

**TOSHKENT DAVLAT YURIDIK UNIVERSITETI HUZURIDAGI
ILMIY DARAJALAR BERUVCHI DSc.07/30.12.2019.Yu.22.02
RAQAMLI ILMIY KENGASH**

TOSHKENT DAVLAT YURIDIK UNIVERSITETI

ASLONOVA LAYLO OLIMOVNA

**ILMIY IJOD ERKINLIGINING KONSITUTSIYAVIY-HUQUQIY
ASOSLARI**

12.00.02. – Konstitutsiyaviy huquq. Ma'muriy huquq.
Moliya va bojxona huquqi

**Yuridik fanlar bo'yicha falsafa doktori (PhD) dissertatsiyasi
AVTOREFERATI**

Toshkent – 2025

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Aslonova Laylo Olimovna

Ilmiy ijod erkinligining konsitutsiyaviy-huquqiy asoslari 4

Aslonova Laylo Olimovna

Constitutional and legal foundations of freedom of scientific creativity..... 23

Аслонова Лайло Олимовна

Конституционно-правовые основы свободы научного творчества 43

E’lon qilingan ilmiy ishlar ro‘uxati

Список опубликованных научных работ

List of published scientific

works.....47

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KIRISH (DISSERTATSIYA ANNOTATSIYASI)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda ilmiy ijod erkinligi huquqini xalqaro darajada e'tirof etish, uni insonning asosiy huquqlaridan biri sifatida kafolatlash, shuningdek, yosh olimlarning ilmiy faoliyatini rag'batlantirish, ilm-fan sohasini yanada jozibador qilishga qaratilgan qator chora-tadbirlarni amalga oshirish investitsiyalar va innovatsiyalarni rivojlantirishning poydevori sifatida dolzarb ahamiyat kasb etmoqda. YUNESKO ning har to'rt yilda nashr etiladigan «Science Report» hisobotining 2023yilgi ma'lumotlariga ko'ra, dunyo bo'yicha ilmiy-tadqiqot va tajriba-konstruktorlik ishlariga (ITTKI) sarflangan xarajatlar 2014-2018 yillarda o'rtacha 19,2 foizga o'sgan bo'lsa, 2019-2023 yillarda bu ko'rsatkich 23,4 foizni tashkil etgan. Bu esa o'z navbatida ilmiy ijod erkinligini ta'minlash uchun yaratilayotgan moddiy-texnik shart-sharoitlarning izchil rivojlanib, qo'llab-quvvatlanayotganligini ko'rsatadi¹. Jumladan, 2023-yilda dunyo bo'yicha ayol tadqiqotchilar ulushi 33,3 foizni tashkil etgan bo'lib, bu ko'rsatkich 2019-yilga nisbatan 2,1 foizga yuqoridir². Bu ijobiy dinamika ilmiy ijod erkinligining gender jihatdan teng imkoniyatlar asosida rivojlanib borayotganini namoyon etadi.

Yevropaning «Ipsos Global Trustworthiness Index» tashkiloti tomonidan 2025-yilda e'lon qilingan so'rovnomada 32 ta mamlakatdan 75 yoshgacha bo'lgan 23,000 dan ortiq katta yoshli fuqarolar ishtirok etgan. Ushbu tadqiqot natijalariga ko'ra, olimlar shifokorlar bilan birga Yevropa Ittifoqining 11 ta mamlakatida 21 ta kasb ichida eng ishonchli kasb egalari hisoblanadi. Olimlarga bo'lgan yuqori ishonch darajasi, ayniqsa Ispaniya (65 foiz), Niderlandiya (65 foiz) va Ruminiyada (57 foiz) kuzatilgan. Bu holat olimlarning jamiyatdagi o'rni va ahamiyatini ko'rsatadi³.

Mazkur ko'rsatkichlar so'nggi yillarda ilm-fan va texnikani jadal rivojlantirish, ishlab chiqarishga zamonaviy va samarali texnologiyalarni joriy etish davlatlar uchun birlamchi va eng zarur vazifaga aylanib, bugungi kunda jismonan kuchli insonlar emas, balki intellektual salohiyatli, doimiy ravishda samarali va o'ziga xos yangilik sifatida iqtisodiy rivojlanishga zamin yarata oladigan ijodkor shaxslar ko'proq qadrlanayotganligini ko'rsatmoqda.

Jahonda ilmiy ijod erkinligini konstitutsiyaviy himoya qilishning samarali mexanizmlarini joriy etish, ilmiy-tadqiqot faoliyatini rag'batlantirishning huquqiy asoslarini takomillashtirish, ilmiy kashfiyotlar va ixtirolarni huquqiy muhofaza qilish tizimini rivojlantirish, ilmiy ijod erkinligini cheklashning asoslari va chegaralarini aniq belgilash, sun'iy intellekt yordamida yaratilgan ijod mahsulotlarini huquqiy baholash, raqamli va ekologik ilmiy-tadqiqotlarni qo'llab quvvatlash va ushbu sohalarga investitsiyalar kiritishda ustuvorlik berish bilan bog'liq masalalar muhim tadqiqot yo'nalishlari sifatida o'rganilmoqda.

¹ UNESCO Science Report: Race Against Time for Smarter Development, UNESCO Publishing, Paris, 2023, p.45. <https://unesdoc.unesco.org/ark:/48223/pf0000377250>

² UNESCO Science Report: Race Against Time for Smarter Development, UNESCO Publishing, Paris, 2023, p.45. <https://unesdoc.unesco.org/ark:/48223/pf0000377250>

³ <https://www.euronews.com/video/2025/01/17/trust-issues-these-are-the-professions-europeans-trust-the-most-and-the-least>

O'zbekistonda so'nggi yillarda ilmiy-tadqiqot faoliyatini rivojlantirish, ilmiy ijod erkinligini ta'minlash, bu sohadagi qanday milliy mexanizmlarni yanada takomillashtirish, xususan, ilmiy faoliyatga raqamli texnologiyalarni keng joriy etish, tadqiqotlarning amaliy ahamiyatini oshirish va ularni tijoratlashtirish, intellektual mulkning huquqiy himoyasini takomillashtirish, zamonaviy bilimga ega va mustaqil fikrlaydigan yuqori malakali kadrlarni tayyorlash, ilmiy infratuzilmani modernizatsiya qilish ishlarini sifat jihatidan yangi bosqichga ko'tarish bo'yicha chora-tadbirlar amalga oshirilmoqda.

«Yangi O'zbekistonning taraqqiyot strategiyasi»da iqtisodiyotga innovatsiyalarni keng joriy qilish, ilmiy izlanishlarni amaliyot bilan uyg'unlashtirish, tegishli yo'nalishlar bo'yicha mavzuli ijtimoiy so'rovlar o'tkazish va ularning natijalari bo'yicha ilmiy izlanishlar olib borish, sanoat korxonalarini va ilm-fan muassasalarining kooperatsiya aloqalarini rivojlantirish, innovatsion loyihalarni amalga oshirish uchun barcha yo'nalishlarda keng imkoniyatlarni yaratish, tadqiqotlarni va innovatsion tashabbuslarni qo'llab-quvvatlashning zamonaviy mexanizmlarini joriy qilish» ustuvor maqsadlari sifatida etib belgilangan bo'lib⁴, mazkur vazifalar ushbu sohadagi qonunchilikni takomillashtirishni dolzarb etib belgilaydi.

O'zbekiston Respublikasi Konstitutsiyasi (2023), O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi (2019), «Ta'lim to'g'risida»gi (2020), «Innovatsion faoliyat to'g'risida»gi (2020), «Pedagogning maqomi to'g'risida»gi (2024) qonunlari, O'zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi «2022 – 2026-yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida»gi PF-60-sonli Farmoni, 2023-yil 11-seniyabrdagi «O'zbekiston – 2030» strategiyasi to'g'risida»gi PF-158-son Farmoni, O'zbekiston Respublikasi Prezidentining 2020-yil 30-oktyabrdagi «Ilm-fanni 2030 yilgacha rivojlantirish konsepsiyasini tasdiqlash to'g'risida»gi Farmoni, O'zbekiston Respublikasi Vazirlar Mahkamasining 2020-yil 9-martdagi «Ilmiy-tadqiqot va innovatsion faoliyatni rivojlantirishning normativ-huquqiy bazasini yanada takomillashtirish chora-tadbirlari to'g'risida»gi qarori va sohaga oid boshqa qonun hujjatlarining ijrosini amalga oshirishda mazkur dissertatsiya tadqiqot natijalari muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlantirishning ustuvor yo'nalishlariga bog'liqligi. Dissertatsiya tadqiqoti respublika fan va texnologiyalar rivojlanishining. «Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlantirishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari» ustuvor yo'nalishiga mos keladi.

