

**THE NORMS OF THE UPDATED CONSTITUTION AS A GUARANTEE OF  
RELIABLE PROTECTION OF THE RIGHTS AND INTERESTS OF THE PROPERTY  
OWNER**

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**Abstract.** This scientific article examines issues regarding the norms of the updated Constitution and their relationship with ensuring human rights and freedoms, as well as guaranteeing the protection of property rights. It is indicated what important changes were made to the Constitution of the Republic of Uzbekistan, which of them received the closest attention from the state. The importance of investigating theft through misappropriation or embezzlement as crimes encroaching on the constitutional right of property of citizens is noted. As a result of the structural analysis, the importance of strengthening guarantees of protection and protection of property rights by improving legislation was highlighted. In the context of this work, it is indicated that law enforcement and judicial officials should be guided by the fact that guarantees for the protection of property rights are enshrined as protected by the Constitution, which should be taken into account when investigating criminal cases.

**Keywords:** property rights, protection of property rights, liberalization, theft by appropriation or embezzlement, economics, legal regulation measures, Constitution

Building a new Uzbekistan - a state where the highest value is the person, his rights and freedoms, where the work of all government bodies is aimed at implementing the basic principle of our statehood, everything “In the name of the honor and dignity of man” is the main strategic goal of Uzbekistan.

All state policies, the transformation of economic sectors, the accelerated development of entrepreneurship, the formation of an active civil society in recent years, have pursued only one great goal - the unconditional provision of human rights and interests.

In this regard, the adoption of the new version of the Constitution in the historical chronicle of our country opened a new stage in this matter, since the norms of the updated Constitution are designed to lay a solid foundation for the ongoing reforms and make it possible

to accelerate and irrevocably continue the work of modernizing the country, further deepening democratic transformations, social economic reforms, improving the well-being of the people, and the entry of the Republic of Uzbekistan into the number of developed countries.

As the President of the Republic of Uzbekistan Sh.M. Mirziyoyev noted, Uzbekistan will act on the basis of the “person-society-state” system. In other words, the norms of the updated Constitution are focused on the rights and freedoms of every citizen, recognizing them as the highest priority, asserting that the well-being of society will lead to the prosperity of the country. Moreover, the Head of State emphasized that the priority of the interests of the people must prevail in all laws adopted and decisions of government bodies<sup>1</sup>.

The norms of the Constitution in force today convincingly prove that they enshrine reliable mechanisms for legal protection of a person, embodying almost all modern methods of protecting human rights, including those who have violated the law, from any arbitrariness on the part of government bodies and officials.

More than half of the updated norms of the Constitution are aimed specifically at strengthening guarantees and strengthening mechanisms for protecting human rights and freedoms.

Guarantees for ensuring human rights and freedoms have been significantly strengthened, incl. by consolidating at the constitutional level generally recognized institutions called “Habeas Corpus” and “Miranda Rules”.

For reference: the “Miranda rule” introduced into the Constitution, according to which during arrest a person must be notified of his rights, and the law enforcement officer detaining him must receive a positive answer to the question of whether he understands what was said, is applied in all democratic countries (USA, UK , Germany, France, etc.).

In particular, the following norms were introduced aimed at consolidating these institutions (Articles 27 and 31):

- a) when a person is detained, his rights and the grounds for detention must be explained to him in a language he understands;
- b) the suspect, accused or defendant is not obliged to prove his innocence and can exercise the right to remain silent at any time;
- c) arrest, detention and detention are permitted only by court decision. Without a court decision, a person cannot be detained for more than forty-eight hours;

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<sup>1</sup> Meeting of Sh.M. Mirziyoyev with the heads of the chambers of the Oliy Majlis, political parties, judicial and executive authorities, representatives of the public on April 8, 2023, dedicated to the implementation of the new Constitution, <https://president.uz/ru/lists/view/6275>

d) everyone has the right to privacy of correspondence, telephone conversations, postal, electronic and other messages. Restriction of this right is permitted only in accordance with the law and on the basis of a court decision;

e) no one can enter the home against the will of the persons living in it. Penetration into a home, as well as seizure and inspection thereof, is permitted only in cases and in the manner prescribed by law. A search of a home is permitted only in accordance with the law and on the basis of a court decision, etc.

