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## THE IMPORTANCE OF PROTECTING CITIZENS' RIGHTS AND FREEDOMS IN ENSURING THE RULE OF LAW

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### Abstract

The article analyzes the importance of protecting citizens' rights and freedoms in ensuring the rule of law. It emphasizes that safeguarding citizens' rights and freedoms is a fundamental factor in maintaining social stability, justice, and development. The protection of personal, political, and socio-economic rights strengthens public oversight over the activities of state bodies, contributes to the early prevention of legal violations, and promotes the enhancement of citizens' legal awareness and legal culture. The article also presents relevant proposals in this regard.

**Keywords:** Rights and freedoms, state bodies, justice, legal culture, public oversight, legal awareness, rule of law, guarantee, obligation, combating crime, dignity, duty, responsibility.

### Introduction

In our country, under the principle of "For Human Dignity," large-scale reforms are being implemented to unconditionally ensure human rights and interests and to form an active civil society. By Decree No. 60 of the President of the Republic of Uzbekistan dated January 28, 2022, the "Development Strategy of the New Uzbekistan for 2022–2026" was approved. One of the main priorities of this Development Strategy is to transform the principles of justice and the rule of



***Modern American Journal of Business,  
Economics, and Entrepreneurship***

**ISSN (E):** 3067-7203

**Volume 2, Issue 2, February, 2026**

**Website:** [usajournals.org](http://usajournals.org)

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law into the most fundamental and necessary conditions for the country's development.

One of the key objectives set within this direction is to shape a new image of law enforcement bodies and to orient their activities toward effectively protecting public interests, human dignity, rights, and freedoms.

Transforming the internal affairs bodies into a people-oriented professional structure serving as a reliable protector of the public and directing them toward targeted work with the population; creating a solid legal framework for a strict, transparent, and fair prosecutorial system that firmly ensures legality and makes the principle "The law is supreme, punishment is inevitable" the main criterion; strengthening oversight over operative-search and investigative activities; introducing effective mechanisms for protecting citizens' dignity and freedom; fundamentally reforming the system for registering reports of crimes within law enforcement bodies; and applying modern methods to prevent the concealment of crimes [1] are among the key tasks to be implemented in order to achieve the above-mentioned objectives.

It should be noted that the protection of human rights and freedoms, as well as the provision of their guarantees, is enshrined in the legislation of our country and in international instruments. According to the Law of the Republic of Uzbekistan "On Courts," one of the main tasks of the courts is to protect the rights and freedoms of citizens guaranteed by the Constitution and other laws of the Republic of Uzbekistan, its international treaties, as well as international human rights instruments [2].

The Criminal Procedure Code of the Republic of Uzbekistan defines the main objectives of criminal procedural legislation. According to it, the tasks of criminal procedural law consist of the prompt and full disclosure of crimes, ensuring that every person who has committed a crime is given a fair punishment, exposing offenders so that no innocent person is prosecuted or convicted, and ensuring the correct application of the law.

The procedure for conducting criminal proceedings, as established by criminal procedural legislation, must contribute to strengthening legality, preventing crimes, and protecting the interests of the individual, the state, and society.



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As noted by M. Sarsembayev, “International standards for the protection of human rights are norms закрепленные in international instruments (treaties, resolutions, declarations) that define the types of human rights and contain minimum requirements for their protection by participating states. International standards for the protection of human rights may be divided into binding and recommendatory standards” [3].

The Charter of the United Nations establishes as one of the purposes of the United Nations the achievement of international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion [4].

Article 3 of the Universal Declaration of Human Rights states that everyone has the right to life, liberty, and security of person. Article 8 establishes that everyone has the right to an effective remedy by competent national tribunals for acts violating the fundamental rights granted by the constitution or by law.

Furthermore, as закреплено in Article 11 of the Declaration, everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which all the guarantees necessary for their defense have been ensured.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed [5].

When discussing the protection of citizens’ rights and freedoms, it should be emphasized that without legal guarantees it is impossible to achieve the intended goal of safeguarding these rights and freedoms.

