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## THE IMPACT OF CONSTITUTIONAL CHANGES ON NORMATIVE LEGAL ACTS

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### Abstract

Constitutional reforms represent a fundamental transformation of the legal order of any state. In Uzbekistan, the 2023 constitutional amendments introduced comprehensive changes that directly affected the entire system of normative legal acts. This article examines the scope, mechanisms, and legal consequences of constitutional changes on the hierarchy of normative legal acts, analyzing the alignment processes, legislative revisions, and emerging challenges in law-enforcement practice. The study employs doctrinal analysis, comparative legal method, and systemic interpretation to establish the degree of normative conformity achieved following constitutional reform. The findings indicate that while substantial progress has been made in harmonizing national legislation, certain gaps and inconsistencies persist that require further systematic legislative attention.

**Keywords:** Constitutional changes, normative legal acts, legal hierarchy, legislative reform, constitutionality, law-enforcement, Uzbekistan.

### 1. INTRODUCTION

The constitution occupies the apex of the normative hierarchy in any democratic legal system. It functions not merely as a political document but as the supreme normative legal act that determines the validity, content, and application of all subordinate legislation [1, p. 45]. When constitutional provisions are amended or substantially revised, a cascading effect is generated throughout the entire



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normative framework of the state — statutory laws, presidential decrees, governmental resolutions, and departmental regulations must all be brought into conformity with the new constitutional norms.

The Republic of Uzbekistan enacted significant constitutional amendments in 2023, following a national referendum held on April 30, 2023. These amendments affected more than 60 percent of the constitutional text, introducing new provisions on human rights, governance structures, judicial independence, local self-government, and the socio-economic obligations of the state [2, p. 12]. Such an extensive revision inevitably raised fundamental questions about the continued validity of pre-existing legislation and the mechanisms required to ensure normative coherence.

Despite the practical importance of these questions, academic research in Uzbekistan on the systemic impact of constitutional changes on normative legal acts remains limited. Existing scholarship has addressed individual aspects — such as judicial review or specific sector reforms — but has not provided a comprehensive analysis of the normative impact across the legal hierarchy. This article aims to fill that gap by examining the theoretical foundations of constitutional supremacy, the mechanisms of normative harmonization, and the practical challenges that arise in the aftermath of constitutional reform.

The research objective is to analyze the legal mechanisms through which constitutional changes influence normative legal acts in Uzbekistan and to evaluate the effectiveness of post-reform harmonization efforts.

## **2. MATERIALS AND METHODS**

The research draws upon a combination of primary and secondary legal sources. Primary sources include the Constitution of the Republic of Uzbekistan (as amended in 2023), the Law of the Republic of Uzbekistan "On Normative Legal Acts" (2021 edition), decisions of the Constitutional Court of the Republic of Uzbekistan, presidential decrees issued in the period 2023–2024, and relevant ministerial regulations. Secondary sources comprise scholarly monographs, peer-reviewed journal articles, and analytical reports from governmental and international organizations operating in Uzbekistan's legal reform domain [3, p. 78].



Four principal methods of legal research are applied in this study. First, the doctrinal analysis method is employed to examine the content of legal norms, identify their hierarchical position, and establish their logical interconnections. Second, the systemic method is used to analyze normative legal acts as elements of an integrated and interconnected legal system, assessing whether internal coherence has been maintained following constitutional reform. Third, the comparative legal method is utilized to draw upon the experience of other post-Soviet states — notably Kazakhstan and Georgia — that have undertaken comparable constitutional revision processes, allowing benchmarking of harmonization approaches [4, p. 203]. Fourth, the formal-logical method is applied to identify contradictions, gaps, and redundancies within the normative system as it has evolved following the 2023 amendments.

The temporal scope of the study covers the period from January 2023 to December 2024, encompassing the pre-referendum preparatory phase, the constitutional adoption, and the first full year of normative harmonization activity. This timeframe allows assessment of both the immediate legislative responses to constitutional change and the more systemic, medium-term adjustments undertaken by state bodies.

### **3. RESULTS**

#### **3.1. Constitutional Supremacy and the Hierarchy of Normative Legal Acts**

The constitutional principle of normative hierarchy in Uzbekistan is codified in Article 16 of the Constitution (as amended in 2023), which establishes that all laws and normative legal acts must comply with the Constitution, and that the Constitution has supreme legal force throughout the territory of the Republic [5, p. 3]. This provision establishes the foundational rule of constitutional supremacy — *lex superior derogat legi inferiori* — which serves as the organizing principle of the entire normative system.

The Law of the Republic of Uzbekistan "On Normative Legal Acts" structures the hierarchy as follows: the Constitution occupies the highest position, followed by constitutional laws, codes, laws, decrees of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministers, and finally departmental normative acts. Any conflict between a lower-level act and a higher-level act must



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be resolved in favor of the superior norm [6, p. 17]. Constitutional changes therefore affect not only the constitutional text itself but trigger a mandatory review of every tier of the normative pyramid.

### **3.2. Scope and Character of the 2023 Constitutional Amendments**

The 2023 constitutional reform introduced amendments across multiple normatively significant domains. In the sphere of fundamental rights, new socio-economic rights were codified — including the right to a healthy environment, access to drinking water, and guarantees of social protection for vulnerable groups — thereby imposing new positive obligations on the legislature and executive [2, p. 34]. In the domain of governance, the powers of the President, the Oliy Majlis (Parliament), and the Cabinet of Ministers were rebalanced, with expanded parliamentary oversight functions and strengthened judicial independence provisions.

