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O‘ZBEKISTON RESPUBLIKASIDA ILMIY IJOD ERKINLIGINI DAVLAT TOMONIDAN TA’MINLANISHINING HUQUQIY ASOSLARI

LEGAL FOUNDATIONS FOR ENSURING SCIENTIFIC CREATIVITY FREEDOM BY THE STATE IN THE REPUBLIC OF UZBEKISTAN

ПРАВОВЫЕ ОСНОВЫ ОБЕСПЕЧЕНИЯ ГОСУДАРСТВОМ СВОБОДЫ НАУЧНОГО ТВОРЧЕСТВА В

Muhammadrajab Obidjon o‘g‘li Habibullayev
Республике Узбекистан
Student of the Law Program, Fergana State University
E-mail: muhammadrajabh18@gmail.com
https://doi.org/10.5281/zenodo.20621018

Annotatsiya: Ushbu maqolada O‘zbekistonda ilmiy va ijodiy erkinlikning huquqiy asoslari va mexanizmlari tahlil qilinadi. Unda ilmiy erkinlikning konstitutsiyaviy darajada fundamental inson huquqi sifatida tan olinishi va Inson huquqlari umumjahon deklaratsiyasi hamda Iqtisodiy, ijtimoiy va madaniy huquqlar to‘g‘risidagi xalqaro pakt kabi xalqaro huquqiy hujjatlar bilan uyg‘unligi ta’kidlanadi. Tadqiqot milliy qonunlarga e’tibor qaratadi: “Ilm-fan va ilmiy faoliyat to‘g‘risida”gi Qonun, “Ta’lim to‘g‘risida”gi Qonun, davlatning strategik dasturlari va ilmiy tadqiqotlar, moliyalashtirish, intellektual mulkni himoya qilish va xalqaro hamkorlikni tartibga soluvchi quyi normativ-huquqiy hujjatlar. Maxsus e’tibor fundamental va amaliy tadqiqotlarga qaratilgan: ilmiy ijodkorlik rivojlanishi uchun qulay muhitni yaratish va ilmiy yutuqlarni amaliyotga tatbiq etish. Tadqiqot shuningdek, “O‘zbekiston-2030” Strategiyasi doirasida O‘zbekistonning ilm-fan va innovatsiya siyosatiga e’tibor qaratadi va moliyaviy qo‘llab-quvvatlash, ilmiy klasterlar hamda xalqaro hamkorlikning ilmiy sohaning barqaror rivojlanish mexanizmlari sifatidagi ahamiyatini ta’kidlaydi. Tadqiqot natijalari shuni ko‘rsatadiki, ilmiy erkinlikni huquqiy himoya qilish mustaqil tadqiqotlarni rivojlantirish, innovatsiyalarni rag‘batlantirish va ilmiy kashfiyotlarni jamiyat taraqqiyotiga tatbiq etish uchun zarurdir.

Kalit so‘zlar: ilmiy erkinlik, intellektual mulk, konstitutsiyaviy huquqlar, milliy qonunchilik, fundamental tadqiqotlar, amaliy tadqiqotlar, ilmiy siyosat, O‘zbekiston, xalqaro hamkorlik, innovatsiya.

Abstract: In this article, legal basis and the mechanisms of scientific and creative freedom in Uzbekistan are analyzed. It stresses the constitutional recognition of scientific freedom as a fundamental human right and its compatibility with international legal instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. The study focuses on national laws: the Law “On Science and Scientific Activity,” the Law “On Education,” strategic state programs, and subordinate normative acts regulating scientific research, funding, intellectual property protection, and international cooperation. Particular emphasis is placed on fundamental and applied research: the establishment of an atmosphere in which scientific creativity can flourish; and the realization of scientific achievements in practical applications. The study also focuses on Uzbekistan’s science and innovation policy under the “Uzbekistan-2030” Strategy, and highlights the importance of financial support, scientific

clusters, and international cooperation as mechanisms for the sustainable development of the scientific sector. The research results suggest that the legal protection of scientific freedom is essential for promoting independent research, fostering innovation, and translating scientific discoveries into societal development.

