



THE GUARANTEE OF PERSONAL RIGHTS AND FREEDOMS IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE LEGISLATION OF THE REPUBLIC OF UZBEKISTAN

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Abstract

This article examines several provisions of the Constitution of the Republic of Uzbekistan related to criminal justice, along with international conventions and other universally recognized norms and treaties. It analyzes the guarantees of personal rights and freedoms enshrined in the **Universal Declaration of Human Rights**, the measures implemented in Uzbekistan, the laws adopted, and the ongoing reforms that demonstrate the scale of the state's attention to human rights. In addition, the content and essence of the Universal Declaration of Human Rights are analyzed, with particular focus on the rights to life, liberty, and security of person, as well as protection from interference in private life and the inviolability of the home. The article also addresses procedural coercive measures widely applied in criminal proceedings — such as detention and arrest — and the guarantees of the rights of detained persons. It further covers the right of all participants in criminal proceedings to file complaints against the actions and decisions of investigators, interrogators, prosecutors, and courts, along with other rights of participants stipulated by law. The system of principles of criminal procedure, the obligations of officials authorized to conduct criminal proceedings, and issues of their implementation are presented. The article outlines criminal procedural guarantees and the system of relevant relations,



while offering proposals and recommendations aimed at ensuring the fair resolution of cases by investigative, prosecutorial, and judicial bodies.

Keywords: Constitution, state, right to personal inviolability, judicial-legal reforms, human rights, court decision, freedom, personal, detention, adversarial proceedings, fair trial, right, law, civil, economic, administrative, judicial power.

Introduction

Guarantees of Personal Rights and Freedoms in the Universal Declaration of Human Rights

Over the years of meaningful independence, the measures implemented in our country, the laws adopted, and the reforms carried out clearly demonstrate the attention paid by the state to human rights. Significant changes have taken place in Uzbekistan's judicial and legal sphere. Attention to human rights has fundamentally changed, and the protection of individuals' rights and freedoms, honor, and dignity has become one of the main directions of state policy.

In addition to the **Universal Declaration of Human Rights**, which fully guarantees the protection of human rights at the international level, Uzbekistan has ratified a number of key international instruments, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and other universally recognized international treaties.

Article 3 of the Universal Declaration of Human Rights states that everyone has the right to life, liberty, and security of person. **Article 9** provides that no one shall be subjected to arbitrary arrest, detention, or exile. These provisions primarily relate to the sphere of criminal justice and are reflected in the Chapter on "Personal Rights and Freedoms" and the Chapter on "Judicial Power" of the Constitution of the Republic of Uzbekistan.

International documents fully consistent with these norms include the Constitution of the Republic of Uzbekistan, which declares that an attempt on a person's life is the gravest crime; that no one may be deprived of rights and freedoms or have them restricted except by court decision; that no one may be



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

ISSN (E): 3067-7203

Volume 2, Issue 4, April, 2026

Website: usajournals.org

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arrested or detained without legal grounds; that everyone charged with a criminal offense shall be presumed innocent until proven guilty in a lawful, public trial; that everyone has the right to protection of honor and reputation; and that freedom of thought, speech, and conscience is guaranteed.

Important international instruments also include the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Basic Principles on the Independence of the Judiciary, the 1955 Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the 1990 Basic Principles for the Treatment of Prisoners, the 1988 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and other documents emphasizing that the judicial protection of human rights serves as a guarantee for all other rights and freedoms.

The Constitution of the Republic of Uzbekistan clearly defines and guarantees citizens' rights and freedoms. Among the provisions related to criminal justice are the following: no one may be deprived of rights and freedoms or have them restricted without a court decision; the right to legal protection is guaranteed; no one may be arrested or detained without legal grounds; a person accused of a crime shall be presumed innocent until guilt is established by law in a public trial where all conditions for defense are provided; no one may enter a dwelling, conduct a search, or disclose correspondence and telephone conversations except in cases and procedures prescribed by law; everyone has the right to judicial protection of their rights and freedoms and to complain in court against unlawful actions of state bodies and officials; and deprivation of property is permitted only in cases and procedures established by law.

In criminal proceedings, the procedural coercive measures that restrict personal rights and freedoms are detention and arrest. Detention is a preventive procedural coercive measure applied in urgent cases to fulfill the tasks of criminal justice.

Detention is used to stop criminal activity, prevent offenses, identify an unknown offender, ensure participation in procedural actions, and prevent the destruction, falsification of evidence, or intimidation of witnesses.

The guarantees of the rights of detained persons are reflected in **Articles 3, 7, 10, and 11** of the Universal Declaration of Human Rights, and are further



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elaborated in **Articles 6, 9, and 14** of the International Covenant on Civil and Political Rights, the Convention against Torture, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees from torture.

