembly "Transforming our world: the 2030 Agenda for Sustainable Development" dated September 25, 2015, which approved the sustainable development goals (paragraph 59). Therefore, today each state, that is, members of the UN, pays special attention to the eradication of poverty, the prevention of discrimination and the protection of the natural environment. According to the Sustainable Development Goals, the first priority of the United Nations is the eradication of poverty and hunger (Goals 1 and 2, respectively). And Uzbekistan, which is a member of the UN, as well as the UN Human Rights Council (HRC) in the city of Geneva (Switzerland). The HRC is an intergovernmental body within the UN system and is called upon to promote universal respect for and protection of all human rights around the world and to consider situations related to the violation of human rights, as well as the preparation of appropriate recommendations. Uzbekistan has been elected to the UN Human Rights Council for 2021-2023. In the future, the idea of the state, the purpose of the formation and functioning of which is to ensure complete social protection of the individual and society, the creation of normal living conditions for each person, regardless of how large their share of participation in the production of those (other) material goods, gained wide popularity in science. and found its way into the constitutions of many countries. Thus, Article 1 of the

Constitution of Uzbekistan states that "Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government. The names of the state "Republic of Uzbekistan" and "Uzbekistan" are equivalent. Thus, the social state receives its consolidation as a constitutional principle, as a new type of state.

THE MAIN FINDINGS AND RESULTS

Referring to these social, economic and personal rights, the number of articles of the Constitution has increased from the current 128 to 155, norms - from 275 to 434. Accordingly, 65 percent of the text of the Basic Law has been updated based on the proposals of our people, the provisions on human rights and freedoms have increased by three and a half times, and, based on this, there is every reason to adopt the draft as the Constitution in a new edition. That is why today we say that the updated Constitution unites our entire society around the idea of building a developed state - New Uzbekistan, which takes into account the interests of all segments of the population, the general public, political parties, public organizations, representatives of expert and scientific circles actively participated in the development of the project, intelligentsia; in a word, as it was especially emphasized, the draft becomes literally the people's Constitution. One of the main functions of the welfare state is the function of social security. Social security is a form of distribution of material goods not in exchange for labor expended, but to meet the vital personal needs (physiological, social, intellectual) of the elderly, the sick, the disabled, children, dependents, survivors, the unemployed, all members of society in for the purposes of protecting health and normal reproduction of the labor force at the expense of special funds created in society, in cases and on conditions established in social, including legal norms.

As a solid legal basis and a reliable guarantee of the long-term development of our country and the future prosperous life of our people, it is indicated that Uzbekistan is a “sovereign, democratic, legal and social state”, and that these principles cannot be changed.

In addition, amendments on the legal nature of the state follow from the goals of the preamble to the Constitution and the ongoing reforms in the country. The theoretical analysis of modern and previous definitions of the rule of law state, the current constitutions that enshrine its principles, as well as the positive experience of their implementation, make it possible to clarify the essential characteristics of the rule of law state as a social state. A social legal state is a constitutional system of legal and political institutions that really ensure the sovereign rights of the people and internationally recognized human rights, the balance of interests of all social groups, individuals and society based on the rule of law. The formation and development of social legal states in the modern world is an objectively determined and objectively necessary trend, a pattern of human progress. The state forms a system of social protection (in the broad sense) in the form of recognition of social rights, social guarantees, as well as real actions aimed at maintaining a favorable social position of the individual (or changing it), which guarantees the preservation of the existing social, political and economic systems and their stability. A person forms social self-security by strengthening his socio-economic position at the expense of various types of income. The higher the income of an individual, the higher the system of social self-security, the lower it is, the higher the need of the individual for the system of social security offered by the state. At the same time, the theory of the welfare state has an important distinctive quality. It does not level the national-historical features of each state formation, fitting them

to a common theoretical template, but allows fixing the original manifestations of national-state features within the framework of the general nature of the welfare state, allows the existence of national models of its political and legal regime. Therefore, of particular interest is Article 1, where the features of the welfare state are fixed. Today, in Uzbekistan, the creation of decent living conditions, the provision of qualified medical care, quality education, social protection for every inhabitant of the country have become the most important priorities of state policy. At the same time, almost half of the expenditures of the State budget falls on the social sphere.