Keywords: scientific freedom, intellectual property, constitutional rights, national legislation, fundamental research, applied research, scientific policy, Uzbekistan, international cooperation, innovation.

Аннотация: В статье рассматриваются правовые основы и механизмы обеспечения научной и творческой свободы в Узбекистане. Подчеркивается закрепление научной свободы в Конституции как фундаментального права человека и её соответствие международным правовым инструментам, таким как Всеобщая декларация прав человека и Международный пакт об экономических, социальных и культурных правах. Исследуются национальные законы, включая Закон «О науке и научной деятельности», Закон «Об образовании», стратегические государственные программы и подзаконные нормативные акты, регулирующие научные исследования, финансирование, защиту интеллектуальной собственности и международное сотрудничество. Особое внимание уделяется принципам фундаментальных и прикладных исследований, созданию среды, способствующей научному творчеству, и интеграции научных достижений в практическую деятельность. Также обсуждаются стратегические направления науки и инновационной политики Узбекистана в рамках Стратегии «Узбекистан-2030», подчеркивая роль финансовой поддержки, научных кластеров и международного сотрудничества в обеспечении устойчивого развития научного сектора. Статья делает вывод о том, что правовые гарантии научной свободы имеют ключевое значение для обеспечения независимых исследований, стимулирования инноваций и интеграции научного прогресса в развитие общества.

Ключевые слова: научная свобода, интеллектуальная собственность, конституционные права, национальное законодательство, фундаментальные исследования, прикладные исследования, научная политика, Узбекистан, международное сотрудничество, инновации.

Introduction

Artistic creation is an intellectual activity aimed at producing artistic images that reflect a higher spiritual reality through various genres and expressive styles. It encompasses literature, architecture, sculpture, fine and applied arts, music, dance, theatre, cinema, and other forms of human activity, revealing and presenting both realistic and figurative ways of understanding the world.

In artistic creation, the author's personal perspective, unique artistic interpretation, and emotions regarding the issues of a particular period in the life of a given society find expression. In other words, among the diverse colors and events of life depicted in literary and artistic works, those that are instructive and socially significant are selected, artistically analyzed, and classified.

Artistic creation is a complex process that is closely connected with such forms of human activity as perception, evaluation, and appreciation. For this reason, a creator must possess free imagination, broad thinking, rich symbolic vision, national consciousness, and a high level of mastery. The relevance and social significance of a creative work are determined by these qualities.

Furthermore, the development of creativity largely depends on socio-economic stability and the level of cultural and spiritual advancement within society.

Creativity is a process of activity that involves the production of qualitatively new material and spiritual values. The principal criterion distinguishing creativity from ordinary production is the uniqueness of its outcome. Indeed, no one other than the author can achieve the exact final result embodied in a particular creative work. During the creative process, the author employs certain capacities that cannot be measured solely by logic, thereby expressing specific aspects of his or her personality. Consequently, an artistic work becomes an exclusive creation produced as a unique original. It is precisely this characteristic that determines the added value of a creative product in comparison with an industrially manufactured product [1].

Main Part

Intellectual and cultural rights belong to the second generation of human rights and protect an individual's right to realize their creative potential and participate in cultural life. These rights are enshrined in international legal instruments, particularly the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

According to internationally recognized practice, the legal protection of academic freedom may be ensured through two avenues: first, through international legal norms (such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and other relevant instruments); and second, through national legislation (such as the Constitution, the Law "On Science and Scientific Activity," and other regulatory legal acts). Within this framework, it is essential to examine the national legal foundations of scientific and creative activity.

