



Tendencies of Development of Legislation on Freedom of Conscience in the Republic of Uzbekistan

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Abstract

This article focuses on the norms of the legislation on the right to freedom of conscience and religion in the Republic of Uzbekistan and their development, the essence of amendments and additions to the law, measures of responsibility for violation of the law.

Keywords: *Religion; Faith; Freedom of Conscience; Human Rights; Local Religious Organization; Missionary Activity; Illegal Religious Activity; Religious Professional Education; Proselytism*

Introduction

In today's global changes, religion, along with fulfilling its social functions, is gaining a new organizational, legal, socio-cultural and socio-political meaning. The role and importance of religion in the development of civil society, which is a stage in the development of human society, is determined by the social behavior of individuals in society and the degree to which religious values influence them. This is reflected in phenomenological meanings and values. Within the framework of the observance of the principle of freedom of conscience by states, the positive potential of religion in the universal sense is not denied in the practice of religious belief. However, in a certain reality, the majority of "forces", "movements", "currents" through politicization show it as the basis for inter-civilizational conflicts, extremist and terroristic acts. It is a superficial understanding of what is happening in the world and shows a certain limitation in social consciousness and worldview. However, in today's realities, religion demonstrates the ability to influence people's mind, along with its sources that limit its illegal behavior, taking into account the needs of citizens.

The analysis of ancient reality shows that the relations between the state and religion, which have a long history, cover the most essential aspects of the socio-cultural, political, legal, spiritual and enlightenment life of society. State-confessional relations are regulated within the framework of established traditions and states.

The Main Part

With the beginning of the process of socio-political changes in society in the independent Republic of Uzbekistan in the 90s of the last century, the issue of relations between civil society institutions, primarily state and religious organizations, came up to the agenda. While this issue has a historical and cultural character, it has also raised issues of political, legal and ideological aspects of the life of the state and society.

The aspirations of our people to build a democratic state and a civil society, along with the recognition of universally recognized norms of international law, necessitated the implementation of the long-established spiritual heritage of national statehood.

The attitude of the Republic of Uzbekistan towards religion and religious organizations has changed radically. New approaches to religion and believers in accordance with international and national legal norms are reflected in the Law “On Freedom of Conscience and Religious Organizations” (1991, 1998, 2021) [1, 2, 3].

According to the 1992 Constitution of the Republic of Uzbekistan, “All citizens of the Republic of Uzbekistan have the same rights and freedoms and are equal before the law, regardless of gender, race, nationality, language, religion, social origin, personal and social status. Privileges are established only by law and must comply with the principles of social justice” [4].

Because of this constitutional norm, citizens have gained freedom of religion and belief. Attitudes towards religion and religious organizations in the country have changed radically. New approaches to religion and believers in accordance with international and national legal norms are reflected in the Law “On Freedom of Conscience and Religious Organizations” (1991, 1998, 2021) [1, 2, 3].

The Law of the Republic of Uzbekistan “On Freedom of Conscience and Religious Organizations”, adopted on June 14, 1991 and amended on September 3, 1993, states that freedom of conscience is the right of citizens to believe in any religion or not to believe in any religion. Nobody can renounce, compel to any degree when determining its attitude to prayer, participation in religious rites and ceremonies, participation or non-participation in the study of religion.

Freedom of religion or other beliefs was restricted to the extent necessary to protect public safety and order, the life, health and morals of other citizens, as well as their rights and freedoms [5, 6, 7].

The second part of Article 8 of the 1991 Law states that “citizens who form a community shall notify the religious center and the state agency that registers the charter of the religious organization of the formation of the community”. They are registered by the Ministry of Justice of the Republic of Uzbekistan in coordination with the Committee on Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan.

Article 6 of the Law stipulates that religious organizations with registered statutes may, in accordance with their statutes, establish educational institutions or groups for the religious education of adults and children, and use their own premises for educational purposes. In addition, they allow children to receive religious instruction only in their free time when they reach school age with the written consent of their parents or guardians, and adults are allowed to teach religious instruction in an organized manner at their own discretion; that the religious administration, with the permission of the center, should do so, and that private teaching of religious doctrine was not permitted.