As noted by E. Yermeeva, “The category of organizational and legal guarantees of human and civil rights and freedoms is a complex and integral concept that defines the system of bodies and institutions responsible for protecting rights and freedoms, as well as the forms and methods of such protection.

The content of the protection of rights and freedoms is a set of elements, features, and relationships that characterize the internal organization of protection. The concepts of form and content are interrelated and inseparable; therefore, the form



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of protection is intended to express these elements, features, and relationships. In other words, it is a category that determines the essential nature, characteristics, and direct conditions of the protection of human rights” [6].

According to G. Nafikova, the legislative model of the principle of protection предусматривает a four-level approach to studying the problems of its implementation mechanism:

First, explaining to participants their rights, duties, and obligations;

Second, ensuring the possibility for participants in criminal proceedings to exercise their rights;

Third, taking security measures and implementing the principle of protection of human and civil rights and freedoms;

And the final (fourth) element of the mechanism for implementing this principle is the adoption of measures by the court, as well as by officials, to compensate for damage caused as a result of violations of human rights and freedoms [7].

As noted by N. Goncharova, the mechanism for protecting human and civil rights and freedoms is an established and legally guaranteed system for ensuring an individual’s legal status. It includes the orderly activities of state authorities and administrative bodies, as well as non-governmental human rights organizations, and also provides for the independent exercise of subjective rights [8].

It should be emphasized that guarantees for the protection of citizens’ rights and freedoms, the legally protected interests of society and the state, and the constitutional order of the Republic of Uzbekistan are закреплены in national legislation. One of these types of guarantees is the protection of citizens’ rights and freedoms in the course of criminal proceedings.

The protection of citizens’ rights and freedoms is the responsibility of the state and is implemented through norms, principles, mechanisms, and various procedural legal rules specifically designed to achieve this purpose.

As enshrined in the Constitution of the Republic of Uzbekistan, a citizen of the Republic of Uzbekistan and the state are mutually bound by reciprocal rights and obligations.



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Human rights and freedoms закрепленные in the Constitution and laws are inviolable, and no one has the right to deprive a person of these rights or restrict them without a court decision.

Human rights and freedoms have direct effect. They determine the essence and content of laws, as well as the activities of state authorities, citizens' self-governing bodies, and their officials.

Legal measures applied by state authorities to individuals must be based on the principle of proportionality and must be sufficient to achieve the objectives предусмотренные by law.

All contradictions and ambiguities in legislation arising in the relationship between an individual and state authorities shall be interpreted in favor of the individual.

An inquirer, investigator, prosecutor, and court are obliged to explain to participants in criminal proceedings their rights and obligations and, at the same time, to ensure the possibility of exercising those rights.

As emphasized by S. Zuev, "State protection measures may be applied to all participants in criminal proceedings, including even before a criminal case is initiated (with respect to a witness or persons who have contributed to the prevention or detection of a crime). Close relatives, family members, and other close persons of participants in criminal proceedings who are subjected to unlawful interference with the aim of influencing them are also entitled to state protection" [9].

I.M. Ibragimov expresses the following view regarding the protection of victims' rights: "Ensuring the safety of victims and protecting their rights as crime victims is an important area of activity for legislators and law enforcement officials in all developed countries of the world. However, the most developed systems for protecting the safety, rights, and legitimate interests of victims and witnesses have been established in states with long-standing legal traditions and extensive positive experience in this field" [10].

According to S.N. Khripchenko, the principle of protecting human and civil rights and freedoms represents a system of guarantees that ensures these rights and freedoms [11].



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As enshrined in Article 31 of the Constitution of the Republic of Uzbekistan, everyone has the right to inviolability of private life, personal and family secrecy, and to protection of their honor and dignity.

Everyone has the right to the secrecy of correspondence, telephone conversations, postal, electronic, and other communications. Restriction of this right is permitted only in accordance with the law and on the basis of a court decision.