Muammoning o'rganilganlik darajasi. Milliy olimlarimiz tomonidan ilmiy ijod va akademik erkinlik kafolatlari, shaxsning ijod qilish huquqi, ilmiy darajalar olish, ushbu sohada nodavlat notijorat tashkilotlar bilan hamkorlik masalalariga bag'ishlangan turli izlanishlar olib borilgan. Shuningdek, mazkur sohaga oid

⁴ O'zbekiston Respublikasi Prezidentining 2022 yil 28 yanvardagi PF-60-son «2022 — 2026 yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida»gi Farmoni // Qonunchilik ma'lumotlari milliy bazasi, 29.01.2022 y., 06/22/60/0082-son.

izlanishlar bugungi kunda ham o‘z ahamiyatini yo‘qotgani yo‘q. Shaxsning ilmiy ijod erkinligini konstitutsiyaviy-huquqiy ta‘minlash bilan bog‘liq ilmiy izlanishlarni quyidagi yo‘nalishlarga bo‘lgan holda ko‘rib chiqish maqsadga muvofiq:

Birinchidan, milliy yuridik fanda A.Saidov, R.Hakimov, Sh.Yakubov, A.Mirkomilovlar o‘zlarining ilmiy maqolalarida ilmiy ijod va akademik erkinlik kafolatlarini tahlil qilgan. Bundan tashqari, A.Rasulev, Sh.Xo‘jaev, D.Matrasulov, S.Saidov, V.Xan kabi olimlar ommabop maqolalarida O‘zbekistonda ilm-fan taraqqiyotining ahvoli, akademik erkinlik istiqbollari yuzasidan o‘zlarining ilmiy asoslantirilgan fikrlarini bildirgan. Shu bilan birga ilmiy ijod erkinligi bilan bog‘liq ravishda ijodkor muallif huquqlarining mohiyatini O.Okyulov, A.Egamberganov va M.Inagamovalarning ilmiy ishlarida kuzatishimiz mumkin⁵. Ammo, yuqorida qayd etilgan ilmiy ishlarining tahlili shuni ko‘rsatadiki, ilmiy ijod erkinligining konstitutsiyaviy-huquqiy asoslarini tahlil etishning nazariy va amaliy masalalari, ayniqsa ilm-fan huquqi va erkinligini ta‘minlashning huquqiy mexanizmlari O‘zbekiston Respublikasining qonunchiligi, shuningdek, ilg‘or xorij tajribasi asosida alohida dissertatsiya sifatida milliy olimlar tomonidan tadqiq etilmagan.

Ikkinchidan, MDH mamlakatlaridan D.S.Shaporeva, I.D.Yagofarova, O.V.Romanovskaya, D.I.Artemova, N.V.Chernix, S.Yu.Kashkin, L.G.Berlyavskiy, L.A.Kisileva kabi olimlar ilmiy ijod erkinligining huquqiy tabiatini tadqiq etganligini ko‘rishimiz mumkin⁶.

Uchinchidan, Yevropa va uzoq xorijiy mamlakatlar olimlaridan L.Shaver, Andrea Boggio and Cesare P.R.Romano (AQSh), Amedeo Santosuosso (Italiya) ilm-fanga bo‘lgan huquq nuqtai nazaridan o‘rgangan bo‘lsa, W.A. Schabas (AQSh), Artur Bilgorajski (Polsha), A.Chapman, J. Vindxam, Helle Porsdarm, Sebastian Porsdarm Mann (Shveysariya), T.L.Harris, Walter P. Metzger kabi olimlarning ishlarida ilmiy faoliyat erkinligining mazmun-mohiyati, ilmiy-nazariy jihatlari tahlil etilgan⁷.

Dissertatsiya tadqiqotining dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi. Tadqiqot mavzusi Toshkent davlat yuridik universiteti ilmiy-tadqiqot ishlari rejasiga kiritilib «Demokratik islohotlarni chuqurlashtirish sharoitida insonning fundamental huquqlarini ta‘minlashni takomillashtirish» mavzusidagi ish rejasi doirasida bajarilgan.

Tadqiqotning maqsadi O‘zbekiston Respublikasida fuqarolarning ilmiy ijod erkinligi huquqini ta‘minlashning konstitutsiyaviy-huquqiy asoslarini takomillashtirish va va ushbu sohadagi qonun hujjatlari hamda huquqni qo‘llash amaliyoti samaradorligini oshirishga qaratilgan taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

ilmiy ijod erkinligi tushunchasining mazmun-mohiyatini ochib berish, uning ijtimoiy-huquqiy tabiatini tadqiq qilish;

⁵ Mazkur olimlar ishlarining to‘liq ro‘yxati dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida ko‘rsatilgan.

⁶ Mazkur olimlar ishlarining to‘liq ro‘yxati dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida ko‘rsatilgan.

⁷ Mazkur olimlar ishlarining to‘liq ro‘yxati dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida ko‘rsatilgan.

ilmiy ijod erkinligining konstitutsiyaviy-huquqiy xususiyatlarini tahlil qilish, uning inson huquqlari tizimidagi tutgan o‘rnini o‘rganish;

ilmiy ijod erkinligi institutining shakllanish jarayonini, uning tarixiy rivojlanish bosqichlarini hamda turli davrlardagi xususiyatlarini qiyosiy-tarixiy nuqtai nazardan tahlil qilish;

O‘zbekiston Respublikasida ilmiy ijod erkinligini ta‘minlashning konstitutsiyaviy-huquqiy asoslarini, milliy qonunchilikdagi mustahkamlash darajasini hamda normativ-huquqiy bazaning holatini tadqiq qilish;

O‘zbekiston Respublikasida ilmiy ijod erkinligini ta‘minlashning milliy mexanizmlarini, ularning samaradorlik darajasini baholash hamda takomillashtirish bo‘yicha takliflar ishlab chiqish;

ilmiy xodimlarning huquqiy maqomini, ularning ilmiy ijod erkinligini amalga oshirish imkoniyatlari va kafolatlari tizimini o‘rganish;

ilmiy ijod erkinligini cheklashning huquqiy asoslarini, cheklovlar qo‘yilishi mexanizmlarini hamda ularning qonuniyligi va maqsadga muvofiqligi masalalarini tahlil qilish;

xalqaro-huquqiy hujjatlarda ilmiy ijod erkinligi mustahkamlanishi standartlarini, xalqaro kafolatlash mexanizmlarini hamda ularning milliy huquq tizimiga ta‘sirini tadqiq qilish;

O‘zbekiston Respublikasida ilmiy ijod erkinligini ta‘minlash mexanizmlarini takomillashtirish bo‘yicha istiqbolli yo‘nalishlar va takliflarni ishlab chiqishdan iborat.

Tadqiqotning obyekti O‘zbekiston Respublikasida shaxsning ilmiy ijod erkinligi huquqini ta‘minlash bilan bog‘liq huquqiy munosabatlar tizimi hisoblanadi.

Tadqiqotning predmeti shaxsning ilmiy ijod erkinligi huquqini ta‘minlash bilan bog‘liq munosabatlarni huquqiy tartibga soluvchi normativ-huquqiy hujjatlar, huquqni qo‘llash amaliyoti, xalqaro umume‘tirof etilgan standartlar, xorijiy mamlakatlar qonunchiligi va amaliyoti hamda «Konstitutsiyaviy huquq»da, «Qiyosiy konstitutsiyaviy huquq»da mavjud bo‘lgan konseptual yondashuvlar, ilmiy-nazariy qarashlar va huquqiy kategoriyalar hisoblanadi.

