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## ENSURING THE RIGHT TO THE FREE DEVELOPMENT OF PERSONALITY

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### Abstract

This article provides a constitutional and legal analysis of the right to the free development of personality as a fundamental human right. The study examines the legal nature and constitutional foundations of this right in the Constitution of the Republic of Uzbekistan and analyzes its theoretical content and legal scope. Particular attention is given to the German constitutional model and the practice of the Federal Constitutional Court, where the right to the free development of personality is recognized as a subjective constitutional right. The article also explores the international legal foundations of the right to development, including the United Nations Declaration on the Right to Development. Using a comparative legal method, the study identifies the main characteristics of this right as a comprehensive and umbrella right. The article concludes with theoretical and institutional recommendations for strengthening the implementation mechanisms of this right in Uzbekistan.

**Keywords:** Right to Development, Free Development of Personality, Constitution, Human Rights, Meta-Right, Subsidiarity, Constitutional Justice

### Introduction

Human rights and freedoms constitute one of the most important institutions underpinning the constitutional and legal foundations of modern democratic states. Among these rights, the right to the free development of one's personality holds particular significance. This right serves as a fundamental constitutional guarantee that enables individuals to realize their natural capacities, freely



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choose their life goals, and protect their dignity within society. Therefore, this right is grounded not only in philosophical principles but also possesses significant legal substance, and its constitutional enshrinement plays a crucial role in maintaining a balance between the individual and society.

In modern constitutional law, the right to the free development of personality is increasingly interpreted as a comprehensive constitutional guarantee integrating various fundamental rights. This approach reflects the transformation of classical human rights into complex legal constructs that ensure individual autonomy and dignity within a democratic society. In this context, the constitutional recognition of this right in Uzbekistan represents an important step toward strengthening a human-centered constitutional model.

The constitutional recognition of this right in the Constitution of the Republic of Uzbekistan represents a significant step toward ensuring the primacy of human interests in the country. Article 21 establishes that every person has the right to the free development of their personality. At the same time, a thorough theoretical study of the content, legal scope, and mechanisms for the realization of this right, as well as an analysis of foreign experience, remains an important scientific task.

The constitutional and legal analysis of the right to the free development of personality holds both theoretical and practical significance. The effective realization of this right promotes the development of individual potential, democratization of social relations, and strengthening of legal guarantees in relations between citizens and the state.

When analyzing the concepts of the “right to development,” “right to progress,” and the “right to the free development of personality,” it becomes evident that these terms are often used interchangeably. The first official articulation of the right to development is associated with Doudou Thiam, the former Minister of Foreign Affairs of Senegal, who introduced this concept during the 21st session of the United Nations General Assembly in 1966. [1].

The foundations of the right to development were later reflected in the Universal Declaration of Human Rights. Although the Declaration does not explicitly establish a separate right to personal development, Article 29 states that the individual can freely and fully develop their personality only within society. [2].



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However, the Declaration did not recognize this right as a distinct subjective legal entitlement.

The modern understanding of the right to development was formed with the adoption of the United Nations General Assembly Declaration on the Right to Development in 1986. [3]. This document recognized development as an inalienable human right and defined it as a comprehensive process encompassing economic, social, cultural, and political dimensions. The Declaration emphasizes that the human person is the central subject of development and should be the main participant and beneficiary of development policies. [4].

At the same time, the Declaration is considered a “soft law” instrument and does not impose binding legal obligations on states. Its implementation largely depends on the political will of governments, and effective enforcement mechanisms remain limited.

The inclusion of the right to the free development of personality in Article 21 of the Constitution of Uzbekistan provides a constitutional foundation for implementing the principles of the right to development. Instead of the term “right to development,” the Constitution uses the phrase “right to the free development of one’s personality,” which reflects a more individual-oriented approach.

This provision is located within the general provisions of the Constitution, indicating its broad scope and fundamental nature. The right encompasses both civil and political rights, such as freedom of thought and privacy, and socio-economic rights, including education, healthcare, and work.

The right to the free development of personality can be characterized as a comprehensive or umbrella right. It integrates various fundamental rights into a unified framework and facilitates their realization. In this sense, it may also be understood as a meta-right that serves as a general constitutional guarantee for individual autonomy.

The constitutional recognition of this right reflects the future-oriented nature of constitutional development. Modern constitutions not only regulate existing social relations but also establish goals and principles for future development.



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In this context, the right to the free development of personality serves as a constitutional principle guiding social and legal progress. [5].

A comparative analysis shows that the right to development is rarely explicitly recognized as a subjective constitutional right in foreign constitutions. A notable exception is found in Article 2(1) of the Basic Law for the Federal Republic of Germany, which establishes the right to the free development of personality. [6]. In German constitutional law, this right is closely connected to the general right of personality and is interpreted broadly. The right functions as a general freedom clause that applies when no specific fundamental right is directly applicable.

The interpretation and application of this right have been significantly developed through the jurisprudence of the Federal Constitutional Court of Germany. The Court has interpreted the right to the free development of personality as a fundamental guarantee of individual autonomy and human dignity.

Within the German constitutional framework, the right primarily protects individuals from excessive state interference. Individuals are free to pursue personal development as long as they do not violate the rights of others, the constitutional order, or moral norms. This approach reflects the balance between individual freedom and social responsibility.

Another important aspect of the German model is the principle of subsidiarity. According to this principle, the state does not directly interfere in the exercise of individual rights but provides support when individuals encounter obstacles in realizing their rights. The subsidiary role of the state ensures that individuals remain the primary actors in their own development while still receiving necessary support.

One of the main challenges associated with the right to the free development of personality is the difficulty in defining its precise legal boundaries. As a comprehensive constitutional right, it encompasses a wide range of freedoms and interests, making its interpretation complex.

In such cases, constitutional interpretation plays a crucial role in clarifying the content and scope of the right. Constitutional courts are particularly important in determining whether the right has been properly exercised or violated.



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Furthermore, Croatian legal scholar Peter Habermen notes that in the German constitutional context, the role of the state in relation to the right to personal development is subsidiary. In other words, the state does not directly intervene in the exercise of this right but provides support when an individual encounters difficulties in realizing their rights and opportunities. This principle aligns with the subsidiarity principle in the German legal system: the state intervenes only when necessary and ensures positive conditions for the free development of the individual [7].

The analysis leads to several conclusions. First, the terms “right to development,” “right to progress,” and “right to the free development of personality” are closely related and often used interchangeably. Second, the right to development was formally recognized in international law through the 1986 Declaration on the Right to Development, although this instrument remains non-binding. Third, the right to the free development of personality can be characterized as a meta-right or umbrella right encompassing multiple fundamental rights. Fourth, among foreign legal systems, Germany provides one of the clearest examples of the recognition of this right as a subjective constitutional right. Finally, the effective implementation of this right requires clear constitutional interpretation and strong institutional mechanisms.

For the effective realization of this right in Uzbekistan, it is necessary to strengthen constitutional interpretation mechanisms and enhance the role of constitutional justice. The development of legal doctrine and judicial practice in this area would contribute to a deeper understanding of the right and ensure its practical implementation.

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