Scholars emphasize that the right to academic freedom should constitute an integral element of constitutional law. From the perspective of fundamental rights, Christophe Geiger concluded that: "The nature and scope of academic freedom are inseparable from constitutional rights relating to culture and science" [2]. We fully support this view. According to Richard Albert, "Academic freedom is a constitutional right that guarantees scholars the independence to choose their research directions, conduct studies, and publish their findings. This right is enshrined in national constitutions and international legal instruments" [3]. Likewise, Louis Henkin emphasized the necessity of promoting academic freedom and argued that it should be recognized as a constitutional right, noting that human rights constitute the foundation of modern state constitutions.

Article 53 of the new Constitution of the Republic of Uzbekistan, approved through a national referendum, provides that: "Everyone shall have the right to freedom of scientific, technical, and artistic creativity, as well as the right to enjoy cultural achievements" [4]. Intellectual property is protected by law. The State shall promote the cultural, scientific, and technological development of society. This constitutional provision identifies three categories of intellectual rights: first, individuals have the right to conduct scientific research and make discoveries; second, technological inventions may be created and implemented in practice; and third, artistic works may be produced and presented to society.

As noted by Shavkat Mirziyoyev, "The primary objective of our constitutional reforms is to ensure human dignity and effectively protect the interests of the people." This constitutional norm occupies an important place within the system of fundamental human rights, as it establishes the legal foundation for civilizational culture and scientific and technological development while promoting scientific and creative advancement.

According to legal scholar Khusan Odilqoriyev, "Above all, the existence of freedom in science and constitutional rights is essential, because creativity is the key to progress in every

sphere, particularly in scientific activity." He further states that "one of the most important tasks in developing scientific and creative activity in the country is the creation of a strong legal framework and reliable guarantees, since such activity serves as an instrument of social transformation" [5].

The inclusion of such a right in the Constitution guarantees every individual the freedom to engage in creative activities without interference, as well as the right to create and disseminate intellectual products. This constitutional provision is consistent with Article 27 of the Universal Declaration of Human Rights, which recognizes the right of every person to participate freely in the cultural life of society, to enjoy the arts, and to share in scientific advancement and its benefits. Furthermore, it is important to promote the development of creative enterprises, facilitate the implementation of advanced intellectual achievements in production processes, ensure the protection of intellectual property, coordinate the activities of state bodies and organizations with contemporary needs, and guarantee their practical implementation through legislation and institutions. According to I. Saifnazarov, such a secular state is aimed at providing individuals with opportunities for education, personal development, independent self-realization, and creative freedom in scientific and cultural advancement.

The new Constitution of the Republic of Uzbekistan guarantees the protection of human rights and freedoms. It emphasizes the necessity of establishing a legal framework conducive to academic freedom and aligning national legislation with international standards. In other words, it guarantees all human rights, including the freedom of scientific and creative activity. From this perspective, the right to academic freedom is one of the constitutional rights guaranteed by the State. Such an approach ensures that scientific research is conducted without undue interference, that scientific results are assessed fairly, and that their benefits are made available to society. The legal principles supporting scientific and artistic freedom in Uzbekistan are enshrined in these fundamental legal documents.

Special Legislation: From this perspective, the primary legal basis is the Law of the Republic of Uzbekistan No. O'RQ-576 of 2019, "On Science and Scientific Activity," which establishes the fundamental principles and mechanisms for organizing scientific activity in the country. The Law defines the rights of participants in scientific activity, financing mechanisms, and the most important provisions related to the training of scientific personnel.

The Law of the Republic of Uzbekistan No. O'RQ-637 of 2020, "On Education," regulates scientific activity within the education system, the training of scientific and pedagogical personnel, and the integration of education and science.

Strategic Concepts and State Programs: Presidential Decree No. PF-5847 of 2019, "The Concept for the Development of the Higher Education System of the Republic of Uzbekistan until 2030," establishes long-term strategic objectives in the field of scientific research and provides institutional mechanisms aimed at creating favorable conditions for enhancing scientific potential. Presidential Decree No. PF-5953 of 2020, "The State Program for the Implementation of the Five Priority Areas of Development of the Republic of Uzbekistan (2017–2021)," outlines short-term objectives for the development of science.