Tadqiqotning usullari. Tadqiqot olib borishda tarixiy, tizimli-tuzilmaviy, formal-yuridik, qiyosiy-huquqiy, mantiqiy, ilmiy manbalarni kompleks tadqiq etish, so‘rovnomalar, induksiya, deduktsiya va statistik ma‘lumotlar tahlili kabi usullar qo‘llangan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

fuqarolar, nodavlat notijorat tashkilotlari va fuqarolik jamiyatining boshqa institutlari ilm-fan va ilmiy faoliyat sohasida ilm-fan va ilmiy faoliyat to‘g‘risidagi qonunchilikning ijro etilishi ustidan jamoatchilik nazoratini amalga oshirish huquqiga ega bo‘lishi zarurligi asoslab berilgan;

ilmiy tashkilotlar qonunchilikda belgilangan tartibda ilmiy faoliyat natijalarini tijoratlashtirish bilan shug‘ullanuvchi tashkilotlar, ilmiy asbob-uskunalardan jamoaviy foydalanish markazlari va boshqa tashkilotlarni, shuningdek noyob ilmiy obyektlarni tashkil etish huquqiga ega ekanligi asoslangan;

ilmiy ekspertiza qonunchilikka muvofiq davlat, xizmat va tijorat sirlariga rioya qilgan holda ekspertiza natijalarining ochiqligi tamoyillariga tayangan holda amalga oshirilishi zarurligi asoslab berilgan;

ilm-fan va ilmiy faoliyatning milliy axborot makoni bilan uzviy bog'liqligi mulkchilik shaklidan qat'iy nazar har qanday axborot resurslaridan qonunchilikda belgilangan tartibda erkin foydalanish orqali ta'minlanishi zarurligi asoslangan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

ilmiy ijod erkinligining tarkibiy elementlari – tadqiqot yo'nalishini tanlash erkinligi, metodologiyani tanlash erkinligi, ilmiy natijalarni e'lon qilish erkinligi, ilmiy hamkorlikni amalga oshirish erkinligi va ilmiy muloqot hamda munozara erkinligi kabi elementlarni O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunida mustahkamlash zarurligi isbotlandi;

O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga ilmiy ijod erkinligini ta'minlash mexanizmlarini kiritish bo'yicha taklif ishlab chiqildi.

O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga ilmiy ijod erkinligini cheklash mezonlari – qonuniylik, mutanosiblik va zaruriylik prinsiplarini kiritish bo'yicha takliflar ishlab chiqildi va ularni qonunchilikda mustahkamlash zarurligi asoslantirildi;

O'zbekiston Respublikasi Vazirlar Mahkamasining qarori bilan «Ilmiy ishlarga qo'yiladigan tadqiqot etikasi, halollik qoidalari va standartlari»ni tasdiqlash zarurligiga oid taklif ishlab chiqildi, bunda ilmiy tadqiqotlarga qo'yiladigan milliy standartlar, ilmiy natijalarni tekshirish mexanizmlari, ilmiy etika qoidalari va ilmiy ishlarni e'lon qilish tartibini belgilash zarurligi asoslab berildi.

Tadqiqot natijalarining ishonchliligi. Tadqiqot yakunida o'z aksini topgan umumnazariy xulosalar, qonun hujjatlarini takomillashtirishga qaratilgan takliflar «Konstitutsiyaviy huquq», «Qiyosiy konstitutsiyaviy huquq» va «Konstitutsiyaviy huquqning ilmiy-amaliy muammolari» fanlarida mavjud bo'lgan nazariy qarashlarni va milliy qonunchilik normalarini hamda huquqni qo'llash amaliyotini tahlil qilish orqali asoslantirilgan. Tadqiqot natijalarining ishonchliligi ishda qo'llanilgan usullar, uning doirasida foydalanilgan ilmiy-nazariy yondashuvlar rasmiy manbalardan olingaligi, xalqaro tajriba, xalqaro standartlar va milliy qonunchilik manbalari o'zaro tahlil qilinganligi, xulosa, taklif va tavsiyalarning amaliyotda qo'llanilayotganligi, natijalarning yetakchi milliy va xorijiy nashrlarda e'lon qilinganligi, vakolatli tuzilmalar tomonidan tasdiqlanganligi bilan belgilanadi.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan ilmiy ijod erkinligini ta'minlashning tashkiliy-huquqiy asoslarini takomillashtirish yuzasidan ilmiy izlanishlar olib borish, qonun hujjatlarining tegishli normalarini sharhlash, milliy qonunchilikni takomillashtirish hamda «Konstitutsiyaviy huquq», «Qiyosiy konstitutsiyaviy huquq», «Konstitutsiyaviy huquqning ilmiy-amaliy muammolari» fanlarini o'qitish va ilmiy-nazariy jihatdan yanada boyitishda foydalanish mumkinligida namoyon bo'ladi.

Tadqiqot natijalarining amaliy ahamiyati O'zbekiston Respublikasida shaxsning ilmiy tadqiqot o'tkazish erkinligini tartibga soluvchi normativ-huquqiy

hujjatlarni, huquqni qo'llash amaliyotini takomillashtirishda, ilm-fan subyektlari faoliyatida foydalanish mumkinligi bilan belgilanadi.

Tadqiqot natijalarining joriy qilinishi. Ilmiy ijod erkinligining konsitutsiyaviy-huquqiy asoslarini takomillashtirish bo'yicha olingan ilmiy natijalar asosida:

fuqarolar, nodavlat notijorat tashkilotlari va fuqarolik jamiyatining boshqa institutlari ilm-fan va ilmiy faoliyat sohasida ilm-fan va ilmiy faoliyat to'g'risidagi qonunchilik ijro etilishi ustidan jamoatchilik nazoratini amalga oshirish huquqiga ega bo'lishi zarurligi haqidagi taklif O'zbekiston Respublikasining 2021-yil 21-aprelda qabul qilingan O'RQ-683-sonli Qonuni bilan O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi O'RQ-576-son Qonunining 10-moddasi uchinchi xatboshisi yangi tahrirda ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2025-yil 30-yanvardagi №3/08-16-son ma'lumotnomasi). Ushbu taklifning amalga oshirilishi fuqarolik jamiyati institutlarining ilm-fan va ilmiy faoliyat to'g'risidagi qonunchilikning ijro etilishi ustidan jamoatchilik nazoratini amalga oshirish tartibini joriy qilishga xizmat qilgan;

ilmiy tashkilotlar qonunchilikda belgilangan tartibda ilmiy faoliyat natijalarini tijoratlashtirish bilan shug'ullanuvchi tashkilotlar, ilmiy asbob-uskunalardan jamoaviy foydalanish markazlari va boshqa tashkilotlarni, shuningdek noyob ilmiy obyektlarni tashkil etish huquqiga ega ekanligi haqidagi taklif O'zbekiston Respublikasining 2021-yil 21-aprelda qabul qilingan O'RQ-683-sonli Qonuni bilan O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi O'RQ-576-son Qonunining 16-moddasi ikkinchi qismini yangi tahrirda ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2025-yil 30-yanvardagi №3/08-16-son ma'lumotnomasi). Ushbu taklifning amalga oshirilishi ilmiy tashkilotlarni ilmiy asbob-uskunalardan jamoaviy foydalanish markazlari va boshqa tashkilotlarni, shuningdek noyob ilmiy obyektlarni tashkil etish huquqini belgilashga xizmat qilgan;

ilmiy ekspertiza qonunchilikka muvofiq davlat, xizmat va tijorat sirlariga rioya qilgan holda ekspertiza natijalarining ochiqligi tamoyiliga tayangan holda amalga oshirilishi zarurligi haqidagi taklif O'zbekiston Respublikasining 2021-yil 21-aprelda qabul qilingan O'RQ-683-sonli Qonuni bilan O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi O'RQ-576-son Qonunining 26-moddasi ikkinchi qismining oltinchi xatboshisini ishlab chiqishda inobatga olingan (O'zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2025-yil 30-yanvardagi №3/08-16-son ma'lumotnomasi). Ushbu taklifning amalga oshirilishi ilmiy ekspertiza o'tkazish tamoyillarini zamon talablari asosida o'tkazish tartibini belgilashga xizmat qilgan;

ilm-fan va ilmiy faoliyatning milliy axborot makoni bilan uzviy bog'liqligi mulkchilik shaklidan qat'iy nazar har qanday axborot resurslaridan qonunchilikda belgilangan tartibda erkin foydalanish orqali ta'minlanishi zarurligi haqidagi taklif O'zbekiston Respublikasining 2021-yil 21-aprelda qabul qilingan O'RQ-683-sonli Qonuni bilan O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi

