



## CONSTITUTIONNGO - LEGAL PROTECTION OF THE HISTORICAL-SPIRITUAL, CULTURAL AND NATURAL HERITAGE OF MODERN UZBEKISTAN

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### ABOUT ARTICLE

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**Abstract:** The article discusses the theoretical foundations of the state-legal protection of the historical and cultural heritage of modern Uzbekistan, paid attention to the definition of the concept and content of the historical and cultural heritage. The constitutional and legal foundations for the protection of the historical and cultural heritage of the peoples of Uzbekistan have been studied, the main directions for the development of the regulatory framework in the field of protection of the historical and cultural heritage, as well as the current state and development trends of the regulatory framework for the protection of the historical and cultural heritage of modern Uzbekistan, have been analyzed.

### INTRODUCTION

The Republic of Uzbekistan is a country on whose territory there are unique monuments of history and culture of various eras, styles and trends. The Bronze Age, the Early Iron Age, the period of antiquity, the states of the Kushans, Tokhars, Ephthalites, the Turkic Khaganate, the reign of the Karakhanids, Amir Temur and beyond. They all left outstanding monuments of spiritual and material culture.

The historical and cultural heritage of Uzbekistan is an integral part of the universal culture, an effective lever for the formation and development of the intellect of a person, society, ethnic group, the most important repository of historical memory. It absorbs that part of the multifaceted historical experience of society, which is necessary for a person in the turbulent conflicts of our time, and which allows us to trace the inseparable connection of times - a guiding thread connecting the most ancient layers of history with the present day. According to Amir Temur, it is as if they are appealing to future generations: "If you want to judge our might, then take a look at the buildings we have built."

### THE MAIN FINDINGS AND RESULTS

Joining the historical and cultural heritage gives us not only an understanding of the past, but also a knowledge of the present in the light of the meaning that we see in the future. Our past is a historical and cultural heritage. This is a pantry of material and spiritual components, having a personal, collective, state or other origin. Historical and cultural heritage is represented by a lot of evidence of a different nature. These are archaeological finds (household items, jewelry, tools, etc.), and natural and architectural landscapes, and other surviving objects of material culture (old machines, appliances, utensils, etc.), written sources (state acts, annals, books, diaries, letters, etc.). The state-legal protection of historical and cultural heritage has an instructive history, during which the evolution of its means, forms and methods took place. In the process of state-legal protection of historical and cultural heritage, changes affected the system of subjects of protection and the nature of the exercise of their powers. In the field of protection of historical and cultural heritage, both the functional protective activities of the state (law-making, law enforcement, law enforcement) and the objective, i.e. direct activities of state bodies in order to maintain public order, preserve components of the historical and cultural heritage, ensure the rights of citizens to free creativity and access to historical and cultural heritage. The study of the issues of protection of the Russian historical and cultural heritage seems to be very timely, taking into account the situation that has developed in our country with monuments of historical and cultural significance by the beginning of the 21st century. Meanwhile, the world community, of which sovereign Uzbekistan is a full member, clearly recognizes the need to take appropriate measures, including legal and administrative ones, to identify, protect, preserve, popularize and restore cultural heritage. This provision is expressly enshrined in paragraph 4 / Article 5 of the Convention for the Protection of the World Cultural and Natural Heritage, adopted at the seventeenth assembly of the General Conference of UNESCO on November 16, 1972. Today, in modern Uzbekistan, work has noticeably intensified on the restoration of historical and cultural monuments associated with the revival of the Great Silk Road, the names of such prominent figures as Amir Temur, Mirzo Ulugbek, Muhammad Zakhridin Babur, Imam al-Bukhari, al-Termezi, Bahouddin Nakshbandi and our other great ancestors. During the years of independence, a huge work has been carried out to restore the names of many of our outstanding scientists, cultural figures, historical monuments, to revive the traditions of the sacred religion of our ancestors - Islam. It should be especially noted the importance of the decisions of the President of the Republic of Uzbekistan Sh. Mirziyoyev, aimed at ensuring the revival of the spiritual and cultural heritage of our people: the improvement of the holy places of Abu Muin Nasafiya in Kashkadarya, Abu Iso Muhammad at-Termiziya in Sherobod district, Bakhouddin Naqshbanda in Bukhara, Imom mosque Thermizia and the Suzukot mausoleum in Tashkent, etc. A striking example of the special attention on the part of the Head of State to the preservation of the historical, cultural and spiritual heritage of the people of Uzbekistan is the adoption of the Decree of the President of the Republic of Uzbekistan "On measures to further improve the management system in the field of culture and sports" dated 15 August 2017, Resolutions "On measures to further improve the system of storage, research and promotion of ancient written sources" dated May 24, 2017, "On the establishment of a center for research on cultural values of Uzbekistan located abroad under the Cabinet of Ministers of the Republic of Uzbekistan" dated June 20, 2017, "On the organization of the activities of the Public Council on the Modern History of Uzbekistan under the Academy of Sciences of the Republic of Uzbekistan" dated June 30, 2017. These and other acts of the Head of State are of great importance in organizing work to restore the centuries-old history and rich culture of our people, to comprehensively study and promote the scientific and spiritual heritage of our great ancestors, to improve sacred places, etc. This testifies to the international recognition of Uzbekistan's contribution to development of world civilization, but also place a great

