



Classification of Rights and Freedoms of Human and Citizen in the Republic of Uzbekistan

Abdukadirov Sunnatilla Muzaffar Ugli

4th year student

Achilova Lilia Ilkhomovna

Associate Professor, Department of Business Law, PhD

Tashkent State Law University

Chairman of the Council of Young Scientists

Annotation: The rights of a person and a citizen can be classified on various grounds. "The rights of a citizen, given the peculiarities of this phenomenon, are already endowed by the state, and because of this, the state is free to take away and change such rights at its discretion, of course, on the basis of the Constitution and in accordance with it and other laws of the state. "Depending on the role of the state in their implementation, negative rights are distinguished, when the state must refrain from any actions in relation to the individual, and positive rights, when the state must ensure the realization of the right or assist in its protection."

Key words: Human rights; constitutional law; classification of rights and freedoms; public relations.

In the theory of constitutional law, depending on the subject of law, they are traditionally divided into human rights and civil rights, although they are usually mentioned together. Everyone has human rights from birth by virtue of their existence as a biological individual in a social environment, i.e. these rights are derived from natural law and do not depend on belonging to a particular state. Therefore, the state does not have the ability to grant these rights, take away or change them."

"Securing these rights in the country's constitution is only a recognition by the state of their presence and giving them a formal legal status. Taking into account the peculiarities of this phenomenon, a person is endowed with the rights of a citizen by the state, and because of this, the state is free to take away and change such rights at its own discretion, of course, on the basis of the Constitution and in accordance with it and other laws of the state.

"Depending on the order of implementation, constitutional rights are divided into individual and group. Most of the rights and freedoms are of an individual nature, but some can only be realized by uniting with other bearers of these rights: this is the right to association (Article 39 of the Constitution of the Republic of Uzbekistan); the right to rallies (Article 38 of the Constitution of the Republic of Uzbekistan)."

"According to the genesis of rights, they can be classified into natural (innate) ones - the right to life, the right to freedom and personal integrity, dignity and good name, the right to housing - and



derivatives from them, formed in the course of the development of human society: the right to privacy of correspondence, the right to participate in the affairs of the state.

“Based on the degree of generalization, fundamental rights and freedoms are singled out and specifying the content of the former. For example, in accordance with Art. 50 of the Constitution of the Republic of Uzbekistan "everyone has the right to education". In the following parts of this article, the right is concretized: “the general availability and free of charge of preschool, basic general and secondary vocational education in state educational institutions and enterprises are guaranteed”; “everyone has the right, on a competitive basis, to receive higher education free of charge in a state educational institution.”

“According to the degree of inalienability, the rights of a person and a citizen are usually divided into absolute and relative. Absolute rights, unlike relative ones, are not subject to restriction under any circumstances. This includes the right to life, the right to freedom of thought and religion, and a number of others.”

“Depending on the role of the state in their implementation, negative rights are distinguished, when the state must refrain from any actions in relation to the individual, and positive rights, when the state must ensure the realization of the right or assist in its protection.”

“Depending on the degree of generalization, there are general rights inherent in all citizens, and special ones, depending on social and official position. age, gender, age of the person: the rights of consumers, minors, women, pensioners, students, veterans, refugees, etc.

“The most widespread in the theory of constitutional law is the classification of rights and freedoms according to their content. In accordance with this criterion, rights and freedoms are divided into four groups:

1) personal rights often open the list of constitutional rights and freedoms of man and citizen, form the basis of the legal status of the subject. In accordance with the Constitution of the Republic of Uzbekistan, this group includes the rights and freedoms enshrined in Art. 25–35.

