



THE ROLE OF HUMAN RIGHTS PROTECTION IN MODERN CONSTITUTIONAL STATES

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ABSTRACT

Human rights protection has become a central pillar of modern constitutional states. In the context of globalization, democratic governance, and legal reforms, the safeguarding of fundamental rights and freedoms is no longer regarded as an internal matter of states alone, but as a universal legal obligation. This article analyzes the theoretical foundations of human rights, their constitutional закрепление, and the mechanisms of protection in modern legal systems. Special attention is paid to the role of constitutions, international legal instruments, and judicial institutions in ensuring effective human rights protection. The study also examines contemporary challenges in the implementation of human rights norms and offers conclusions on strengthening legal guarantees in constitutional governance.

Introduction

Human rights represent one of the most important achievements of modern civilization. The idea that every individual possesses inherent rights and freedoms, regardless of nationality, race, gender, or religion, has become a cornerstone of contemporary legal systems. In modern constitutional states, human rights are not only moral or philosophical concepts, but also legally binding norms enshrined in constitutions and protected by law.

The relevance of human rights protection has significantly increased in recent decades due to political transformations, globalization, migration processes, and technological development. Constitutional reforms in many countries aim to strengthen guarantees of personal, political, social, and economic rights. Therefore, studying the role of human rights in modern constitutional states is of great scientific and practical importance.

The purpose of this article is to analyze the concept of human rights, their constitutional foundations, and the mechanisms for their protection in modern legal systems.

The Concept and Evolution of Human Rights

Human rights are commonly defined as fundamental rights and freedoms inherent to all human beings. The philosophical roots of human rights can be traced back to natural law theories, which argue that certain rights arise from human nature itself and exist independently of state recognition.

Historically, the development of human rights can be divided into several stages. The first stage is associated with classical civil and political rights, such as the right to life, liberty,

and freedom of expression. These rights were reflected in early legal documents like the Magna Carta (1215), the Declaration of the Rights of Man and of the Citizen (1789), and the United States Bill of Rights (1791).

The second stage involves social, economic, and cultural rights, which emerged in the 19th and 20th centuries. These include the right to education, healthcare, work, and social security. The third stage encompasses collective or solidarity rights, such as the right to development, peace, and a healthy environment.

In modern legal doctrine, human rights are considered universal, indivisible, and interdependent. This means that the effective protection of one right is closely connected to the protection of others.

Constitutional Foundations of Human Rights

The constitution plays a decisive role in the protection of human rights. As the supreme law of the state, it establishes fundamental principles, defines the legal status of individuals, and determines the obligations of public authorities.

In modern constitutional states, human rights and freedoms are usually enshrined in a separate chapter or section of the constitution. This constitutional recognition gives human rights the highest legal force and ensures their direct applicability. Any law or governmental act that contradicts constitutional rights may be declared invalid.

Constitutional provisions on human rights typically include:

- the principle of equality before the law;
- guarantees of personal freedoms;
- political participation rights;
- social and economic rights;
- mechanisms for legal protection and remedies.

Moreover, many constitutions recognize the priority of international human rights treaties over national legislation. This approach strengthens the legal framework for human rights protection and promotes the harmonization of domestic law with international standards.

International Legal Instruments and Human Rights Protection

International law plays a crucial role in shaping national human rights systems. After World War II, the international community adopted numerous treaties aimed at protecting human rights.

The most significant document is the **Universal Declaration of Human Rights (1948)**, which laid the foundation for modern international human rights law. Although not legally binding, it has influenced the development of binding treaties such as the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights**.

Regional human rights systems, such as the European Convention on Human Rights, provide additional mechanisms for protection. These systems allow individuals to submit complaints to international courts when domestic remedies are exhausted.

The incorporation of international human rights norms into national legal systems enhances the effectiveness of constitutional protection and strengthens judicial practice.

Judicial Mechanisms for Human Rights Protection

Courts play a central role in ensuring the real protection of human rights. Constitutional courts, supreme courts, and ordinary courts interpret constitutional provisions and apply human rights standards in concrete cases.

Judicial review is one of the most important mechanisms for protecting constitutional rights. Through this mechanism, courts assess the constitutionality of laws and acts of public authorities. If a violation of human rights is identified, the court may annul the act or restore the violated right.

In addition to national courts, international judicial bodies contribute to human rights protection. Their decisions often influence domestic jurisprudence and legal reforms.

However, the effectiveness of judicial protection depends on judicial independence, professionalism, and access to justice.

Contemporary Challenges in Human Rights Protection

Despite significant progress, human rights protection faces numerous challenges in modern constitutional states. These challenges include:

- restrictions on rights in the name of national security;
- discrimination and inequality;
- limitations of freedom of expression;
- digital surveillance and data protection issues;
- insufficient implementation of social and economic rights.

Balancing individual rights with public interests remains a complex legal task. States must ensure that any limitation of rights is lawful, necessary, and proportionate.

Strengthening legal culture, improving legislation, and enhancing judicial practice are essential for overcoming these challenges.

Conclusion

Human rights protection is a fundamental element of modern constitutional states. Constitutions, international legal instruments, and judicial mechanisms together form a comprehensive system aimed at safeguarding human dignity and freedom.

The effective protection of human rights requires not only formal legal recognition but also practical implementation and enforcement. In this regard, the development of constitutional justice, adherence to international standards, and the promotion of legal awareness play a decisive role.

In conclusion, strengthening human rights protection contributes to democratic governance, social justice, and the rule of law in modern societies.

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