O‘RQ-576-son Qonunining 30-moddasi birinchi qismining uchinchi xatboshisini yangi tahrirda ishlab chiqishda inobatga olingan (O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi huzuridagi Parlament tadqiqotlari institutining 2025-yil 30-yanvardagi №3/08-16-son ma‘lumotnomasi). Ushbu taklifning amalga oshirilishi ilm-fan va ilmiy faoliyatning milliy axborot makonini belgilashda mulkchilik shaklidan qat’iy nazar har qanday axborot resurslaridan qonunchilikda belgilangan tartibda erkin foydalanish tartibini joriy qilishga xizmat qilgan.

Tadqiqot natijalarining aprotatsiyasi. Mazkur tadqiqot natijalari 3 ta ilmiy anjumanda, jumladan, 2 ta xalqaro, 2 ta respublika miqyosida o‘tkazilgan ilmiy-amaliy konferensiya, davra suhbatlari va seminarlarda sinovdan o‘tgan.

Tadqiqot natijalarining e‘lon qilinganligi. Mazkur tadqiqot natijalari bo‘yicha jami 13 ta ilmiy ish, jumladan, ilmiy jurnallarda 9 ta (3 ta xorijiy nashrlarda) va to‘plamlar tarkibida 4 ta ilmiy maqola chop yetilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, o‘n paragrafni o‘z ichiga olgan uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxati hamda ilovalardan iborat. Dissertatsiyaning hajmi 158 betni tashkil etadi.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish** qismida mavzuning dolzarbligi va zarurligi, tadqiqotning respublika fan-texnika va texnologiyalarni rivojlantirishning asosiy ustuvor yo‘nalishlariga muvofiqligi, muammoning o‘rganilganlik darajasi, dissertatsiya ishining oliy ta‘lim muassasasining ilmiy-tadqiqot ish rejasi bilan o‘zaro bog‘liqligi, tadqiqotning maqsad va vazifalari, obykti va predmeti, metodlari, ilmiy yangiligi va tadqiqotning amaliy natijalari, ushbu natijalarning ishonchliligi, tadqiqotning ilmiy va amaliy ahamiyati, joriy qilinishi, aprotatsiyasi hamda natijalarining e‘lon qilinganligi, dissertatsiyaning hajmi va tuzilishi kabi masalalar yoritilgan.

Dissertatsiyaning birinchi bobi «**Ilmiy ijod erkinligi institutining nazariy-huquqiy asoslari**» deb nomlanib, unda ilmiy ijod erkinligi tushunchasi va uning ijtimoiy-huquqiy mohiyati, ilmiy ijod erkinligining konstitutsiyaviy-huquqiy tabiati va uning inson huquqlari tizimidagi o‘rni, ilmiy ijod erkinligi huquqiy asoslarining shakllanishi va tarixiy rivojlanish bosqichlari kabi masalalar tadqiq qilingan.

Muallif ilmiy ijod erkinligi tushunchasining tabiatini o‘rganib, uning huquqiy mazmunini ochib bergan. Tadqiqotchi ilmiy ijod erkinligini keng va tor ma‘noda talqin qilgan. Keng ma‘noda – bu shaxsning ilmiy faoliyat bilan shug‘ullanish imkoniyati bo‘lsa, tor ma‘noda – tadqiqot yo‘nalishini erkin tanlash, ilmiy natijalarni erkin tarqatish va ulardan foydalanish huquqlarini o‘z ichiga olgan konstitutsiyaviy huquqdir.

Tadqiqotchi xorijiy olimlarning (M.Polanyi, R.K.Merton, R.Berdahl, P.Dasgupta, P.A.David, J.Butler) ilmiy qarashlarini tahlil qilib, ilmiy ijod erkinligining **uch asosiy elementini** ajratib ko‘rsatgan: tadqiqot mavzusini tanlash erkinligi, metodologik mustaqillik va natijalarni e‘lon qilish erkinligi. Muallif tomonidan ilmiy ijod erkinligi professional malaka va mas‘uliyatga asoslangan, jamiyat manfaatlarini ko‘zlovchi va kasbiy ekspertizaga tayangan erkinlik shakli

ekanligi, bu huquq va majburiyat uyg'unligi bo'lib, etik me'yorlar, metodologik talablar va ijtimoiy mas'uliyat doirasida amalga oshirilishi lozimligi haqida ilmiy xulosa shakllantirilgan.

Tadqiqot doirasida ilmiy ijod erkinligining integrativ konsepsiyasi har tomonlama tahlil qilinib, uning O'zbekiston qonunchiligiga tatbiq etish zarurati asoslab berilgan. Muallif tomonidan taklif etilgan ushbu konsepsiya ilmiy faoliyatni tartibga solishning tarqoq yondashuvidan voz kechib, yagona kompleks tizimni shakllantirish zarurligini ko'rsatadi. Xususan, O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga ilmiy ijod erkinligining konstitutsiyaviy kafolatlarini mustahkamlash, davlat organlari va ilmiy muassasalar o'rtasidagi o'zaro munosabatlarni integrativ tamoyillar asosida tartibga solish, fanlararo hamkorlikni rag'batlantiruvchi huquqiy mexanizmlarni joriy etish zarur degan ilmiy hulosaga kelgan. Muallif ushbu yondashuv O'zbekistonda ilm-fan sohasini modernizatsiya qilish, xalqaro ilmiy hamjamiyatga samarali integratsiyalashuv va innovatsion iqtisodiyotni rivojlantirishda muhim ekanligini qayd etadi.

Muallif ilmiy ijod erkinligining huquqiy tabiatini ochib berishda uning ikkita muhim jihatini ajratib ko'rsatgan: subyektiv huquq sifatida – shaxsning ilmiy faoliyat bilan shug'ullanish imkoniyati; obyektiv huquq sifatida - davlatning ilmiy faoliyatni tartibga solish va qo'llab-quvvatlash majburiyati.

Tadqiqotchi ilmiy ijod erkinligining konstitutsiyaviy-huquqiy tabiatini o'rganib, uni inson huquqlari tizimida alohida o'rin tutishini asoslab bergan. Uning fikr erkinligi, ta'lim olish huquqi, intellektual mulk huquqi kabi boshqa asosiy huquqlar bilan uzviy bog'liqligi ko'rsatib o'tilgan.

Muallif ilmiy ijod erkinligining shakllanishi va tarixiy rivojlanish bosqichlarini tizimli ravishda tahlil qilgan holda, ushbu jarayonni **beshtas asosiy davrga ajratish** zarurligini asoslab bergan. **Birinchi bosqich** – antik va o'rta asrlar davri bo'lib, bu davrda ilmiy bilimlar asosan diniy va falsafiy ta'limotlar doirasida rivojlangan, ilm-fan erkinligi cheklangan bo'lsa-da, dastlabki ilmiy maktablar shakllanishi kuzatilgan. **Ikkinchi bosqich** – ilm-fanda uyg'unlash davri (Nikolay Kopernik, Galileo Galiley davri) ilmiy inqiloblar, eksperimental uslublarning rivojlanishi va diniy dogmalardan mustaqil ilmiy fikrlashning shakllanishi bilan tavsiflanadi. **Uchinchi bosqich** – Birinchi va Ikkinchi jahon urushlari davrida ilm-fanning jadal rivojlanishi, davlatlar tomonidan ilmiy tadqiqotlarni moliyalashtirish va nazorat qilish mexanizmlarining kuchayishi, harbiy-texnologik raqobat sharoitida ilmiy kashfiyotlarning ahamiyati ortishi bilan ajralib turadi. **To'rtinchi bosqich** – Ilm-fanni tartibga soluvchi xalqaro standartlarning paydo bo'lish davri bo'lib, Inson huquqlari umumjahon deklaratsiyasi qabul qilinishi, xalqaro ilmiy hamkorlik mexanizmlarining shakllanishi bilan xarakterlanadi. **Beshinchi bosqich** – sun'iy intellekt davrida ilm-fanda yangi texnologik imkoniyatlar, raqamli transformatsiya, ma'lumotlarni qayta ishlashning zamonaviy usullarini joriy qilinishi va ilmiy tadqiqotlarning avtomatlashtirilishi orqali sifat jihatidan yangi bosqichni boshlanishi bilan ajralib turadi.