The state provides all possible assistance to people in need, including persons with disabilities, youth and the older generation. The system of providing assistance through the “iron”, “women's”, “youth” notebooks and the “mercy notebook” is being actively implemented.

In Article 46 of the Constitution, “Everyone has the right to social security in old age, in case of disability, unemployment, as well as the loss of a breadwinner and in other cases provided for by law. The amount of pensions, allowances and other types of social assistance established by law cannot be lower than the officially established minimum consumer spending. Based on this article, we can say that, in the Constitution, it is provided that the state will take on a number of new obligations to reduce poverty, provide employment and protect against unemployment. In general, the norms containing the social obligations of the state are tripled.

It is also important to recall that the right to work is a right recognized by the international community. For the first time, as one of the fundamental and most important human rights at the international level, the right to work was recognized in the Universal

Declaration of Human Rights in 1948, and then in an even more expanded form - in the International Covenant on Economic, Social and Cultural Rights (1966). They define the right to work as the right of every person to be able to earn his living in the work he chooses to do. To date, the Republic of Uzbekistan has ratified 14 ILO conventions regulating certain issues in the field of labor.

According to Article 42 of the New Edition of the Constitution of the Republic of Uzbekistan: "Everyone has the right to decent work, to a free choice of profession and type of activity, favorable working conditions that meet the requirements of safety and hygiene, to a fair remuneration for work without any discrimination and not below the established minimum wage, as well as unemployment protection in the manner prescribed by law. The minimum wage is determined taking into account the need to ensure a decent standard of living for a person. It is forbidden to refuse to hire women, dismiss them from work and reduce their wages for reasons related to pregnancy or the presence of a child.

Particular attention is paid to the employment of certain categories of the population, to ensuring the employment of citizens, protecting them from unemployment, as well as reducing poverty, which, for some reason, experience difficulties in finding work and need additional state assistance. Article 43 The state takes measures to ensure the employment of citizens, protect them from unemployment, and reduce poverty. The state organizes and encourages professional training and retraining of citizens. These new norms that guarantee citizens for social protection within the framework of the priority direction of the development of the social sphere define the tasks of a consistent increase in real incomes and employment of the population. To implement

these tasks, along with others, it was determined the need to create conditions for the able-bodied population for the full implementation of their labor and entrepreneurial activity, improve the quality of the workforce, expand the system of professional training, retraining and advanced training of people in need of employment. It is also envisaged to promote the employment of predominantly women, the disabled and other socially vulnerable categories of the population. Forced labor has been completely abolished, the prohibition of any child labor that adversely affects the development of children is written directly into the Basic Law of our country, which is a guarantee that the younger generation has constitutional guarantees on the right to work that determine the basic principles of state policy in the field of labor. The Constitution also establishes that the state creates conditions for the development of pre-school education and upbringing, and primary vocational education is free. An important norm that provides for the organization of inclusive education and upbringing of children with special needs in educational institutions, sending them to study in general education and other schools is a practical embodiment of the principle of human dignity in New Uzbekistan.

The updated Constitution creates a solid foundation for the provision of academic freedom to higher educational institutions, the right to receive free higher education at the expense of the state on a competitive basis, support for non-state educational organizations create an opportunity for the younger generation to improve their lives, realize their dreams, find their place in life and develop own personality, having mastered modern specialties.

Therefore, the inclusion in the Constitution of such rights as work in favorable working conditions,

receiving a fair wage for work, rest, receiving a guaranteed volume of medical care at the expense of the state, the right to education, the right to housing, to social protection are guarantees for further strengthening the economic and social protection of citizens.

An important point is the guarantees of personal rights and freedoms in the Constitution in accordance with the most advanced international standards. In particular, a person cannot be detained for more than 48 hours without a court order, and if the lawfulness and justification of the detention is not proven in court, the person is subject to immediate release (the Habeas Corpus Institute), and during detention, his rights must be explained in understandable language. and grounds for detention (“Miranda Rules”). In addition, the right of the accused and the defendant not to testify against himself, in other words, “the right to remain silent”, is fixed. These provisions guarantee the inviolability of personal freedom and the prevention of unlawful detention of people.