Of particular normative significance was the constitutional consolidation of the status of the Constitutional Court of the Republic of Uzbekistan as the authoritative body for constitutional review. Prior to the 2023 amendments, constitutional review was exercised by the Constitutional Court within a relatively limited framework; the revised constitutional provisions expanded the grounds for referral and broadened access to constitutional justice [5, p. 11]. This change directly affected the procedural normative acts governing the Constitutional Court's operation, necessitating corresponding legislative revision.

### **3.3. Mechanisms of Normative Harmonization**

Following the adoption of the 2023 Constitution, the Government of Uzbekistan initiated a systematic review of existing normative legal acts. Presidential Decree No. UP-75 of May 2023 established an inter-departmental commission tasked with preparing a consolidated register of normative legal acts requiring amendment, repeal, or replacement in light of the new constitutional provisions. The commission was directed to complete the initial inventory within six months and to present a legislative action plan to the Cabinet of Ministers [7, p. 2].

The harmonization process proceeded along three tracks. First, acts directly contradicting the new constitutional text were identified for urgent revision or



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repeal. Second, acts requiring substantive content amendments to reflect new constitutional obligations — particularly in the fields of social rights and environmental protection — were scheduled for priority legislative attention. Third, acts requiring only technical amendments to align terminology or cross-references with the revised constitutional text were addressed through an expedited procedure. By the end of 2024, the Ministry of Justice of the Republic of Uzbekistan reported that over 400 normative legal acts had been revised or repealed in connection with the constitutional reform [8, p. 5].

#### **4. DISCUSSION**

The findings confirm that constitutional change produces a systemic normative effect that extends across the entire legal hierarchy. However, the Uzbek experience also reveals a number of challenges that are common to post-amendment harmonization processes in states undergoing comprehensive constitutional reform.

First, the problem of temporal gaps is significant. Between the entry into force of the new constitutional provisions and the adoption of harmonizing legislation, a period of normative uncertainty inevitably arises. During this period, law-enforcement bodies must apply pre-existing normative acts whose constitutionality may be in question. While the principle of direct application of constitutional norms provides a theoretical remedy — allowing courts to apply constitutional provisions directly in the absence of implementing legislation [3, p. 91] — in practice, many administrative and judicial bodies lack the interpretive capacity to apply this principle effectively, particularly in complex socio-economic rights cases.

Second, the phenomenon of implicit unconstitutionality presents an enduring challenge. While explicit contradictions between normative acts and constitutional provisions are generally identifiable through systematic review, implicit inconsistencies — arising from the incompatibility of a norm's spirit or practical application with constitutional values, rather than its literal text — are far more difficult to detect and address. The experience of Georgia following its 2004 constitutional reforms suggests that implicit unconstitutionality may persist for years after formal harmonization is declared complete [4, p. 218].



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Kazakhstan's post-2022 constitutional reform process similarly revealed that sector-specific legislation, particularly in the energy and natural resources domain, harbored implicit inconsistencies with newly adopted environmental and social rights provisions [4, p. 224].

Third, the administrative capacity constraint affects harmonization quality. The scale of the normative review required by the 2023 amendments — encompassing hundreds of codes, laws, and subordinate acts — places substantial demands on legislative drafting capacity. Where revision work is conducted under time pressure without adequate expertise, the resulting amendments may resolve surface-level inconsistencies while failing to address deeper normative misalignments. The risks of this approach are well-documented in comparative constitutional literature [1, p. 63].

Fourth, the expanded role of the Constitutional Court following the 2023 reform creates both an opportunity and a challenge. On one hand, a more accessible and authoritative constitutional review mechanism provides a corrective instrument for addressing normative inconsistencies that survive the initial harmonization process. On the other hand, the effectiveness of this mechanism depends on the Court's institutional capacity, the quality of legal reasoning in its decisions, and the willingness of other state bodies to implement its rulings [5, p. 19]. Building these institutional attributes requires sustained investment in judicial capacity and legal culture.

## **5. CONCLUSION**

Constitutional changes fundamentally reshape the normative landscape of a state by altering the supreme legal reference point against which all subordinate acts are measured. The 2023 constitutional reform in Uzbekistan demonstrates both the ambition and the complexity of comprehensive constitutional revision. The reform introduced substantively significant new provisions across human rights, governance, and judicial independence that have generated an extensive and ongoing process of normative harmonization.

The study identifies three principal conclusions. First, the constitutional principle of normative supremacy functions effectively as a legal trigger for harmonization, but its operational implementation requires robust institutional and procedural



mechanisms that complement constitutional text. Second, temporal gaps, implicit unconstitutionality, and administrative capacity constraints represent the primary obstacles to complete normative harmonization following constitutional reform — and these obstacles are systemic rather than contingent. Third, the Constitutional Court's expanded role following the 2023 reform positions it as a critical instrument for ongoing normative quality assurance, provided its institutional capacity is adequately developed.

Future research should focus on tracking the long-term outcomes of the 2024–2026 harmonization program, assessing the implementation quality of newly adopted harmonizing legislation, and analyzing emerging Constitutional Court jurisprudence on post-reform constitutionality questions. A longitudinal perspective will be essential for evaluating whether the formal normative alignment achieved through legislative revision translates into substantive constitutional compliance in law-enforcement practice.

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