

## CONSTITUTION: THE BOOK OF BALANCE OF JUSTICE AND EQUALITY.

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**Abstract:** *In this article, the author provides an in-depth examination of the role of the Constitution of the Republic of Uzbekistan in societal life, the extent to which its principles of justice and equality are defined, and the evidence of its status as a social state. The Constitution is analyzed not only as a document regulating the processes of state governance but also as a moral-legal system that uplifts human dignity and ensures balance between society and the state. The article provides a detailed explanation of the principles of the primacy of human rights and freedoms enshrined in the Constitution, the rule of law, the separation of powers, and social equality. Additionally, the article highlights the distinctions between justice and equality, the state's duties toward its citizens, an open system of governance, social protection, and the importance of education and enlightenment in society.*

**Keywords:** *Constitution, principles of justice and equality, rule of law, human rights and freedoms, article, religious freedom, right to petition, inclusive education.*

### INTRODUCTION

If we look at the history of humanity, the greatest goal of society has always been one: to create a state where people are equal, their rights are protected, and justice prevails.


These noble aspirations were shaped over the centuries by the experiences of various states, the decisions of rulers, and the struggle of the people, and were finally embodied in the fundamental document known as the Constitution—the state's supreme law. The most sacred value of every democratic state is its constitution. For the constitution is not merely a collection of written norms, but a spiritual book that reflects the society's moral and material strength, the nation's dreams and hopes, and the heart of its governance.

The Constitution of the Republic of Uzbekistan is also the product of such historical, social, and democratic processes, regulating all spheres of society's life on the basis of the principle of justice. In particular, the preamble to the new edition of the Constitution of the Republic of Uzbekistan states: "democracy, freedom and equality, social justice and solidarity, and our commitment to these ideals, we adopt and proclaim this Constitution" <sup>22</sup> - such phrases are reflected. From this, it is clear that Uzbekistan prioritizes democratic principles and governs its state accordingly.

The Constitution is not just a document; it is the balance sheet of the principles of justice and equality. In this book, each person's rights and duties and the state's

<sup>22</sup> Constitution of the Republic of Uzbekistan. – Tashkent: Uzbekistan, 2023. – Art. 1.





responsibilities are strictly defined. Article 15 of the Constitution: "The Constitution of the Republic of Uzbekistan has supreme legal force throughout the entire territory of the country, is of direct application, and constitutes the basis of a single legal space." <sup>23</sup> It is precisely this single provision that underscores the significance of the Constitution of the Republic of Uzbekistan and has made it possible to resolve previously unresolved knots in our society.

1. The Constitution is the measure of justice.

Justice is the highest goal of society and the most reliable principle of state governance. Without justice, order is disrupted and freedom is lost. The norm reflected in Article 19 of our Constitution states that in the Republic of Uzbekistan, all citizens have equal rights and freedoms, regardless of gender, race, nationality, language, religion, creed, social origin, or social status.<sup>24</sup> The principle of justice and equality is violated, and equality remains only on paper.

What is the fundamental difference between justice and equality? Let's take a look. Equality is about treating all people the same, giving them equal conditions and rights. For example: as we've seen above, equality means treating all individuals equally regardless of race, gender, origin, or lineage, while justice is giving each person what they deserve. For example, although they have the same rights, providing additional assistance to persons with disabilities is considered a standard of justice.

1.1 The Supremacy of Human Rights. The most fundamental idea of the Constitution

This is, of course, to serve human rights and interests. 65% of the Constitution is devoted specifically to human rights and duties, and as emphasized in Article 2: "The state expresses the will of the people and serves their interests. State bodies and officials are accountable to society and citizens."<sup>25</sup> Thus, the primary duty of state bodies is to serve the individual. This also indicates that the state adheres to the principle of justice toward the individual. Because any justice begins with the conditions and opportunities created for the individual. Therefore, the introduction of new guarantees for human rights in the Constitution of the Republic of Uzbekistan directly indicates the existence of the principle of justice.