Article 31 establishes that the right to secrecy of correspondence, telephone conversations, postal items, electronic messages and other communications may be limited only by a court decision. Currently, the prosecutor has this prerogative, and the transfer of this authority to the courts will be a fundamental turn in ensuring privacy and constitutional rights of the individual.

A very important point is that the guarantee enshrined in the Constitution that the rights of relatives cannot be restricted on the basis of a criminal record means that a person is not responsible for the mistakes committed by his relatives.

Therefore, it is important for the entire population living in Uzbekistan to have fixed norms regarding the

care of the state for youth, children and families, as well as the creation of equal opportunities for women and men.

Article 58 in the New Edition of the Constitution of Uzbekistan states that the state ensures equality of rights and opportunities for women

and men in managing the affairs of society and the state, as well as in other areas of public and state life ;

in article 76 - marriage is based on the traditional family values of the people of Uzbekistan, free consent and equality of those entering into marriage. The state creates social, economic, legal and other conditions for the full development of the family.

Important amendments to article 77 establish that parents and persons replacing them are obliged to support their children until they reach adulthood, take care of their upbringing, education, healthy, full and harmonious development, as well as ensuring and protecting the rights, freedoms and interests of the child, creating the best conditions for his full physical, mental and cultural development are the responsibility of the state; motherhood, fatherhood

and childhood are protected by the state. The state and society take care of the formation in children and youth of a commitment to national

and universal values, pride in the country and the rich cultural

and spiritual heritage of the people, a sense of patriotism and love for the Motherland (article 78);

- the state ensures the protection of the personal, political, economic, social, cultural, environmental rights of young people, encourages their active

participation in the life of society and the state (Article 79) .

Looking at Article 1 . (Part One) Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government.

(Part Two) The names of the state "Republic of Uzbekistan" and "Uzbekistan" are equivalent. It is specified that Uzbekistan is a state with a republican form of government.

At the same time, in the Development Strategy of New Uzbekistan, the implementation of a fair social policy, the provision of quality education and upbringing as the most important factor in the development of human capital is identified as one of the priority areas of the ongoing reforms.

The President of the Republic of Uzbekistan, during the festive congratulations on the occasion of the Constitution Day of the Republic of Uzbekistan, noted that it was time to consolidate the principle of "New Uzbekistan - a social state" as a constitutional norm.

Currently, the international legal documents regulating human rights and freedoms include:

- Universal Declaration of Human Rights of December 10, 1948;
- International Covenant on Civil and Political Rights of 1966;
- International Covenant on Economic, Social and Cultural Rights;
- European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950 (Rome Convention);
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1984 (Torture Convention);

- International Convention on the Elimination of All Forms of Racial Discrimination;
- Final Act of the Conference on Security and Cooperation in Europe of August 1, 1975 (Helsinki Act);
- conventions and recommendations of the International Labor Organization (ILO);
- other international legal acts.

The significance of these acts lies in the fact that they contain universal standards in the field of human rights developed by the world community. The international community is working to ensure that these standards are met by all countries. There are not so many states left in the world that do not recognize and do not comply with the generally recognized principles and norms of international law in the field of protecting rights and freedoms.

Most democratic countries seek to respect human rights and freedoms, their legal protection. States bring their domestic legislation into line with international norms. Often, international acts (including those in the field of human rights and freedoms) are directly included in domestic legislation and have direct effect. Thus, according to the updated constitution of Uzbekistan, generally recognized principles and norms of international law and international treaties are an integral part of its legal system. Basic (constitutional) human and civil rights are conditionally divided into three large groups :

- 1) personal rights;
- 2) political rights;
- 3) economic, social and cultural rights.

Personal rights determine the status of a person as a biosocial organism and include:

- the right to life;
- the right to dignity;
- the right to liberty and security of person;
- the right to privacy;
- the right to the inviolability of the home;
- the right to free movement, choice of place of stay and residence;
- the right to use one's native language and determine one's nationality;
- the right to freedom of conscience and religion;
- the right to freedom of thought and speech;
- the right to judicial protection of one's rights and legal assistance, which is provided for in the second section of the updated Constitution of Uzbekistan and is called "BASIC RIGHTS, FREEDOMS AND DUTIES OF THE HUMAN".

