

MOOT COURT ARTICLE

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Annotation: *This article analyzes one of the most important personal rights enshrined in Chapter VII of the Constitution of the Republic of Uzbekistan — the right to personal inviolability. The content, practical significance, and protection mechanisms of this right are examined. Based on constitutional norms, international legal documents, and real-life examples, the right to personal inviolability is discussed from the perspective of the legal balance between the state and the citizen. The article is written using the moot court (model court trial) method, in which the opposing positions of the plaintiff and the defendant are presented. The work also emphasizes the importance of legality, judicial oversight, and adherence to international standards in ensuring personal inviolability.*

Keywords: *Constitution, personal inviolability, human rights, constitutional protection, moot court, judicial oversight, national security, civil liberties, international law.*

MOOT COURT MAQOLA

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Jahon iqtisodiyoti va diplomatiya universiteti Xalqaro huquq fakulteti 1-bosqich talabasi O'zbekiston Respublikasida inson huquqlari va erkinliklarining konstitutsiyaviy himoyasi: shaxsiy daxlsizlik

Annotatsiya: *Ushbu maqolada O'zbekiston Respublikasi Konstitutsiyasining VII-bobida mustahkamlab qo'yilgan eng muhim shaxsiy huquqlarimizdan biri bo'lgan shaxsiy daxlsizlik huquqining mazmuni, amaliy ahamiyati va himoya mexanizmlari tahlil qilinadi. Maqolada konstitutsiyaviy normalar, xalqaro huquqiy hujjatlar, hamda real hayotdagi misollar asosida shaxsiy daxlsizlik huquqining davlat va fuqaro o'rtasidagi huquqiy muvozanat nuqtai nazaridan talqini beriladi. Moot court (model sud jarayoni)⁴⁶ usulida yondashilgan holda, da'vogar va*

⁴⁶ **Moot court** - a simulated court proceeding where law students argue imaginary cases for practice. It helps them develop legal research, writing, and oral advocacy skills.

javobgar pozitsiyalari qarama-qarshi tarzda yoritilib, xulosa va takliflar ilgari suriladi. Shuningdek, maqola shaxsiy daxlsizlikni ta'minlashda qonuniylik, sud nazorati va xalqaro standartlarning ahamiyatini ko'rsatib beradi.

Kalit so'zlar: **Konstitutsiya, shaxsiy daxlsizlik, inson huquqlari, konstitutsiyaviy himoya, moot court, sud nazorati, milliy xavfsizlik, fuqarolik erkinligi, xalqaro huquq.**

MOOT COURT СТАТЬЯ

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Университет мировой экономики и дипломатии Студентка 1-го курса факультета международного права Конституционная защита прав и свобод человека в Республике Узбекистан: неприкосновенность личности

Аннотация: В данной статье анализируется одно из важнейших личных прав, закреплённых в главе VII Конституции Республики Узбекистан — право на неприкосновенность личности. Рассматриваются содержание данного права, его практическое значение и механизмы защиты. На основе конституционных норм, международных правовых документов, а также реальных жизненных примеров, право на неприкосновенность личности освещается с точки зрения правового баланса между государством и гражданином. Статья написана с использованием метода moot court (модель судебного процесса), в рамках которого представлены противоположные позиции истца и ответчика. Также в работе подчёркивается важность законности, судебного контроля и соответствия международным стандартам в обеспечении неприкосновенности личности.

Ключевые слова: Конституция, неприкосновенность личности, права человека, конституционная защита, moot court, судебный контроль, национальная безопасность, гражданские свободы, международное право.

Introduction: Article 31 of Chapter VII of the Constitution of the Republic of Uzbekistan (as amended in 2023)⁴⁷ defines the right to privacy as follows: “The right of every person to life, personal integrity, personal and family secrets shall be protected by the state. The collection, storage, distribution and other use of

⁴⁷ “Everyone shall have the right to inviolability of private life, personal and family secrets, protection of honor and dignity. Everyone shall have the right to the protection of his or her personal data, as well as to demand the correction of inaccurate data, the destruction of data collected about his or her illegally or no longer having legal grounds”.

personal data without consent shall be prohibited.” However, the popularization of personal data in the digital society, the development of artificial intelligence technologies, and the expansion of state monitoring systems pose new challenges to this right.

