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# CONSTITUTIONAL AND LEGAL BASES OF CITIZENSHIP OF THE REPUBLIC OF UZBEKISTAN

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## Abstract

The article examines the constitutional and legal foundations of citizenship in the Republic of Uzbekistan, analyzes the norms of the Constitution of the Republic of Uzbekistan on citizenship, the relationship between a citizen and the state, the concept of citizenship, the theory and content of the institution of citizenship at the present stage.

**Keywords** Constitution, constitutional and legal norms, international law, citizenship, statelessness, human rights.

## INTRODUCTION

The adoption of the Renewed Constitution of the Republic of Uzbekistan served to strengthen the constitutional foundations for the construction of a New Uzbekistan [1].

At the same time, in the renewed of constitutional and legal conditions, it is necessary to improve the main directions of the country's development and bring the ongoing large-scale reforms, the ultimate goal of which is the interests of the people and ensuring human rights and freedoms, to a new stage.

In the modern era, human rights and freedoms are attracting more and more attention all over the world. The amount of rights and freedoms that a person can enjoy in a certain state depends on whether or not he has citizenship of that state, since each state, as a rule, gives its citizens more rights than foreigners. In the modern era, human rights and freedoms are attracting more and more attention all over the world.

According to the paragraph 84, Appendix No. 1 to the Decree of the President of the Republic of Uzbekistan On the strategy "Uzbekistan – 2030", it is noted that ensuring the supremacy of the Constitution and laws, turning reliable protection

of human rights and freedoms into the main criterion of judicial and legal reforms in Uzbekistan [2].

## DISCUSSION

At the present stage, citizenship is considered as one of the main institutions that determine the relationship between the individual and the state. It is through citizenship that the foundations of the political and legal position of the individual in modern society are determined, since it is citizenship that determines the legal connection of a person with the state, so the constitutions of almost all states enshrine norms regarding citizenship of these countries.

The Constitution of the Republic of Uzbekistan, adopted after independence on December 10, 1992, enshrined an entire chapter (IV) devoted for the first time to the constitutional and legal foundations of Uzbek citizenship.

The renewed Constitution of the Republic of Uzbekistan also devotes chapter VI to this institution. Article 22 of the Constitution of the Republic of Uzbekistan stipulates: "The Republic of Uzbekistan establishes a single citizenship for the entire territory of the Republic. The citizenship of the Republic of Uzbekistan is equal for all, regardless of the grounds for its acquisition. A

citizen of the Republic of Karakalpakstan is also a citizen of the Republic of Uzbekistan. The grounds and procedure for the acquisition and loss of citizenship are established by law" [3]. Thus, the Constitution enshrines the principle of uniform citizenship throughout the territory of the Republic of Uzbekistan, the principle of equality of citizenship for all, regardless of the grounds for its acquisition. In accordance with the principle of single citizenship, a citizen of the Republic of Karakalpakstan is simultaneously a citizen of Uzbekistan and a full participant in state-legal relations.

This principle, recognizing the state sovereignty of the Republic of Karakalpakstan and the rights of the Karakalpak people, plays an important role in strengthening the constitutional order and interethnic harmony.

In other words, the legal status of a citizen of the Republic of Karakalpakstan includes all norms concerning the rights, freedoms and duties of citizens of the Republic of Uzbekistan.

In article 23 of the Constitution, the Republic of Uzbekistan guarantees protection and patronage to its citizens both on its territory and abroad. Article 10 of the Law of the Republic of Uzbekistan "On Citizenship of the Republic of Uzbekistan" develops and specifies this norm as follows: "Citizens of the Republic of Uzbekistan abroad are under the protection and patronage of the Republic of Uzbekistan.

The Republic of Uzbekistan, represented by its diplomatic missions and consular institutions, is obliged to take measures to ensure that citizens of the Republic of Uzbekistan have the opportunity to fully enjoy all the rights granted by the legislation of the host country, international treaties to which the Republic of Uzbekistan and the host State are parties, generally recognized norms of international law, international customs. Consular institutions of the Republic of Uzbekistan, as well as consular departments of diplomatic missions of the Republic of Uzbekistan (hereinafter referred to as consular institutions) also take measures to protect the rights of citizens of the Republic of Uzbekistan and restore them in case of violation" [5].

In addition, article 23 of the Constitution introduces innovations on citizenship issues, according to which citizens of the Republic of Uzbekistan cannot be expelled from Uzbekistan or extradited to another State, and also establishes the obligation of the State, in accordance with international law, to take care of maintaining and developing ties with compatriots living abroad.

Article 24 of the Constitution of the Republic of Uzbekistan guarantees the rights and freedoms of foreign citizens and stateless persons in accordance with the norms of international law. Also, in accordance with this article, obligations established in the Constitution, laws and international treaties of the Republic of Uzbekistan are imposed on foreign citizens and stateless persons.