responsibility on the republic. Thus, the protection of the historical and cultural heritage is primarily the task of the state and its bodies. This is explicitly stated in Article 4 of the mentioned Convention of 1972, which states that each state party to the Convention recognizes that the obligation to ensure the identification, protection, preservation, promotion and transfer to future generations of the cultural heritage located on its territory is assigned first everything on him. "To this end," Article 4 continues, "it (the State) endeavors to act both through its own efforts, making the maximum use of available resources, and, if necessary, through international assistance and cooperation, which it can use, in particular, financially, artistically, scientifically and technically".

The leading role of the state in the protection of historical and cultural heritage is also enshrined in the Constitution of the Republic of Uzbekistan (Article 61), which establishes that "Citizens are obliged to protect the historical, spiritual, cultural, scientific and natural heritage of the people of Uzbekistan. Historical, spiritual, cultural, scientific and natural heritage is protected by the state." The state implements this function through an extensive system of its bodies, including through government bodies with the active participation of public associations. Cultural monuments and objects of intangible heritage of Uzbekistan are recognized by the world community as a universal cultural heritage. The list of the universal cultural heritage of mankind includes four historical cities of the Republic of Uzbekistan - Samarkand, Bukhara, Khiva, Shakhrisabz. The relevant UNESCO list also includes unique manuscripts located in the Center for Oriental Manuscripts. Abu Rayhana Beruni at the Tashkent State Institute of Oriental Studies of the Republic of Uzbekistan, Navruz holiday, Katta ashula, "Shashmaqom", Askiya and traditions associated with Uzbek plov. Today, more than 100 thousand handwritten works are stored in the book funds of Uzbekistan. Manuscripts of scientists and thinkers of the East, who worked in the Middle Ages, constitute the "golden fund" of libraries in Europe and Asia, in particular, Great Britain, Germany, Spain, Russia, France, Egypt, India, Iran and other countries. Uzbekistan has joined (signed) more than 10 international acts in the field of cultural heritage preservation. These instruments include: Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954, The Hague), Convention on Measures to Prohibit and Prevent the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970, Paris), Convention for the Protection World Cultural and Natural Heritage (1972, Paris), International Convention for the Safeguarding of the Intangible Cultural Heritage (2003, Paris) and others. Consistent development in the national legislation was received by the norms of the second part of Article 61, which establishes that the historical, spiritual, cultural, scientific and natural heritage is protected by the state. On the basis of this norm, an integral system of legal, organizational, financial, informational, logistical and other measures has been created in the field of protection and use of cultural heritage objects as a national heritage of the people of Uzbekistan.

Among these measures are the development of scientific and scientific-technical research of cultural heritage sites; – conducting historical and cultural expertise of cultural heritage sites; – development of projects for zones of protection of objects of material cultural heritage; – issuance of permits for carrying out work on the preservation of material cultural heritage sites, as well as for conducting scientific and scientific and technical research at material cultural heritage sites. And I spent all my scientific activity with the study of the political and legal teachings of Eastern thinkers like Abu Nasr Farabi and his ideas about a virtuous city, Ibn Sina, Abu Reykhan Biruni, Koshifi, Nizam al-Mulk, Amir Timur, Alisher Navai, Babur and the Jadids, etc. So I want to give an example of how Amir Timur Sahibkiran is the creator of a multicultural system that supports not only settled, nomadic, but various and national factions of the empire. The reign of Amir Temur was marked by integration with European

countries. The fact that a small part of Europe (Constantinople and others) pays tribute to the great strategist after appearing in Ankara and becomes his vassal, the presence of elements and European culture.