Tadqiqotda O'zbekiston tajribasi alohida o'rganilgan. XX asr boshlaridagi jadidchilik harakati va keyingi sovet davri qatag'onlari tahlil qilinib, ilmiy-ijodiy

faoliyat erkinligiga qarshi qaratilgan cheklovlar nafaqat alohida olimlarning taqdiriga, balki butun bir xalqning ilmiy-madaniy taraqqiyotiga salbiy ta'sir ko'rsatganligi asoslab berilgan.

Muallif zamonaviy davrda ilmiy ijod erkinligining yangi qirralarini ochib bergan. Tadqiqotlar ko'rsatishicha, ilm-fan huquqi nafaqat ilmiy taraqqiyot natijalaridan foydalanish, balki ilmiy uslub va bilimlardan foydalanish imkoniyatini ham o'z ichiga oladi. Bu esa mazkur huquqning amaliy ahamiyatini yanada oshirmoqda.

Dissertatsiyaning ushbu bobida muallif tomonidan qilingan eng muhim xulosalar quyidagilardan iborat:

Birinchi, ilmiy ijod erkinligi – bu shaxsning tabiiy huquqi sifatida uning intellektual salohiyatini ro'yobga chiqarishga xizmat qiladi. Bu erkinlik tug'ma xarakterga ega bo'lib, davlat tomonidan berilmaydi, balki tan olinadi va kafolatlanadi.

Ikkinchi, ilmiy ijod erkinligi mutlaq xarakterga ega emas. Uning chegaralari qonun bilan belgilanadi va bu chegaralar jamiyat manfaatlari, axloqiy qadriyatlar, inson huquqlari va xavfsizlik talablari bilan asoslanadi.

Uchinchi, zamonaviy sharoitda ilmiy ijod erkinligini ta'minlash masalasi global ahamiyat kasb etmoqda, bu esa xalqaro hamkorlikni yanada kuchaytirishni taqozo etadi.

Tadqiqotchi qonunchilik darajasida «ilmiy ijod erkinligi» tushunchasining huquqiy ta'rifini ishlab chiqish zarurligini ta'kidlagan. Ushbu tushuncha ilmiy ijod erkinligining tarkibiy elementlari, ilmiy ijod erkinligining chegaralari, davlatning ilmiy ijod erkinligini ta'minlash bo'yicha majburiyatlarini qamrab olishi zarurligi asoslab berilgan.

Dissertatsiyada xorijiy va mahalliy olimlarning (R.Post, J.Habermas, G.Martino, R.Alexy, S.S.Alekseyev, A.Saidov, R.Hakimov, Sh.Yakubov) ilmiy qarashlari tahlil qilinib, ilmiy ijod erkinligining konstitutsiyaviy-huquqiy institut sifatidagi mohiyatini chuqur o'rgangan. Tadqiqotchi bu borada ilmiy ijod erkinligining to'rtta asosiy belgisini aniqlagan: universallik (barcha fan sohalariga taalluqlilik), mustaqillik (tadqiqotchining mustaqil qaror qabul qilish imkoniyati), mas'uliyatlilik (ilmiy etika va huquqiy normalar doirasida faoliyat yuritish) va himoyalanganlik (davlat tomonidan huquqiy kafolatlar va himoya mexanizmlarining mavjudligi).

Tadqiqotchi ilmiy ijod erkinligining ikki yo'nalishda namoyon bo'lishi mumkinligiga oid yondashuvni ilgari suradi: **birinchi yo'nalish** – ilmiy faoliyat bilan shug'ullanish erkinligi (tadqiqot mavzusini tanlash, metodologiyani belgilash va boshqalar); **ikkinchi yo'nalish** – ilmiy natijalardan foydalanish erkinligi (tadqiqot natijalarini e'lon qilish, tarqatish va amaliyotga joriy etish).

Muallif ilmiy ijod erkinligini ta'minlashning xalqaro-huquqiy mexanizmlarini tahlil qilib, bu borada YUNESKO tavsiyalarining muhim ahamiyatga ega ekanligini ko'rsatib bergan. 2017-yilgi «Ilm-fan va ilmiy tadqiqotchilar to'g'risida»gi tavsiyada ilmiy ijod erkinligini ta'minlashning asosiy tamoyillari belgilab berilganligi alohida ta'kidlangan.

Tadqiqotda ilmiy ijod erkinligining «akademik erkinlik» tushunchasi bilan

o‘zaro nisbati masalasi ham chuqur o‘rganilgan. Muallif bu ikki tushuncha o‘rtasidagi farqlarni ko‘rsatib bergan: ilmiy ijod erkinligi kengroq tushuncha bo‘lib, u nafaqat oliy ta‘lim sohasidagi, balki ilmiy-tadqiqot faoliyatini to‘liq qamrab oladi.

Tadqiqotning yana bir muhim jihati – ilmiy ijod erkinligini raqamli davrda ta‘minlash masalasini o‘rganganligidir. Muallif raqamli texnologiyalar ilmiy faoliyat uchun yangi imkoniyatlar yaratish bilan birga, yangi muammolarni ham keltirib chiqarayotganini tahlil qilgan.

Muallif tomonidan ilmiy ijod erkinligini amalga oshirishda davlat va nodavlat tashkilotlarning o‘rni masalasi ham o‘rganilgan. Bu borada davlat-xususiy sheriklik modelini rivojlantirish zarurligi asoslab berilgan.

Muallif tomonidan qilingan yana bir muhim xulosa – bu ilmiy ijod erkinligini ta‘minlashda xalqaro hamkorlikning ahamiyati tobora oshib borayotganligi. Bu esa o‘z navbatida milliy qonunchilikni xalqaro standartlarga muvofiqlashtirish zaruratini keltirib chiqarmoqda.

Muallif tomonidan ilmiy ijod erkinligini ta‘minlashning institutsional mexanizmlarini takomillashtirish bo‘yicha bir qator takliflar ishlab chiqilgan.

Dissertatsiyaning ikkinchi bobi «**O‘zbekiston Respublikasida ilmiy ijod erkinligini tartibga solishning huquqiy asoslari va amaliyoti**»ga bag‘ishlangan bo‘lib, mazkur bobda O‘zbekiston Respublikasida ilmiy ijod erkinligini ta‘minlashning konstitutsiyaviy-huquqiy asoslari, ilmiy ijod erkinligini ta‘minlashning milliy mexanizmlari va uni takomillashtirish, ilmiy xodimlarning huquqiy maqomi va ularning ilmiy ijod erkinligini amalga oshirish kafolatlari, ilmiy ijod erkinligini cheklashning huquqiy asoslari va mexanizmlari o‘rganilgan.

Muallif ilmiy ijod erkinligini konstitutsiyaviy-huquqiy tartibga solishning nazariy asoslarini o‘rganib chiqib, bu huquqning ikki muhim jihatini ajratib ko‘rsatgan. **Birinchi**dan, bu huquq insonning asosiy konstitutsiyaviy huquqlaridan biri sifatida e‘tirof etiladi. **Ikkinchi**dan, ilmiy ijod erkinligi davlat tomonidan himoya qilinishi va kafolatlanishi lozim bo‘lgan huquqdir.