In the theory of the institution of citizenship, the main feature highlighted in the relationship between a citizen and the state is a sign of the stability of this legal relationship. The laws of almost all countries on citizenship have different definitions of citizenship. Thus, Article 4 of the Law of the Republic of Uzbekistan "On Citizenship" stipulates that the citizenship of the Republic of Uzbekistan determines the permanent political and legal relationship of a person with the state, expressed in the totality of their mutual rights, duties and responsibilities and based on recognition and respect for dignity, fundamental human rights and freedoms [5]. A similar definition is given in the Law of the Republic of Kazakhstan "On Citizenship", which stipulates that the citizenship of the Republic of Kazakhstan defines a stable political and legal relationship of a person with the state, expressing the totality of their mutual rights and obligations [6].

In our opinion, Kazakh scientists G.U.Balgimbekova, A.T.Kabzhanov, R.B.Botagarin and A.V. Turlaev quite correctly note that the identification of the main features of the phenomenon under study allows us to consider this phenomenon as a separate legal category, having both theoretical and practical significance. Defining a specific set of essential features makes it possible to isolate citizenship from a variety of similar legal categories. As a political and legal category, citizenship is considered in the science of

constitutional law as a multifaceted phenomenon manifested in the implementation of organizational, functional and legal properties. In studies on citizenship, it is noted that determining the content of citizenship, its specific properties and meaning is an important task for the science of constitutional law [7, 27-28 p.].

It should be noted that there are different approaches in the scientific literature regarding the content of the concept of citizenship. As G.U.Balgimbekova notes, nevertheless, three approaches have been developed in legal science regarding the content of the term citizenship:

- first, citizenship as a political and legal phenomenon that determines the relationship between a person and the state;
- secondly, citizenship as a subjective human right to citizenship;
- third, citizenship as a constitutional and legal institution [8, 112-121 p.].

Usually, citizenship issues are established and regulated by the domestic, national law of States, but at present the role of international law has increased especially and citizenship issues are considered not only by the science of constitutional law, but also by international law. This is due to an increase in disputes between States over the legal status of specific individuals or certain groups of the population. Therefore, today citizenship as a constitutional and legal institution is defined as a set of norms of national and international law that define the conditions and procedure for the emergence, modification, termination or realization of a person's subjective right to citizenship.

As we noted above, the role of international law has now increased especially and citizenship issues have also been addressed in it. Because the right to citizenship is one of the fundamental human rights provided for in international human rights standards, as well as in international law, the branch of International Human Rights law has been formed. International law guarantees each individual certain rights in the field of acquisition and use of citizenship. For example, in the Universal Declaration of Human Rights (1948), the

following provision is enshrined in article 15: "Everyone has the right to citizenship. No one may be arbitrarily deprived of their citizenship or the right to change their citizenship." [9]

Also, article 9 of the Convention on the Reduction of Statelessness (1961) provides: "A Contracting State shall not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds" [10]. In addition, international law has developed a system of principles governing the procedure and methods of acquiring citizenship, as well as determining the legal status of stateless persons. Based on the norms of international law, citizenship issues cannot contain provisions restricting the rights of citizens on the grounds of social, racial, national, linguistic, religious affiliation.

Thus, in almost all countries, it is on the basis of constitutional norms that the state's policy in the field of citizenship is determined, and the main directions for the development of the institution of citizenship are fixed in national legislation, taking into account international treaties to which the state is a party. The principles of citizenship enshrined in the regulatory and political-legal form should be considered as fundamental ideas and foundations that determine not only the procedure for implementing the state of citizenship in law enforcement practice, but also as the most important guarantee of protection and ensuring human and civil rights and freedoms on the territory of the Commonwealth of Independent States.

## **CONCLUSION**

In Uzbekistan, on the basis of constitutional norms on citizenship issues, the process of improving legislation on the basis of international legal norms is underway. For example, guarantees have been introduced to prevent statelessness of children, including legislation on citizenship provisions on granting citizenship to children born in their territory of the Republic of Uzbekistan, who otherwise would be stateless, and gender discrimination has also been excluded.

The country is improving the system of documenting stateless persons, including the

creation of a convenient infrastructure for visitors and an individual approach by government officials to the problems of stateless persons.

The Government of Uzbekistan has begun to maintain partnerships with civil society organizations in the country to address the problems of vulnerable groups, as the civil sector can work effectively to help the latter out of a vulnerable state.

In recent years, as part of the judicial and legal reform, the Government of Uzbekistan has taken decisive steps to reduce and eliminate statelessness, since 2014 more than one hundred thousand stateless persons have been identified in the Republic of Uzbekistan, and the cases of 83,793 people have been resolved.

In 2014, UNHCR launched the #Belong global campaign to end statelessness. Since then, Uzbekistan has made significant progress in ensuring the rights of stateless persons. Among Uzbekistan's key achievements are the adoption of an improved Law on Citizenship in 2020 and changes in birth registration practices, as well as measures to harmonize legislation and practice [11].

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