In addition, Chapter V of the Law is entitled Labor activity in religious organizations and their enterprises, Articles 24-27 deal with labor relations in religious organizations, labor rights of citizens working there, social security and social insurance of people working in religious organizations. The

Laws “On Freedom of Conscience and Religious Organizations” of 1998 and 2021 do not provide for such norms, as the protection of labor of employees of any institution or organization operating in the Republic, regardless of its legal form, is covered by the current Labor Code.

Other amendments and additions to the 1991 law of 1993 are related to the recognition of the Republic of Uzbekistan as an independent state, the introduction of new departments and positions in government agencies, the improvement of legal writing techniques. Article 7 of the new version of the 1998 law redefines the above approaches to the education system and religious relations, noting that the education system in the Republic of Uzbekistan is separate from religion, religious education is not allowed in the curriculum. Article 8 of the Law “On Freedom of Conscience and Religious Organizations”, adopted in 2021, was also strengthened by provisions consistent with the substance of the law in 1998.

If the law adopted in 1991 did not establish a norm on religious dress, Article 14⁴ of the 1998 law prohibits citizens of the Republic of Uzbekistan (except for those serving in religious organizations) in public places. Article 184¹ of the Administrative Liability Code noted that walking in public places in religious dress would result in a fine of five to ten times the basic amount or administrative detention for up to fifteen days.

The phrase “religious dress included in this article is an unexplained and unexplained compound in the literature of Islam, Christianity or other religions, which is practiced by the majority of the population of the Republic of Uzbekistan.

The current law, adopted on July 5, 2021, unlike the 1998 law, addresses issues related to the dress of worship and is completely excluded from the law. The new law provides for the registration of a local religious organization with 50 signatures instead of 100, the consent of the mahalla citizens’ assembly is not required for the registration of a religious organization, and the electronic application for registration of a religious organization is required.

Issues of missionary activity and proselytism also have a special place in the law, while the 1991 edition of Article 7 prohibits missionary activity, while the 1998 edition of Article 5, paragraph 3, states that “the state shall promote peace and harmony among religious denominations. Proselytism, as well as any other missionary activity, is prohibited. Those found guilty of violating this rule will be accountable under the law”. The new law takes a different approach to the issue, with Article 3 defining missionary and proselytism as key concepts, while Article 7 guarantees the peaceful coexistence of state denominations and strengthens the prohibition of missionary and proselytism. The legislation of the Republic of Uzbekistan establishes measures of responsibility for missionary activity or proselytism, and Article 240 of the Administrative Liability Code is called a violation of the legislation on religious organizations. If paragraph 3 of this article stipulates a fine of fifty to one hundred times the amount of the basic calculation for missionary activity or proselytism or administrative detention for a period of up to fifteen days, the basic calculation under Article 216¹ of the Criminal Code for the commission of this act shall be punishable by a fine in the amount of fifty to one hundred times the amount of the sentence, or by compulsory public work for up to three hundred and sixty hours, or by restriction of liberty for one to three years, or by imprisonment for up to three years.

Another important aspect of the law adopted in 2021 is reflected in Article 10, which states: Religious materials include books, pamphlets, magazines, newspapers, leaflets, and other publications that reflect the doctrinal foundations, history, ideology, and interpretations of religious teachings, the practice of conducting ceremonies of various religious teachings, and the religious assessment of individuals, historical facts, and events, publications, symbols, objects, audiovisual works (TV, film and video films, clips, concert program recordings, cartoons, etc.), electronic media (disks, CDs, DVDs, inserted and removable memory cards, the Internet world materials posted on the information network, etc.).

According to the law, the preparation, import and distribution of religious materials in the territory of the Republic of Uzbekistan is carried out after obtaining a positive conclusion of theological examination in order to prevent the spread of ideas and views that lead to disruption of interfaith harmony and religious tolerance in society.

Another specific legislative technique in the new law contains an article related to key concepts that have been widely used in recent times. It explains the concepts of religious education institution, religious organization, central governing body of religious organizations in the Republic of Uzbekistan, local religious organization, missionary activity, illegal religious activity, religious professional education, proselytism in a simple and fluent way.

In general, the legislation on freedom of conscience and religious organizations in Uzbekistan, recognizing the priority of international law, is being developed at the level of modern requirements, taking into account the will, age-old values and traditions of people. The law regulates the rights and interests of all religious denominations officially registered in Uzbekistan as a separate institution of civil society and fully meets the principles of equality, tolerance and democracy.

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