Below we present an analytical approach to this issue through a moot court (legal simulation) entitled “Blogger Yahyo.uz and the Ministry of Internal Affairs of the Republic of Uzbekistan”. The general details of the case are as follows: Citizen Y. A. Salimov filed a lawsuit with the Kamashi District Court for criminal cases at his place of residence against the Ministry of Internal Affairs for monitoring his actions, social media messages, and bank transactions for 2 weeks in March 2024 without his consent and storing them in a database.

1) From the plaintiff's perspective, the grounds for the claim are as follows:

1. According to Article 31 of the Constitution, interference with personal integrity is permitted only on the basis of a court decision or in cases specified in the law.

2. According to the Law "On Personal Data" No. O'RQ-547 (2019), the State Personalization Center under the Cabinet of Ministers of the Republic of Uzbekistan is the authorized state body in the field of personal data (Article 8)⁴⁸. It follows that the Ministry of Internal Affairs committed an act that did not have the authority.

3. International standards:

- According to Article 8 of the "European Convention on Human Rights"⁴⁹, respect for private life is ensured.

- According to Article 17 of the UN Covenant on Civil and Political Rights⁵⁰, no one shall be subjected to unlawful interference with his privacy, family, home, correspondence, honour and reputation, or to arbitrary or unlawful interference with his privacy.

The plaintiff also cited the following legal arguments:

1. Lack of legal basis, i.e., no court authorization was obtained for the surveillance.

⁴⁸ The authorized state body in the field of personal data is the State Personalization Center under the Cabinet of Ministers of the Republic of Uzbekistan”.

⁴⁹ “Everyone has the right to respect for his private and family life, his home and his correspondence”.

⁵⁰ “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

2. The existence of alternative methods, i.e., the Ministry could have sent an official request to the blogger or obtained a court order, but he committed this act without the consent of citizen Y.A. Salimov.

2. The respondent (State) presented the following defense arguments from the position of the respondent:

1. According to the grounds for conducting an operational search, established in Article 15 of the Law "On Operational Search Activities" (2012), the right to collect information is granted for the purpose of preventing a crime.

2. According to Article 33 of the Constitution, restrictions on the right to search, receive and disseminate information are allowed only in accordance with the law and only to the extent necessary to protect the constitutional order, health of the population, public morality, the rights and freedoms of other persons, ensure public safety and public order, as well as prevent the disclosure of state secrets or other secrets protected by law. There was preliminary information that the blogger had distributed posts on social networks "calling for the organization of illegal rallies". Therefore, his activities were assessed as a "threat to public order".

During the trial, the Ministry presented the following legal arguments:

1. It interpreted its actions as a necessary measure to prevent a crime from occurring.

2. The restriction was carried out in accordance with the Laws of the Republic of Uzbekistan.

Court decision:

The Kamashi district administration found the plaintiff's claim justified and the actions of the Ministry of Internal Affairs were recognized as unconstitutional.

Main reasons:

1. Violation of Article 31 of the Constitution: The consent of a citizen or a court order is required for surveillance, but the ministry committed a violation by circumventing the law.

2. The principles of openness and purposefulness in the use of data provided for in Article 5 of the Law "On Personal Data" were violated.

Conclusion: Article 31 of the Constitution of the Republic of Uzbekistan provides absolute protection of personal integrity, but this right is not without restrictions. State bodies must maintain a balance between civil liberties and public safety. This moot court case shows that legal certainty and the legal awareness of citizens are the main keys to protecting personal integrity. Protecting the right to personal integrity is a complex process that requires support not only in legislation, but also in all spheres of society. For the effective protection of this right, methods such as legislative reforms, strengthening the judicial system, new approaches of state bodies, and raising the legal awareness of citizens can be used. Only if

sufficient work is carried out in all areas can real protection of human rights be achieved in Uzbekistan. This will serve not only to implement constitutional principles, but also to further improve the value system of our entire society. There are the following proposals to reduce the number of such cases:

- ☐ Legislative reform, namely, the introduction of judicial control over surveillance measures.
- ☐ Establish oversight mechanisms, i.e., establish a separate independent monitoring group for data collection agencies.
- ☐ Legal awareness campaigns: Distribute manuals on personal data protection to citizens and promote legal awareness among the population through other means.

Sources used:

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