Tadqiqotchi O‘zbekistonda ilmiy ijod erkinligini ta‘minlashning huquqiy asoslari tizimini tahlil qilib, ularni to‘rt guruhga ajratgan: birinchi – maxsus qonunlar («Ilm-fan va ilmiy faoliyat to‘g‘risida»gi, «Ta‘lim to‘g‘risida»gi qonunlar); ikkinchi – strategik hujjatlar («Yangi O‘zbekistonning taraqqiyot strategiyasi», «O‘zbekiston-2030 strategiyasi»); uchinchi – sohaviy normativ hujjatlar; to‘rtinchi – xalqaro-huquqiy hujjatlar.

Muallif ilmiy xodimlarning huquqiy maqomini tahlil qilib, qonunchilikda «ilmiy xodim», «tadqiqotchi», «olim» kabi tushunchalarga aniq ta‘rif berilmaganligini aniqlagan. Shu munosabat bilan muallif «ilmiy xodim» tushunchasiga quyidagi ta‘rifni taklif etgan: «ilmiy xodim – zarur malakaga ega bo‘lgan hamda ilmiy va (yoki) ilmiy-texnikaviy faoliyat bilan professional ravishda shug‘ullanuvchi shaxs».

Tadqiqotchi «yosh olim» institutiga oid xalqaro tajribani o‘rganib chiqib quyidagi mualliflik ta‘rifi ishlab chiqildi: «yosh olim – ilmiy-tadqiqot faoliyati bilan shug‘ullanuvchi, yoshi 35 dan oshmagan falsafa doktori (PhD) ilmiy darajasiga ega shaxs yoki yoshi 40 dan oshmagan fan doktori (DSc) ilmiy darajasiga ega shaxs».

Dissertatsiyada bir qator xorijiy olimlarning (R.I.Sitdikova, I.T.Kasavin,

G.A.Vasilevich, A.R.Chapman, R.Jongsma Karin) ilmiy qarashlari tahlil qilinib, ilmiy ijod erkinligini cheklashning huquqiy asoslari va mexanizmlari tahlil qilingan. Muallif bunday cheklovlar faqat qonun asosida va jamiyat manfaatlarini himoya qilish maqsadida o'rnatilishi mumkinligini asoslab bergan. Bunda ilmiy faoliyatning etik me'yorlari, xavfsizlik talablari va boshqa shaxslarning huquqlarini hurmat qilish zarurligi ta'kidlangan.

Muallif ilmiy ijod erkinligiga oid cheklovlar uchta asosiy mezonga muvofiq amalga oshirilishi lozimligini asoslab bergan: qonuniylik – faqat qonunda belgilangan asoslarda; mutanosiblik – ko'zlangan maqsadga mos ravishda; zaruriylik – boshqa usullar bilan maqsadga erishib bo'lmagan hollarda.

Tadqiqotchi «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunni takomillashtirish bo'yicha bir qator takliflar ishlab chiqqan. Jumladan, Qonunga ilmiy faoliyat yurituvchi shaxslarning javobgarligi, ilmiy loyihalarni ekspertizadan o'tkazishdagi cheklovlar bo'yicha yangi normalar kiritishni taklif etgan.

Muallif tomonidan Konstitutsiyaning 53-moddasidagi «Intellectual mulk qonun bilan muhofaza qilinadi» degan normani «Intellectual faoliyat natijalariga bo'lgan huquqlar va ularga tenglashtirilgan individuallashtirish vositalari qonun bilan muhofaza qilinadi» deb o'zgartirish taklif etilgan. Bu taklif intellektual mulk tushunchasining zamonaviy talqinini aks ettiradi.

Tadqiqotchi qonunchilikka «ilmiy ijod erkinligi» tushunchasining ta'rifini kiritishni taklif qilgan. Muallif O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunning 3-moddasiga quyidagi tahrirda qo'shimcha kiritish taklif etgan: *«ilmiy ijod erkinligi – bu shaxsning ilmiy-tadqiqot faoliyatini erkin tanlash, amalga oshirish va natijalarini tarqatish bo'yicha konstitutsiyaviy kafolatlangan huquqi bo'lib, u davlat tomonidan huquqiy, tashkiliy va moliyaviy jihatdan ta'minlanadi»*.

Tadqiqotchi tomonidan bir guruh olimlarning (M.A.Peters, E.Chemerinsky, E.Luca, R.Albert, L.Henkin) fikrlari tahlil qilinib, ilmiy ijod erkinligini ta'minlashning konstitutsiyaviy-huquqiy asoslari va milliy mexanizmlari yuzasidan mualliflik yondashuvlari ilgari surilgan. Muallif ilmiy ijod erkinligini ta'minlash mexanizmlarini tizimlashtirgan va ularni **to'rt guruhga** ajratgan: ilmiy ijod erkinligini himoya qilishning davlat mexanizmlari; ilmiy ijod erkinligini o'z-o'zini himoya qilish mexanizmlari; ilmiy ijod erkinligini ta'minlashning huquqiy mexanizmlari; ilmiy ijod erkinligini ta'minlashning moliyaviy mexanizmlari.

Tadqiqotchi ilmiy xodimlarning javobgarligi masalasini chuqur o'rganib, O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunning 14-moddasiga qo'shimcha kiritishni taklif etgan. Unga ko'ra ilmiy xodimlar quyidagi holatlarda javobgar bo'ladi: ilmiy faoliyat natijalaridan jamiyat manfaatlariga zid maqsadlarda foydalanganlik uchun; ilmiy tadqiqotlar jarayonida inson huquqlari va qadr-qimmatini kamsituvchi harakatlar sodir etganlik uchun; ilmiy ekspertiza jarayonida xolislikni buzganlik uchun.

Tadqiqotchi ilmiy loyihalarni ekspertizadan o'tkazishda quyidagi cheklovlar bo'yicha xalqaro standartlar va doktrinal qarashlarni tadqiq etib, quyidagi yondashuvni ilgari suradi: insonni klonlash tadqiqotlari; embrional hujayralar ustida tajribalar; irsiy genlarga aralashuvni nazarda tutuvchi tadqiqotlar; biologik qurollar

yaratish imkonini beruvchi ilmiy izlanishlar; ekologik xavfsizlikka tahdid soluvchi tajribalar.

Tadqiqotchi tomonidan ilmiy xodimlarning huquqiy maqomini mustahkamlash bo'yicha ilmiy yondashuv taqdim etildi. Unga ko'ra, ilmiy xodimning huquqiy maqomi uch asosiy elementni o'z ichiga oladi: professional malaka, kasbiy faoliyat va ijtimoiy kafolatlar.

Muallifning fikricha, ilmiy ijod erkinligi inson huquqlarining ikkinchi avlod huquqlari sirasiga kirib, shaxsning ijodiy salohiyatini ro'yobga chiqarish va madaniy hayotda ishtirok etish imkoniyatini ta'minlaydi. Bu huquq nafaqat individual, balki jamoaviy xarakterga ham ega bo'lib, jamiyatning intellektual rivojlanishini ta'minlashga xizmat qiladi.

Tadqiqotchi ta'kidlashicha, O'zbekistonda ilmiy ijod erkinligini ta'minlashning huquqiy asoslari ilmiy faoliyatni tashkil etishning ko'p jihatlarini qamrab oladi. Bu tizim qisqa va uzoq muddatli rivojlanishning ustuvor va strategik yo'nalishlarini belgilab beradi.

Dissertantning fikricha, ilmiy ijod erkinligining nazariy-huquqiy asoslarini takomillashtirish zarurati mavjud. Amaldagi qonunchilikda ilmiy ijod erkinligining aniq ta'rifi mavjud emas. O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunida «ilmiy ijod erkinligi» tamoyil sifatida tilga olingan bo'lsada, uning huquqiy mazmuni ochib berilmagan.

Dissertatsiyada ilmiy ijod erkinligini cheklash masalasi chuqur tahlil qilingan. Muallif bu cheklovlar uchta asosiy mezonga muvofiq amalga oshirilishi lozimligini asoslab bergan: qonuniylik – faqat qonunda belgilangan asoslarda; mutanosiblik – ko'zlangan maqsadga mos ravishda; zaruriylik – boshqa usullar bilan maqsadga erishib bo'lmagan hollarda.