Everyone has the right to protection of personal data concerning them, as well as the right to demand correction of inaccurate information and the destruction of information collected about them unlawfully or no longer having legal grounds.

Everyone has the right to inviolability of the home.

No one may enter a dwelling against the will of the persons residing in it. Entry into a home, as well as seizure and inspection carried out therein, is permitted only in cases and in the manner prescribed by law. A search of a dwelling may be conducted only in accordance with the law and on the basis of a court decision.

The principle of protecting citizens' rights and freedoms, first of all, предусматривает the obligation of the court, prosecutor, investigator, and inquirer to explain to the suspect, accused, victim, civil plaintiff, civil defendant, and other participants in criminal proceedings their rights, duties, and responsibilities, as well as the procedure for exercising these rights.

Secondly, the Criminal Procedure Code establishes the rule that damage caused to a person as a result of violations of their rights and freedoms by officials of bodies combating crime must be compensated on the grounds and in the manner prescribed by law.

Without explaining the essence of rights and obligations to the relevant participants in criminal proceedings, it is impossible to exercise any procedural right or guarantee. This circumstance confirms the existence and significance of the principle of protecting human and civil rights and freedoms within criminal proceedings.

Article 18 of the Criminal Procedure Code enshrines the principle of protecting citizens' rights and freedoms. According to this provision, all state bodies and



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officials responsible for conducting criminal proceedings are obliged to safeguard the rights and freedoms of citizens participating in the criminal process.

No one may be arrested or detained without a court decision.

A court and a prosecutor are obliged to immediately release any person who has been unlawfully deprived of liberty, or who has been detained, kept in custody, or placed under house arrest for a period exceeding that prescribed by law or by a court judgment.

Citizens' private life, the inviolability of their homes, the secrecy of their correspondence, telegraph communications, and telephone conversations are protected by law.

A search, seizure, or inspection in a dwelling or other premises and areas occupied by a person; the attachment and seizure of postal and telegraph items in communication institutions; the interception of telephone and other telecommunications communications, as well as the obtaining of information transmitted through them, may be carried out only in cases and in the manner prescribed by the Criminal Procedure Code.

Damage caused to a person as a result of violations of their rights and freedoms during criminal proceedings must be compensated in accordance with the grounds and procedure established by the Criminal Procedure Code.

According to Article 270 of the Criminal Procedure Code, if there are sufficient grounds to believe that a victim, witness, or other participant in the proceedings, as well as their family members or close relatives, is being threatened with murder, violence, destruction of property, damage to property, or other unlawful acts, the inquirer, investigator, prosecutor, and court are obliged to take measures to protect the life, health, honor, dignity, and property of these persons, as well as to identify and bring the perpetrators to justice.

The inquirer, investigator, prosecutor, and court have the right to issue a written order to the internal affairs bodies requiring them to take all necessary measures to ensure the protection of the life, health, honor, dignity, and property of persons participating in the proceedings.



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The internal affairs body must be informed of the available information in the criminal case concerning the persons under threat, including the presumed nature, sources, place, time, and other circumstances of the threat [12].

Based on the above analysis, it should be emphasized that the protection of citizens' rights and freedoms is of decisive importance in ensuring the rule of law. The rule of law is manifested not merely in the existence of normative legal acts, but in their equal application to all and in the reliable guarantee of human rights. Only in a society where citizens are confident that their rights and freedoms are protected can justice, stability, and legal order be firmly established.

From this perspective, it is no coincidence that the human rights and freedoms enshrined in the Constitution of the Republic of Uzbekistan are recognized as a priority direction of state activity. The rule of law and the protection of human rights are inextricably linked, and safeguarding citizens' rights and freedoms serves as a fundamental criterion and guarantee of the rule of law. The effective implementation of these rights by state bodies and organizations, the courts within the judicial system of the Republic of Uzbekistan, and institutions of civil society constitutes the practical expression of the rule of law.

The existence of effective mechanisms for protecting citizens' rights is, in turn, an essential condition for the development of any state.

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