For example, in the Republic of Uzbekistan, human rights and freedoms are recognized and guaranteed in accordance with the generally recognized norms of international law and in accordance with this Constitution. Human rights and freedoms belong to everyone from birth.

In the Republic of Uzbekistan all citizens have the same rights and freedoms, are equal before the law, regardless of gender, race, nationality, language, religion, beliefs, social origin, social provisions.

Benefits can only be established in accordance with the law and must comply with the principles of social justice.

(Article 19.)

A person's right to life, freedom and property are recognized as natural and inalienable rights arising from the moment of birth, and these rights belong to a person regardless of the presence of statehood and laws.

These articles come from the Universal Declaration of Human Rights and will expand the range of objects of this rule.

Enshrined at the constitutional level guarantees of human rights in criminal proceedings, creating conditions for the application of these constitutional norms directly by the courts.

This norm is considered as an important guarantee of the protection of human rights and freedoms from the possible arbitrariness of the subjects of rule-making.

It also proceeds from the provisions of Article 84 of the Constitution, which establishes that the publication of laws and other normative legal acts is a prerequisite for their application.

The addition to the second part of the article corresponds to the provisions of Article 4 of Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

Article 27 deals with the rights of citizens to the inviolability of their home. to the inviolability of his home.

Since everyone has the right to protection from encroachments on his honor and dignity, interference in his private life, on the inviolability of his home.

No one has the right to enter a dwelling, conduct a search or inspection, violate the secrecy of correspondence and telephone conversations, except in the case and in the manner prescribed by law.

An innovation is the right to privacy which is included in Article 31.

In the first norm, "Every person has the right to privacy, personal and family secrets, protection of his honor and dignity."

In the second norm, the article states that, "Everyone has the right to privacy of correspondence, telephone conversations, postal, electronic and other communications. Restriction of this right is allowed only in accordance with the law and on the basis of a court decision.

The third norm of the article "Everyone has the right to the protection of his personal data, the requirement to correct false data, the destruction of data collected about him illegally or no longer having legal grounds."

Continuation follows the fourth norm, where the following is guaranteed

"Everyone has the right to the inviolability of their home."

And in the fifth norm we read that "No one can enter a dwelling against the will of the persons living in it. Entry into a dwelling, as well as seizure and inspection therein, shall be allowed only in cases and in the manner prescribed by law. A search of the dwelling is allowed only in accordance with the law and on the basis of a court decision.

CONCLUSION

The International Covenant on Civil and Political Rights was adopted and opened for signature, ratification and accession in accordance with General Assembly resolution 2200A (XXI) of December 16, 1966. Another ten years elapsed before the required 35 states became parties to the Pact. In accordance with article 49, the Covenant officially entered into force for these States on 23 March 1976. A significant place in the pacts is given to freedom of labor; slavery and the slave trade are prohibited in all forms. No one shall be held in servitude. No one shall be forced into forced or compulsory labor. In accordance with the Covenant on Economic, Social and Cultural Rights, States recognize

the right to work, which includes the right of every person to be able to earn his living in a job freely chosen by him. Measures aimed at the full realization of the right to work include vocational education and training programmes, ways and means of achieving sustainable economic, social and cultural development and full productive employment under conditions that guarantee the basic political and economic freedoms of the individual. The right of every person to just and favorable working conditions is recognized, including a fair wage and equal remuneration for work of equal value, a satisfactory existence for workers and their families, working conditions that meet safety and hygiene requirements, etc. States recognize the right of every person to social Security. According to both pacts, everyone has the right to form and join trade unions with others for the protection of their interests. The Covenant on Economic, Social and Cultural Rights provides for the obligation of states to ensure the right of trade unions to function freely, the prohibition of discrimination, in whatever form it manifests itself, also emphasizes the equality of men and women. These new constitutional norms comply with modern human rights requirements and in conclusion I would like to note that granting citizens the right to apply to the Constitutional Court regarding the constitutionality of the law applied to them by the court is a new mechanism for protecting their rights and legitimate interests. The updated Constitution legally fixes the rule of law as a state-legal reality, or as a global social task. protecting human rights and his interests and taking into account the interests of all segments of the population will in fact become a people's constitution, as well as a social rule of law state, there are good reasons to assert that such a process is underway.

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