Muallifning fikricha, ilmiy xodimlarning huquqiy maqomini tartibga solishda ularning turli toifalarini (ilmiy-pedagogik xodimlar, davlat ilmiy tashkilotlari xodimlari va boshqalar) inobatga olgan holda, har bir toifa uchun alohida huquqiy mexanizmlarni ishlab chiqish lozim.

Tadqiqotchining fikricha, davlatning ilmiy ijod erkinligini ta'minlash majburiyati – bu davlat ilmiy faoliyat uchun zarur shart-sharoitlarni yaratib berishi, ilmiy kadrlar tayyorlash tizimini shakllantirishi va moliyaviy qo'llab-quvvatlash, ishonchli sud himoyasi bilan ta'minlashni anglatadi.

Dissertatsiyada ilmiy ijod erkinligining huquqiy kafolatlari masalasi yoritilgan. Bunda ilmiy faoliyat bilan shug'ullanuvchi shaxslarning huquqlari va qonuniy manfaatlarini himoya qilish mexanizmlari tahlil etilgan. Muallif bu kafolatlarni uchta asosiy guruhga – huquqiy, tashkiliy va moliyaviyga ajratgan.

Ushbu tadqiqot natijalari O'zbekistonda ilmiy ijod erkinligini konstitutsiyaviy-huquqiy tartibga solish mexanizmlarini takomillashtirishga xizmat qiladi. Muallifning takliflari ilmiy faoliyat subyektlarining huquqiy maqomini mustahkamlash, ularning huquq va erkinliklarini kafolatlash hamda ilmiy tadqiqotlar sifatini oshirishga qaratilgan.

Dissertatsiyaning uchinchi bobi «**Ilmiy ijod erkinligini ta'minlashning xalqaro standartlari va O'zbekistonda uni takomillashtirish istiqbollari**» deb nomlandi. Ushbu bobda ilmiy ijod erkinligining xalqaro-huquqiy hujjatlarda

mustahkamlanishi va uning kafolatlanishi, qiyosiy-huquqiy tahlil asosida xorijiy mamlakatlar konstitutsiyalarida ilmiy ijod erkinligining tartibga solinishi O'zbekiston Respublikasida ilmiy ijod erkinligini ta'minlash mexanizmlarini takomillashtirish istiqbollari tahlili qilingan.

Muallifning fikricha, ilmiy ijod erkinligi insonning asosiy huquqlaridan biri sifatida xalqaro-huquqiy hujjatlarda mustahkamlangan muhim huquqlardan biridir. Bu huquqning xalqaro-huquqiy jihatdan tartibga solinishi va kafolatlanishi masalasi bugungi kunda dolzarb ahamiyat kasb etmoqda, chunki globallashtirish sharoitida ilmiy tadqiqotlar xalqaro miqyosda amalga oshirilmoqda va ilmiy hamkorlik kuchaymoqda.

Dissertant ko'rsatishicha, ilmiy ijod erkinligining ijtimoiy-huquqiy mohiyati turli xalqaro huquqiy hujjatlarda o'z ifodasini topgan. Inson huquqlari umumjahon deklaratsiyasining 27-moddasida ilmiy ijod erkinligi asosiy inson huquqlaridan biri sifatida e'tirof etilgan. Bu normaning huquqiy mohiyati shundaki, u ilmiy faoliyat bilan shug'ullanish huquqini universal inson huquqi sifatida mustahkamlaydi.

Tadqiqotchining fikriga ko'ra, ilm-fan sohasidagi huquqlarning xalqaro huquqiy hujjatlarda tartibga solinishi masalasi uzoq vaqt davomida yetarlicha e'tibordan chetda qolib kelgan. Bu holat, ayniqsa, inson huquqlari sohasidagi asosiy xalqaro hujjatlarda o'z aksini topgan.

Tadqiqotchi xorijiy mamlakatlar konstitutsiyalarida ilmiy ijod erkinligining tartibga solinishi qiyosiy tahlil qilgan holda muallif konstitutsiyalarda ilmiy-ijod erkinligining ikki asosiy guruhga bo'lib o'rganish mumkinligini ko'rsatgan: birinchi guruh – o'qitish erkinligi va ilmiy ijod huquqini birgalikda kafolatlovchi konstitutsiyalar (AQSH, Xitoy, Portugaliya, Germaniya va Belarus); ikkinchi guruh – kompleks yondashuvni qo'llagan konstitutsiyalar (Gretsiya, Litva va Polsha).

Muallifning fikricha, O'zbekistonda ilmiy ijod erkinligini ta'minlash mexanizmlarini takomillashtirish uchun bir qator muhim vazifalarni hal etish zarur. Xususan, ilmiy tadqiqotlar mavzularini davlat, biznes-nodavlat sektorlari buyurtmalari asosida shakllantirish tizimini takomillashtirish, ilmiy faoliyatni moliyalashtirish mexanizmlarini rivojlantirish, ilmiy kadrlar tayyorlash tizimini xalqaro standartlarga moslashtirish kabi masalalar dolzarb hisoblanadi.

Muallifning fikricha, zamonaviy xalqaro amaliyotda ilm-fan sohasidagi huquqlarni ta'minlashning kompleks mexanizmi ilmiy ijod erkinligini kafolatlash, ilmiy natijalarni tarqatish va ulardan foydalanish huquqini ta'minlashga qaratilgan.

Dissertant o'z tadqiqotida O'zbekistonda ilmiy ijod erkinligini ta'minlash sohasida bir qator muammolar mavjudligini aniqlagan. Xususan, ilm-fanga ajratilgan mablag'lar dinamikasi notekis ravishda shakllangan – YaIMga nisbatan ulushi 2020-2023 yillarda 0,31 foizdan 0,81 foizgacha oshgan bo'lsa, 2024 yilda bu ko'rsatkich 0,21 foizgacha tushgan. Shuningdek, ilmiy tadqiqotlarda xususiy sektor ishtiroki past darajada ekanligi va davlat ilmiy-texnik dasturlari mablag'lari kamayish tendensiyasi kuzatilganligi ta'kidlangan.

Tadqiqotchi ko'rsatishicha, respublikadagi oliy ta'lim muassasalarida doktorlik dissertatsiya himoyalari (PhD) sonida keskin kamayish kuzatilgan – himoyalar soni 2023 yildagi 3100 tadan 2024 yilda 807 tagacha tushgan. Bu holat ilmiy-tadqiqot sohasida tizimli islohotlar zarurligini ko'rsatadi.

Dissertatsiyada sun'iy intellekt bilan bog'liq ilmiy ijod erkinligini amalga oshirish masalasi ham chuqur tahlil qilingan. Muallifning fikricha, qonunchilikda sun'iy intellektga asoslangan ilmiy ijod erkinligi, uning tabiati va uni cheklash asoslari, senzura mezonlari, vakolatli subyektlar doirasi aniq belgilanmagan. Bu esa o'z navbatida ushbu sohani huquqiy tartibga solishning zamonaviy mexanizmlarini ishlab chiqishni taqozo etadi.

Muallif O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga qo'shimchalar kiritish, jumladan: «raqamli ilmiy faoliyat» tushunchasini va uning mazmunini belgilash; Oliy attestatsiya komissiyasining vakolatlari va funktsiyalarini aniq ko'rsatish; ilmiy daraja va unvonlarni berish tartibini qonun darajasida belgilash; Vazirlar Mahkamasi qarori bilan «Ilmiy ishlarga qo'yiladigan tadqiqot etikasi, halollik qoidalari va standartlari»ni tasdiqlash; «Sanoat doktoranturasi to'g'risida»gi nizomni ishlab chiqish va tasdiqlash va boshqalar.

Dissertantning xulosasiga ko'ra, bu takliflarning amalga oshirilishi O'zbekistonda ilmiy ijod erkinligini ta'minlash mexanizmlarini takomillashtirishga, ilmiy-tadqiqot faoliyatining samaradorligini oshirishga va xalqaro ilmiy hamjamiyat bilan integratsiyalashuvni kuchaytirishga xizmat qiladi.