1.2 The rule of law guarantees justice. As is known, the law


supremacy is a reflection of justice. The Constitution, in turn, is the fundamental guide for all laws. Therefore, every action of state bodies, the decisions of officials, and court judgments must be in accordance with the Constitution. In a rule-of-law society, conflicts of interest are prevented, citizens' rights are protected, and judicial independence is ensured. If we view justice as a scale, the very Constitution is the standard by which it is

<sup>23</sup> Constitution of the Republic of Uzbekistan. – Tashkent: Uzbekistan, 2023. – Art. 15. <https://lex.uz/docs/-6445145>

<sup>24</sup> Constitution of the Republic of Uzbekistan. – Tashkent: Uzbekistan, 2023. – Art. 19. <https://lex.uz/docs/-6445145>

<sup>25</sup> Constitution of the Republic of Uzbekistan. – Tashkent: Uzbekistan, 2023. – p. 2. <https://lex.uz/docs/-6445145>





weighed. While Article 50 of the Constitution guarantees the right to education for all, the opportunity for inclusive education is an even more effective option for those with disabilities. This is a manifestation of justice.

2. The Constitution is the invisible balance between society and the state.

Moreover, one of the constitution's major tasks is to establish a balance between state power and citizens. Without this balance, the state would resort to force, seize full power, and lead to social disorder. According to Article 11 of the Constitution, the separation of powers is manifested in the legislative, executive, and judicial branches. Each of them not only controls the others but also imposes obligations on them. For example: When the Oliy Majlis enacts a law, it sends it to the Cabinet of Ministers to ensure its implementation and places that responsibility on them. If citizens are dissatisfied with these measures, they can turn to the courts, and the court, by issuing a ruling, can task a state body with repealing the law.

2.1 Accountability and transparency of the state. The Constitution not only defines the state's duties but also reflects its responsibilities, which is why officials are obliged to comply with the laws without deviation. Government bodies must operate openly, report to the public, and ensure transparency. Where there is no accountability, justice cannot be achieved on its own. Therefore, it is well known that public oversight and prosecutorial oversight exist. The mission of each is to ensure justice, monitor the rule of law, and serve the community,


3. Constitution: the moral and legal foundation of society's development. In recent years, the very essence of the reforms underway has been defined on the basis of ideas tied to human dignity and worth. In a state where human dignity is not highly valued, there can be neither justice nor equality. The Constitution, however, has recognized human dignity as the highest value.

3.1 Social justice is the practical expression of the constitution. Supreme objectives such as social protection, assistance, pensions, opportunities for the disabled, equal opportunities for women and men, and support for children are enshrined in the constitution, and it would not be an exaggeration to call them a practical manifestation of justice. For example, Article 42 of the Constitution states: "It is prohibited to refuse to hire women, to dismiss them, or to reduce their wages on the grounds of pregnancy or the presence of a child" <sup>26</sup>. As can be seen, the rights of pregnant women are also protected at the constitutional level, and strong guarantees have been provided. Furthermore, Article 47 states: "No one may be deprived of their home without a court decision and in violation of the law. The owner of a property who has been deprived of their home shall be guaranteed compensation in advance and in an equivalent amount for the value of the property and for

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<sup>26</sup> Constitution of the Republic of Uzbekistan. – Tashkent: Uzbekistan, 2023. – p. 42. <https://lex.uz/docs/-6445145>





any damages they have suffered, in the cases and according to the procedures provided for by law." This provision helped many people easily resolve their problems. Before the new constitution was adopted, people suffered great losses because their homes were transferred to state ownership. They were compensated for these losses, but even that compensation was given at a low value. Today, however, the solution to this has been reflected in the new 2023 constitutional amendment by our President. All of these can be considered practical examples of the principle of justice.

Conclusion:

The Constitution is the most important document of any state and is considered the main pillar of a society's stability and development. It is not just a collection of articles , but a spiritual and legal symbol that reflects the people's dreams and goals, their vision for the future, and their belief in freedom and justice. That is why it is not by chance that we call the constitution the "Book of the Balance of Justice and Equality." As long as the constitution exists, the state is strong, society is powerful, and the individual is cherished and valued.

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