Presidential Decree No. PF-6097, "The Concept for the Development of Science until 2030," introduces comprehensive measures aimed at liberalizing scientific research, expanding the autonomy of scientific institutions, and improving the training of scientific personnel. Subsequent strategic documents, including Presidential Decree No. PF-60 of 2022, "The Development Strategy of New Uzbekistan for 2022–2026," and Presidential Decree No. PF-158 of 2023, "Uzbekistan–2030 Strategy," establish medium- and long-term objectives for the development of scientific and

innovative activities, the expansion of opportunities for scientific creativity, and the strengthening of international cooperation.

For example, the "Uzbekistan–2030 Strategy" aims to establish cooperation between 50 national universities and universities ranked among the world's top 500 institutions, thereby promoting international knowledge exchange and participation in global scientific activities. The Strategy allocates three trillion Uzbek soums for the financing of fundamental research and identifies innovation as a key driver of development. It also provides for the establishment of eight scientific clusters necessary for the successful implementation of scientific research.

Subordinate Regulatory Legal Acts: A number of subordinate regulatory legal acts are also applied in the organization of scientific activity. These include, for example, Resolution No. 304 of the Cabinet of Ministers of 2017 (on improving master's and doctoral education), Resolution No. 239/4 of the Higher Attestation Commission of 2017 (on the procedure for awarding academic degrees), and Resolution No. 224/8 of 2016 (on the procedure for awarding academic titles). These legal instruments establish the legal foundations of academic freedom and define the mechanisms for its implementation.

One of the key legislative acts in this area is the Law of the Republic of Uzbekistan "On Science and Scientific Activity," which regulates the rights related to scientific creativity. According to researchers, this law identifies scientific and informational freedom, efficiency, and creative competition as its fundamental principles. The legal foundations of academic freedom are enshrined in Articles 3 and 4 of the Law. For the first time, the principle of scientific creativity and freedom of information was formally recognized at the legislative level. Researchers are granted the right to independently choose research directions, develop their own scientific views, and disseminate research findings to the public. Article 4 further establishes opportunities for scientific creativity, youth participation, the attraction of scientific talent, and access to education. The Law guarantees the protection of scientific research outcomes, including financial independence. Financial support is one of the essential conditions for the realization of academic freedom.

The Law encourages public-private partnerships and the diversification of funding sources, thereby expanding opportunities for academic freedom. Scientific freedom is a universal principle that transcends national borders. Therefore, the Law supports international cooperation and participation in the global information space. These legal guarantees create effective mechanisms for implementing the principles of academic freedom within the national scientific system and contribute to improving the effectiveness of research activities.

Article 12 of the Law defines the concept, content, and types of scientific activity. It stipulates that scientific research may be conducted in either the natural sciences or the social sciences and distinguishes between fundamental and applied research. Fundamental research is aimed at studying the laws of nature and human existence, whereas applied research seeks to utilize such knowledge to address practical problems or achieve specific objectives.

The legislation recognizes the inseparable connection between these two forms of research and emphasizes that scientific inquiry is a continuous process. Presidential Decree No. PF-158 of 2023, "Uzbekistan–2030 Strategy," establishes long-term objectives for scientific development, including the expansion of international cooperation, the training of scientific personnel, and the modernization of scientific infrastructure. The Strategy places greater emphasis on fundamental research and provides for the creation of scientific clusters in various fields, including transport, agriculture, energy, biotechnology, geology, and metallurgy.