Sakhbirkiransky thought globally, recognizing the universal right to life, seeing the peoples of the world in a single geopolitical space. He was the first to establish relations with Europe on the basis of friendship and cooperation. In their letters, representatives of Europe welcome bilateral mutually beneficial relations.

In the messages of family members : "You send your merchants to my state. We will welcome them warmly, show them all honors. We will also send our merchants to your country. For the world will prosper thanks to trading people."

Monuments of the times of Amir Temur are unique. They seem to appeal to future generations: "If you want to judge our power, then take a look at the buildings we have built."

Today there are several picturesque observations built under the direct control of Amir Temur : Ak-Saray, the mausoleums of Gur-Emir, Ahmad Yassawi , the Bibi-Khanym mosque and the Shakhi Zinda complex . Despite the fact that construction began earlier, the main design of the ensemble is completed in Temur . It is also worth noting that subsequently iki Sahibkiran - Shahrukh , Ulugbek, Hussein Baykara , Babur , Kamran Mirzo , Akbarshah , Shah Jahan and other representatives of their time made a great contribution to world science and culture.

Speaking at the international Conference today, in conclusion, I would like to note that, annually on April 18, the whole world celebrates the International Day for the Protection of Monuments and Historic Sites (World Heritage Day). This date was established in 1983 by the Assembly of the International Council for the Protection of Monuments and Sites (ICOMOS), established by UNESCO. For the first time, at the interstate level, the day of monuments and historical sites was celebrated on April 18, 1984.

On the occasion of the International Day for the Protection of Monuments and Historical Sites, thematic conferences and various other events are held in the republic. Some museums can be visited free of charge, while architectural complexes and historical buildings that are closed to the public open their doors. Yes, this confirms that in our country a lot of attention is paid to the protection of antiquities. The constitutional law "On the Constitution of the Republic of Uzbekistan", adopted at a referendum on April 30, entered into force on May 1, 2023 on the basis of a decision of the Central Election Commission. So, in the new Constitution of the Republic of Uzbekistan, now in the 61st article it is determined that "Citizens are obliged to protect the historical, spiritual, cultural, scientific and natural heritage of the people of Uzbekistan. Historical, spiritual, cultural, scientific and natural heritage is protected by the state." The legislative basis in this area is also formed by the Laws "On the Protection and Use of Cultural Heritage Objects", "On Museums", "On the Export and Import of Cultural Heritage" and "On the Protection and Use of Archaeological Heritage Objects", the Decree of the Cabinet of Ministers "On Measures for Further improvement and development of the protection and use of cultural heritage objects" and other regulatory documents. On the basis of the above legal acts, the procedure for state protection, preservation and use of cultural heritage sites, of which there are currently more than 7,000 in our country, has been established. Among them are Ichan-kala in Khiva, the historical center of Bukhara, architectural monuments of the Temurids era Shakhrisabz and Samarkand, as well as other unique creations of architecture that are included in the UNESCO World Cultural Heritage List.

Conclusion

But citizens should not forget about their duties as the protection of natural, historical heritage. Since the legislation establishes administrative and criminal liability for violation of the rules for the protection and use of objects of historical, spiritual and cultural heritage. So, according to Art. 64 of the Code of Administrative Responsibility of the Republic of Uzbekistan, violation by citizens of the rules for the protection and use of historical or cultural monuments entails a fine. According to Article 132 of the Criminal Code, correctional labor up to three years may be provided as a punishment for the deliberate destruction, destruction, damage to historical or cultural monuments taken under state protection, committed after the application of an administrative penalty. For the commission of such actions that caused major damage, punishment may be provided in the form of restriction of liberty from one to three years or imprisonment up to three years. Objects of historical, spiritual and cultural heritage are an invaluable treasury and wealth of the people of Uzbekistan. This wealth belongs not only to the present, but is also the property of future generations. Therefore, their careful maintenance safe and sound is the constitutional duty of all citizens of the Republic of Uzbekistan.

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