A distinctive feature of this group of rights is that they are inherently inalienable, natural human rights and are not directly related to belonging to a particular state;

2) political rights are associated with the fact that the subject has a special political and legal status, called "citizenship". Political rights can only belong to persons with the specified status. The realization of this group of rights is expressed in participation in the political life of society and in managing the affairs of the state. Together, citizens are the bearers of power in the state, forming the concept of "people". The citizen as an individual participates in the exercise of state political power. Unlike personal rights that arise in a person from birth, political rights are fully acquired from a certain age. The basic political rights of citizens are contained in Art. 36–40 of the Constitution of the Republic of Uzbekistan;

3) the block of socio-economic rights and freedoms is the basis for the existence of an individual in society. They serve to ensure the material, physical, spiritual and other socially significant needs and interests of the individual. These rights include rights related to property relations (Art. 41), labor relations and recreation (Art. 42.45), health (Art. 48), education (Art. 50), social security (Art. 46) . Their reality makes the state social, providing a decent and sufficient standard of living for a person, his free development;



4) another important group of rights and freedoms are spiritual and cultural rights. They are designed to meet the needs of a person in his spiritual and cultural development. These include the rights enshrined in Art. 53 of the Constitution of the Republic of Uzbekistan.

“In the course of the development of social relations, the complication of relations between a citizen and the state, more and more rights appear in the spheres of the political, social, economic life of society. Their recognition by the state is one of the main tasks of society. The emergence and formation of various groups of rights occurred chronologically inhomogeneously, corresponded to various periods in the development of human civilization, the historical situation, and the peculiarities of social and political relations in various states. The long historical formation of human rights has ensured a certain continuity in their development. Each subsequent group of rights followed from the previous one, developed and provided it.

“The classification of human rights in accordance with the stages of their formation, interconnectedness among themselves in the modern theory of constitutional law is usually called the generation of rights. This term was first proposed in the late 1970s. 20th century Czech scholar Karel Vasak in "Human Rights: Thirty Years of Struggle."

“Personal (civil) and political rights of the first generation are interpreted by international and national documents as inalienable and not subject to restriction in any way and for any reason. At the international level, these rights are enshrined in the International Covenant on Civil and Political Rights of December 19, 1966.”

“Many scholars believe that it is these rights that should be considered as direct human rights, since the rights of subsequent generations are only claims to social benefits provided and redistributed by the state in the interests of socially unprotected groups of the population.”

“The second generation of human rights arose and took hold in the 19th and 20th centuries. in the process of the sharpest class struggle in the capitalist states for the improvement of their economic position. The result of this struggle was the emergence of ideas of social equality in society, which were formed by teachings calling on the state to ensure a decent existence of citizens in a market economy. Second generation rights are based on social, economic and cultural rights. A significant role in the formation of these rights was played by the socialist doctrine that appeared in the 19th century, therefore, the second generation of rights received further development after the October Revolution and World War II as a result of the formation of a bipolar world and the unleashing of the Cold War.

“The recognition of the second generation of human rights implied significant changes in the understanding of their essence regarding the relationship between man and the state. These rights are based on their “positive” understanding, i.e., understanding that depends on the real possibilities of the state in their implementation. Possession of the rights of the second generation means not only their formal fixing in the legislation of the state, but also the availability of certain opportunities for the state, primarily material resources. Otherwise, a person will not be able to exercise his right.”

“The third generation was born in the 70s and 80s. 20th century The rights of the third generation presuppose the protection of the interests of an individual, included not just in the social community of a separate state, but in the human community as a whole. At the same time, the principle remains unshakable: the rights of the community should not infringe on the rights of its



individual individual. However, the nature of the rights of the third generation at the moment remains controversial. According to E. A. Lukasheva, the peculiarity of these rights is that they are collective and can only be exercised by a community, an association. Third generation rights are collective rights, not any "new" individual rights. Of course, an individual takes part in the realization of such rights, but this participation is not connected with his personal status, but with his position as a member of any community.

“However, this point of view also causes controversy. According to some scientists, they cannot be considered as collective human rights, the implementation of which involves the joint actions of a number of persons (freedom of assembly and association, etc.), since each person independently makes a decision to participate in an association or assembly, i.e. exercises this right directly and individually. As F. Luscher notes, “not so much these associations, meetings of citizens, cult organizations are free, but the citizens themselves, who have the right to choose to unite, hold meetings or worship a cult.”

“The rights of the third generation include universal human rights: the right to peace, universal security, a clean environment, clean space, etc. The second part of the rights of the third generation are the rights that arose as a result of scientific and technological progress, communication technologies.»»