The Strategy also highlights the necessity of strengthening cooperation with international scientific organizations. This approach is consistent with Resolution No. 304 of the Cabinet of

Ministers of 2017, which established the regulatory framework for master's and doctoral education, created institutional mechanisms for independent researchers, and defined doctoral degree requirements. The Resolution regulates compliance with international standards, ensures the high-quality training of scientific personnel, establishes procedures for academic supervision and research monitoring, and provides regulations concerning scholarships and remuneration for academic supervisors. Furthermore, it contains provisions governing international cooperation and the training of foreign citizens.

Recommendations

First, I believe that strengthening the legal foundations of academic freedom is essential for ensuring the effective realization of scientific creativity. Although academic freedom is guaranteed by the Constitution of the Republic of Uzbekistan and the Law "On Science and Scientific Activity," scholars, including Uzbek legal experts A. Saidov and S. Djalilov, have emphasized that the full implementation of this freedom in practice requires stronger mechanisms for independent scientific evaluation within research institutions and greater transparency in the criteria used to assess scientific ideas. Therefore, I consider it important to continuously update the regulatory framework governing scientific research in accordance with contemporary requirements and international standards.

Second, in line with the views expressed by researchers in the field of innovative development, I believe that it is necessary to establish sustainable mechanisms for the financial support of scientific research. Based on the Law "On Higher Education," government resolutions concerning the financing of scientific and technical programs, and the objectives outlined in the "Uzbekistan–2030 Strategy" regarding the promotion of innovation, I propose expanding the allocation of grants, scholarships for young researchers, and dedicated funding for joint scientific projects. Such measures would not only strengthen academic freedom but also create real opportunities for young scholars to engage in scientific and creative activities.

Third, drawing on international experience, I consider the expansion of international scientific cooperation to be a key factor in the development of academic freedom. Many foreign scholars, including Helga Nowotny, Steve Fuller, and Jürgen Enders, identify international scientific integration as one of the fundamental prerequisites for academic freedom. From this perspective, Uzbekistan's broader participation in international scientific programs and grant schemes, as well as the expansion of cooperative projects with organizations such as the UNESCO, would provide a solid foundation for the advancement of scientific creativity. Furthermore, as provided in the Law "On Science and Scientific Activity," the establishment of joint research laboratories with foreign scientific centers would significantly enhance scientific capacity. I therefore propose the systematic expansion and institutionalization of these processes.

Conclusion

Based on the above-mentioned theoretical perspectives, international experience, and national legislation, it can be concluded that the constitutional recognition of scientific and creative freedom in Uzbekistan has established a solid foundation for the development of science and innovation. Indeed, the inclusion of a specific provision on scientific, technical, and artistic creativity in Article 53 of the Constitution, together with the adoption of strategic legal instruments such as the Law "On Science and Scientific Activity," the Law "On Education," and the "Uzbekistan–2030 Strategy," which identifies science as a priority area of national development, demonstrates the State's commitment to supporting academic freedom and scientific progress.

As emphasized by scholars such as Christophe Geiger, Richard Albert, Louis Henkin, and Khusan Odilqoriyev, academic freedom is not merely a constitutional category but also a

fundamental criterion that determines the intellectual potential of a democratic society. The effective realization of academic freedom depends on the existence of independent expert evaluation, transparent and evidence-based assessment mechanisms, fair and adequate financial support, and a consistent commitment to international scientific cooperation.

Taking these considerations into account, I propose three key measures that are essential for the accelerated development of science in Uzbekistan. First, the legal foundations of scientific creativity should be continuously improved and adapted to contemporary challenges. Second, a stable and targeted system of financial support for scientific research should be established and strengthened. Third, international scientific cooperation should be expanded and institutionalized. The implementation of these proposals would further reinforce scientific and creative freedom, create broader opportunities for young scholars and researchers, and enhance the effectiveness of scientific institutions.

Most importantly, these measures would accelerate the practical application of scientific achievements and significantly expand the country's capacity for innovation-driven development. Consequently, they would contribute to strengthening the global competitiveness of New Uzbekistan in the field of science and research.

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