At the same time, the issues of identifying and proving crimes in the economic sphere, in particular, the investigation of criminal cases related to the theft of other people's property through misappropriation or embezzlement, are of particular relevance today.

The relevance of this topic arises from numerous cases of this kind of theft, primarily of state property, occurring in the means of production, the construction industry, the provision of services, the banking sector, etc.

The adopted new norms of the Constitution made it possible, among other things, to strengthen the constitutional and legal mechanisms designed to ensure the protection of property rights, including private property, and entrepreneurship.

Therefore, the President of the Republic of Uzbekistan Sh. Mirziyoyev noted that “We must fully support entrepreneurs. Ensuring their rights, especially the inviolability of private property, should become the main task of government bodies at all levels”<sup>2</sup>.

The Constitution has established mechanisms that ensure reliable protection of the rights and interests of property owners. It has been established that the owner cannot be deprived of his property except in cases and in the manner prescribed by law, and on the basis of a court decision (Article 65);

However, despite the measures taken, the issues of legal regulation of property relations, the creation of effective criminal law and procedural guarantees for the protection of property rights are a requirement of the time.

The above indicates the need for a detailed disclosure of mechanisms for identifying facts of theft of someone else's property by embezzlement or embezzlement, collecting the necessary evidence in the case, carrying out priority pre-investigation and investigative actions, so that not a single thief of someone else's property escapes responsibility, and that the stolen property,

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<sup>2</sup> Message from the President of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis. 12/29/2020 // <https://review.uz/417>.

money were reimbursed and returned in full. And this matter is the prerogative of not only investigative and judicial authorities, but also the entire criminal legal policy of the state.

Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan “On some issues that have arisen in judicial practice in cases of crimes in the economic sphere” dated April 17, 1998 No. 11 also indicates:

*crimes and other offenses in the economic sphere pose a serious danger to the market transformations being carried out in the country, hinder the formation and development of private property and other types of property legal relations characteristic of a market economy<sup>3</sup>.*

These circumstances negatively affect the effectiveness of measures taken by the state to protect the rights and legitimate interests of citizens and, as a result, lead to justified discontent of the population and a decrease in their trust in law enforcement and judicial authorities.

Along with this, reforming the national economy, taking effective measures to liberalize the economy, attract foreign investment, support entrepreneurship and guarantee the inviolability of property rights, protection and protection of the rights and legitimate interests of owners predetermine the need for constant harmonization of national legislation, including criminal procedure in relation to our economic criminal legal reality.

In this context, strengthening the implementation of the guarantees for the protection and protection of property rights enshrined in the Constitution will contribute to the development of the national economy, aimed primarily at creating new jobs and a guaranteed source of income, reliable social protection, reducing poverty, and creating decent living conditions for each of us.

At the same time, it must be recognized that as a result of reforms over the past five years, the country has created the political, legal, socio-economic, scientific and educational foundations necessary for building a New Uzbekistan.

The next strategy “Uzbekistan – 2030”, consisting of five priority directions for the development of our state, is also focused on further deepening the ongoing reforms, improving the well-being of the people, unconditionally ensuring human rights and interests, where its direction 4.2 is devoted primarily to: “Reforms to ensure the rule of law” law and in the judicial system.”

An important and one of the key priorities of which is the consistent democratization and liberalization of the judicial and legal system, aimed at ensuring the rule of law, legality, and reliable protection of the rights and interests of the individual.

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<sup>3</sup> Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan “On some issues that have arisen in judicial practice in cases of crimes in the economic sphere” dated April 17, 1998, No. 11. <https://lex.uz/docs/1443982>.

This conceptual provision places great responsibility on law enforcement and judicial officials to strictly observe the rule of law, ensure fairness and justice in their activities, which also depends on the correct, competent, complete and objective investigation of criminal cases in strict accordance with the law.

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