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CONSTITUTIONAL JUSTICE AS A MECHANISM FOR THE PROTECTION OF HUMAN RIGHTS AND FREEDOMS: A COMPARATIVE LEGAL ANALYSIS OF UZBEKISTAN AND FOREIGN COUNTRIES

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Abstract

Constitutional justice plays an important role in ensuring the supremacy of the Constitution, protecting human rights and freedoms, and maintaining the rule of law. It provides legal mechanisms through which the constitutionality of laws and other normative acts can be examined. This article analyzes the role of constitutional justice in Uzbekistan and compares it with the constitutional systems of selected foreign countries. Particular attention is paid to the powers of constitutional courts, individual protection mechanisms, and the effectiveness of constitutional guarantees. The study emphasizes the importance of strengthening constitutional justice as a fundamental condition for building a democratic state and protecting individual rights.

Keywords: Constitutional justice, human rights, fundamental freedoms, Constitutional Court, rule of law, Constitution, comparative law, judicial protection, Uzbekistan.

Introduction

The protection of human rights and freedoms is one of the fundamental principles of every democratic and law-governed state. In modern legal systems, constitutional justice serves as an essential instrument for ensuring that state institutions operate within constitutional limits. The Constitution establishes the basic principles of the political, social, and legal organization of a country and guarantees the fundamental rights of its citizens. However, constitutional provisions can only be effective when appropriate legal mechanisms exist to ensure their implementation. Constitutional justice is a special form of judicial activity aimed at protecting constitutional principles and ensuring that legislation complies with the Constitution. It also prevents the adoption and application of legal provisions that contradict constitutional rights and freedoms. In this regard, the Constitutional Court occupies an important position within the judicial system. For Uzbekistan, the development of constitutional justice has particular importance in the context of democratic reforms, modernization of public administration, and strengthening the legal status of individuals. The constitutional reforms of 2023 further emphasized the priority of human rights, human dignity, and the direct application of constitutional norms [1].

The theoretical foundations of constitutional justice have been studied by many international legal scholars. Hans Kelsen made a significant contribution to the development of the European model of constitutional review, emphasizing the importance of a specialized constitutional court in maintaining constitutional supremacy. Mauro Cappelletti examined the development of judicial review and its role

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in protecting constitutional rights. Comparative constitutional studies by scholars such as Tom Ginsburg and Vicki C. Jackson have also contributed to understanding the differences between constitutional justice systems in various countries. This article uses comparative legal, systematic, analytical, and formal legal methods. The constitutional systems of Uzbekistan, Germany, and the United States are considered in order to identify similarities and differences in their approaches to constitutional review and the protection of fundamental rights [2].

In Uzbekistan, constitutional justice is primarily exercised by the Constitutional Court of the Republic of Uzbekistan. Its activities are aimed at ensuring the supremacy of the Constitution and reviewing the constitutionality of laws and other legal acts within its established jurisdiction. The Constitution of Uzbekistan recognizes human rights and freedoms as fundamental values and establishes legal guarantees for their protection. An important development in Uzbekistan's constitutional system is the strengthening of constitutional complaint mechanisms. Citizens and legal entities have been given an opportunity, under the conditions established by law, to apply to the Constitutional Court concerning the constitutionality of a law applied in a specific case when their constitutional rights and freedoms have been violated. This mechanism strengthens the connection between constitutional justice and the practical protection of individual rights [3].

Germany represents one of the most developed models of constitutional justice. The Federal Constitutional Court plays a central role in protecting the Basic Law and ensuring that public authorities respect constitutional principles. One of its important mechanisms is the constitutional complaint (Verfassungsbeschwerde), through which individuals may challenge violations of their fundamental rights by public authorities after satisfying the relevant admissibility requirements. This system demonstrates how constitutional review can become an effective instrument for individual legal protection.

The United States follows a different approach. Unlike countries with specialized constitutional courts, constitutional review is exercised by ordinary federal and state courts within their judicial jurisdiction. The landmark decision in Marbury v. Madison (1803) established the principle of judicial review, allowing courts to refuse to apply laws that contradict the Constitution. This decentralized model demonstrates that constitutional justice can function effectively through different institutional structures.

A comparison of these countries reveals that constitutional justice has a common objective: ensuring constitutional supremacy and protecting fundamental rights. However, the institutional mechanisms differ. Uzbekistan and Germany have specialized constitutional courts, whereas the United States relies on constitutional review by ordinary courts [4].

The comparative analysis shows that the effectiveness of constitutional justice depends not only on the legal powers of constitutional courts but also on their independence, accessibility, transparency, and the enforceability of their decisions. In Uzbekistan, the constitutional complaint mechanism represents an important step towards strengthening individual protection. According to Article 133 of the Constitution,

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citizens and legal entities may challenge the constitutionality of a law applied to them in a specific court case, provided that the proceedings have been completed and other available judicial remedies have been exhausted. This provision creates an additional opportunity to protect constitutional rights. The German experience demonstrates the importance of providing individuals with direct access to constitutional justice. The Federal Constitutional Court can examine acts of public authorities, including legislative, executive, and judicial decisions, when fundamental rights are alleged to have been violated.

In the United States, judicial review ensures that legislative and executive activities remain consistent with constitutional requirements. The principle established in Marbury v. Madison has become an important foundation of constitutional control and the protection of constitutional supremacy. United States Courts The research identifies several important factors that contribute to effective constitutional justice: judicial independence, accessible complaint procedures, legal awareness among citizens, transparency of judicial decisions, and effective implementation of constitutional judgments. For Uzbekistan, further development of constitutional justice should focus on improving public awareness of constitutional complaint procedures, strengthening institutional independence, and ensuring that constitutional principles are consistently applied by all public authorities. Studying the experience of Germany and the United States can provide useful theoretical and practical lessons for improving national legal mechanisms [5].

Conclusion

Constitutional justice is one of the most important guarantees of human rights and freedoms in a democratic state. It ensures the supremacy of the Constitution, limits the exercise of public power, and provides legal mechanisms for protecting individuals against unconstitutional decisions and actions. The comparative analysis of Uzbekistan, Germany, and the United States demonstrates that different constitutional systems can achieve similar objectives through different institutional arrangements. Uzbekistan's specialized Constitutional Court, Germany's individual constitutional complaint mechanism, and the American system of judicial review represent significant approaches to constitutional protection.

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