“The formation of the rights of the fourth generation is taking place at the present time and is associated with the further technological development of mankind, but already in the aspect of the individual himself. First of all, we are talking about rights in the field of biomedical technologies and genetic research: cloning, transplantation, euthanasia. According to F. M. Rudinsky, these rights should protect a person from threats associated with genetic experiments, cloning and other discoveries in the field of biology.”

“Following the trend of globalization in the transition from generation to generation of human rights, A. B. Vengerov calls the rights of the fourth generation the rights of mankind. He refers to them the rights to peace, nuclear safety, outer space, environmental, information rights, etc. The researcher notes: “The fourth generation is a legal response to the challenge of the 21st century, when it comes to the survival of mankind as a biological species, the preservation of civilization, about the further, cosmic socialization of mankind. A new, fourth generation of rights is being born, and, accordingly, international legal procedural institutions are emerging that ensure these rights. International humanitarian law is being formed, secular humanism is becoming one of the milestones in the moral development of society.”

"ABOUT. Y. Malinova predicts the emergence of the next generations of rights. However, she notes that this process cannot be assessed unambiguously. The trend towards expanding the range of recognized rights will continue, the focus on strengthening the legal protection of the individual will be preserved.

“But each successive generation of rights brings with it an extension of the measure of a person's freedom, thereby limiting the freedom of another. Each generation brings with it a new logic of legitimizing claims called human rights, and conflicts between “new” rights and “old” ones are inevitable, as a result of which the level of security may not increase, but decrease.”



List of used literature:

1. Malevich Yu. I. Human rights in the global world. Moscow: AST, 2004, pp. 46–53; Vengerov A. B. Theory of state and law: textbook. 5th ed., ster. M.: Omega-L, 2008. S. 585.
2. International Covenant on Civil and Political Rights (New York, 16 December 1966)
3. Achilova, L. I. (2020). The current state of observance of the rights and interests of citizens and legal entities while ensuring the development of innovative digital education. In TRANSFORMATION OF LAW AND LAW ENFORCEMENT IN THE CONDITIONS OF DEVELOPMENT OF DIGITAL TECHNOLOGIES IN RUSSIA, CIS COUNTRIES AND THE EUROPEAN UNION: LEGISLATION AND SOCIAL EFFICIENCY (pp. 18-28).
4. Ruzinazarov, S. N., & Achilova, L. I. (2021). A new stage in the development of the civil code of the Republic of Uzbekistan in the context of digital reality. *International Relations: Politics, Economics, Law*, 2020(1), 58-65.;
5. Ruzinazarov, S. N., Rakhmonkulova, N. K. A., & Achilova, L. I. (2020). Some questions of organizational and legal aspects of hotel services in terms of COVID-19. *PalArch's Journal of Archeology of Egypt/Egyptology*, 17(6), 1938-1947.
6. Ruzinazarov Sh. N., Achilova L. I. ELECTRONIC TRANSACTIONS AND PROBLEMS OF THEIR APPLICATION IN THE CONDITIONS OF DIGITAL CIVIL FLOW // DEVELOPMENT OF SOCIETY AND SCIENCE IN THE CONDITIONS OF DIGITAL
7. Achilova L. IMPACT OF COVID-19 ON HOTEL SERVICES: NATIONAL AND FOREIGN EXPERIENCE. *Review of law sciences* (2020) 96101 [Electronic resource] <https://cyberleninka.ru/article/n/vliyanie-covid-19-na-gostinichnye-uslugi-natsionalnyy-izarubezhnyy-opyt>
8. Ruzinazarov, Shukhrat, and Lilia Achilova. "Free scientific and technical zones." *Society and Innovation* 1.1/s (2020): 287-291. [Electronic resource] <https://www.inscience.uz/index.php/socinov/article/view/49>
9. Khalikov, S., Liu, W., Turaeva, M., & Achilova, L. (2021). Uzbekistan's development under the leadership of various political reforms: The case of air transport industry. *The Open Transportation Journal*, 15(1).
10. Malinova O. Yu. "Generations" of human rights: the main stages in the development of the legal idea and the legal institution // *Institute of the Commissioner for Human Rights: textbook*. allowance / ed. A. Yu. Sungurova. SPb. : Norma, 2013. S. 80–91.