No person may be subjected to torture, violence, threats, deception, or any other cruel, inhuman, or degrading treatment. Physical or psychological pressure on a detained suspect is prohibited. Forcing a suspect or accused to confess or testify against themselves or others constitutes a crime against personal inviolability.

When applying detention as a procedural coercive measure, the rights of the person are primarily guaranteed by the constitutional provisions on freedom and personal inviolability, protection of honor and dignity, privacy, and the inviolability of the home.

The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified by Uzbekistan on 1 August 1995) imposes strict obligations on states in Articles 2–16, including an absolute prohibition of torture and the inadmissibility of using statements obtained under torture as evidence.

In accordance with the requirements of this Convention, significant work has been carried out across all branches of power in Uzbekistan. In 2004, a special national program was adopted to implement the Convention. In the field of legislation, clarifications were made to Article 235 of the Criminal Code concerning torture and other cruel, inhuman, or degrading treatment. The Plenum of the Supreme Court of the Republic of Uzbekistan, in its resolution “On Certain Issues of Application of the Norms of Criminal Procedural Law Concerning the Admissibility of Evidence,” recognized that evidence obtained through such means is inadmissible and cannot serve as the basis for accusing anyone.

The procedural norms and system of procedural relations in the laws of the Republic of Uzbekistan are structured to ensure proper investigation, fair resolution of cases, and the identification of all relevant circumstances. Every



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Economics, and Entrepreneurship***

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Website: usajournals.org

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institution and principle of criminal procedure serves as a procedural guarantee for a full, comprehensive, and impartial investigation and fair adjudication of a criminal case.

Criminal procedural guarantees are aimed at protecting the rights and legitimate interests of citizens participating in the proceedings. The rights of a citizen guarantee their legitimate interests and serve to protect them.

Procedural guarantees, for example, cannot protect attempts by the accused (defendant) to mislead the investigation or avoid deserved punishment. Therefore, participants in criminal proceedings are granted the opportunity to protect their interests only through means and methods not prohibited by law. The definition of law enforcement activity provided by M.Kh. Rustamboev is quite comprehensive:

1. Law enforcement activity is carried out by state bodies with special powers, whose activities, structure, and composition are strictly defined by law;
2. It is aimed at protecting citizens, society, and the state from crime and other threats;
3. It is carried out strictly in the manner prescribed by law, and the competent body is obliged to comply with the rules established by law when applying or refraining from coercive measures;
4. It is implemented only through the state's coercive or other legal influence measures;
5. Legal influence measures must be strictly based on law.

All elements of procedural guarantees are interconnected and mutually reinforcing. For instance, the investigator's obligation to bring charges ensures the accused's right to know what he or she is accused of.

The obligations of investigators, interrogators, prosecutors, and courts to ensure the rights and legitimate interests of persons participating in criminal proceedings are of great importance, as the investigation and resolution of criminal cases fall within their competence. Only a judge, prosecutor, investigator, or interrogator has the right to make decisions on issues arising during the investigation and trial within their powers. Citizens can exercise their rights in the sphere of criminal procedural activity only through the actions of the relevant officials. In this regard, the guarantees of criminal procedural rights



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of certain subjects largely depend on the conscientious fulfillment of obligations by other participants. The detailed and clear regulation in the law of the obligations of investigators, interrogators, prosecutors, and judges to protect the rights and legitimate interests of participants provides additional guarantees for these rights and interests.

It should be emphasized that the law not only imposes obligations on officials to protect the rights and legitimate interests of citizens participating in criminal proceedings but also guarantees the fulfillment of these obligations. The criminal procedural legislation of Uzbekistan contains a whole system of such guarantees.

The procedural rights granted to citizens constitute one of the important guarantees that the obligations imposed on officials will be properly fulfilled. Within this system of rights, the rights of the accused occupy a special place, although it would be wrong to limit the system of rights and guarantees of a person in criminal proceedings solely to the rights of the accused (defendant). The legislation provides all participants in criminal proceedings with a sufficient set of procedural rights.

The right of all participants in criminal proceedings to complain about the actions and decisions of investigators, interrogators, prosecutors, and courts, along with other rights of participants established by law and the system of principles of criminal procedure, guarantees that officials authorized to conduct criminal proceedings will fulfill their obligations in the manner prescribed by law.

In conclusion, the provisions on the guarantees of personal rights and freedoms contained in the Universal Declaration of Human Rights are widely and thoroughly interpreted in the legislation of the Republic of Uzbekistan.

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