XULOSA

Ilmiy ijod erkinligining konstitutsiyaviy-huquqiy asoslari mavzusidagi tadqiqot ishi bo'yicha quyidagi ilmiy-nazariy va normativ huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalarni ishlab chiqildi:

I. Ilmiy-nazariy xulosalar

1. Tadqiqotlar natijasida ilmiy ijod erkinligi mohiyatan professional malaka va mas'uliyatga asoslangan, jamiyat manfaatlarini ko'zlovchi va kasbiy ekspertizaga tayangan erkinlik shakli ekanligi aniqlandi. Shuningdek, ilmiy ijod erkinligi insonning tabiiy huquqi sifatida uning intellektual salohiyatini ro'yobga chiqarishga xizmat qilishi, bu erkinlik tug'ma xarakterga ega bo'lib, davlat tomonidan berilmasligi, balki tan olinishi va kafolatlanishi asoslab berildi.

2. Ilmiy tahlillar ilmiy ijod erkinligi konstitutsiyaviy huquq sifatida ikki muhim jihatni o'z ichiga olishini ko'rsatdi: **birinchidan, subyektiv huquq** sifatida shaxsning ilmiy faoliyat bilan shug'ullanish imkoniyatini nazarda tutsa, **ikkinchidan, obyektiv huquq** sifatida davlatning ilmiy faoliyatni tartibga solish va qo'llab-quvvatlash majburiyatini anglatadi.

3. Dissertatsiya doirasida ilmiy ijod erkinligining **to'rtta asosiy belgisi** aniqlandi: universallik (barcha fan sohalariga taalluqliligi); mustaqillik (tadqiqotchining ilmiy izlanish yo'nalishini tanlash erkinligi); mas'uliyatlilik (ilmiy etika va huquqiy normalar doirasida amalga oshirilishi); himoyalanganlik (davlat tomonidan huquqiy kafolatlarning mavjudligi). Shuningdek, ilmiy ijod erkinligi boshqa konstitutsiyaviy huquqlar fikr erkinligi, ta'lim olish huquqi, intellektual mulk huquqi bilan chambarchas aloqada namoyon bo'lishi ko'rsatib o'tildi.

4. Ilmiy ijod erkinligi quyidagi **komponentlarni qamrab olishi asoslab berildi**: ilmiy tadqiqot yo'nalishi va metodlarini tanlash erkinligi; ilmiy natijalarni

e'lon qilish erkinligi; ilmiy tajribalar o'tkazish erkinligi; ilmiy axborotdan foydalanish erkinligi.

Tadqiqot natijalari ilmiy ijod erkinligi mutlaq xarakterga ega emasligini ko'rsatdi. Uning chegaralari qonun bilan belgilanadi va bu chegaralar jamiyat manfaatlari, axloqiy qadriyatlar, inson huquqlari va xavfsizlik talablari bilan asoslanishi zarurligi isbotlandi.

5. Xorijiy davlatlar ilmiy doktrinalarida va qonunchiligida «ilmiy ijod erkinligi» tushunchasi mavjud bo'lmasa-da uning mazmuni «ilmiy erkinlik», «ilmiy faoliyat erkinligi», «akademik erkinlik», «ijod erkinligi», «o'qitish erkinligi», «ilm-fan erkinligi» kabi turli tushunchalar bilan qamrab olingan. Bunday farqlanish huquq tizimi, qonunchilik texnikasi va milliy konstitutsiyaviy rivojlanish bilan bog'liq deb hisoblaymiz. O'zbekiston Respublikasi Konstitutsiyasida mustahkamlangan «ilmiy ijod erkinligi» tushunchasining ta'rifi milliy qonunchilikda mavjud emas.

«Ilmiy ijod erkinligi – bu professional malaka va mas'uliyatga asoslangan, jamiyat manfaatlarini ko'zlovchi va kasbiy ekspertizaga tayangan erkinlik shaklidir». Shaxsning ilmiy ijod erkinligi – bu huquq va majburiyat uyg'unligi bo'lib, u etik me'yorlar, metodologik talablar va ijtimoiy mas'uliyat doirasida amalga oshirilishi lozim.

6. Ilmiy tahlillar natijasida ilmiy ijod erkinligini cheklash - bu ilmiy faoliyatni taqiqlash emas, balki uni tartibga solish mexanizmi ekanligi isbotlandi. Cheklashlar orqali ilm-fan rivoji bilan jamiyat manfaatlari o'rtasidagi muvozanat ta'minlanishi ko'rsatib berildi.

7. **«Ijodiy erkinlik» va «ijodiy erkinlik huquqi»** tushunchalari o'rtasidagi nisbat tahlil qilinib, «ijodiy erkinlik» tushunchasi kengroq mazmunga ega bo'lib, u harakat qilish uchun ko'proq imkoniyatlarni, xulq-atvorni tanlashning turli xil variantlarini qamrab oladi va turli cheklovlar hamda to'siqlarning yo'qligini nazarda tutadi.

8. Tadqiqotlar doirasida ilmiy ijod erkinligining **huquqiy tuzilishi** harakat qilish huquqi; talab qilish huquqi; da'vo qilish huquqi; foydalanish huquqi kabi elementlarni qamrab olishi hamda ushbu elementlarning har birini mazmuni ochib berildi.

9. Xalqaro hujjatlarga ko'ra **davlatlar** ilmiy ijod erkinligini ta'minlash bo'yicha **quyidagi majburiyatlarni** olishi ko'rsatib o'tildi: hurmat qilish majburiyati (ilmiy faoliyatga to'sqinlik qilmaslik); himoya qilish majburiyati (uchinchi shaxslar tomonidan buzilishiga yo'l qo'ymaslik); amalga oshirish majburiyati (zarur shart-sharoitlar yaratish).

10. Ilg'or xorijiy davlatlar konstitutsiyalari tahlil qilinib ilmiy ijod erkinligi **to'rt asosiy yo'nalishda tartibga solinmoqda**: ilmiy tadqiqot olib borish erkinligi, ilmiy natijalarni tarqatish huquqi, ilmiy yutuqlardan foydalanish huquqi va intellektual mulk huquqi. Bu esa ilmiy faoliyatning barcha bosqichlarini qamrab oluvchi yaxlit huquqiy mexanizmni yaratish zaruratini keltirib chiqarishi asoslab berildi.

11. Xorijiy davlatlar konstitutsiyalari tahlil qilinib, ushbu sohani konstitutsiyaviy tartibga solishning **ikki asosiy modeli** shakllanganligi asoslab berildi: **birinchisi** – o'qitish erkinligi va ilmiy ijod huquqini birgalikda kafolatlovchi model (Belarus, Xitoy, Portugaliya, Germaniya); **ikkinchisi** – o'qitish erkinligi,

ilmiy faoliyat erkinligi va oliy ta'lim muassasalari avtonomiyasini kompleks tarzda kafolatlovchi model (Gretsiya, Litva, Polsha). Bu esa davlatlarning o'z huquqiy an'analari va ta'lim tizimi xususiyatlaridan kelib chiqib, turli yondashuvlarni tanlaganini ko'rsatadi.

12. Ilmiy adabiyotlarda qo'llanilayotgan «ilmiy ijod erkinligi» tushunchasi bilan birga **«raqamli ilmiy ijod erkinligi»** tushunchasini ham konstitutsiyaviy huquq fani doktrinasiga kiritish taklif qilinadi.

Shuningdek, **raqamli muhitda ilmiy faoliyat yuritish qoidalarini ishlab chiqish** zarurligi ilmiy jihatdan asoslandi. Bu qoidalarda texnologik vositalardan foydalanish va axborot xavfsizligi masalalari hisobga olinishi kerak. Bundan tashqari, ilmiy natijalarning haqqoniyligini tekshirish mexanizmlari, ilmiy etika normalariga rioya etilish tartibi va uni nazorat qilish, ilmiy ijod subyektlarining huquqiy maqomini, mualliflik huquqi va intellektual mulk institutlarini takomillashtirish masalalari o'z aksini topishi lozimligi isbotlandi.

II. Normativ huquqiy hujjatlarni takomillashtirishga oid taklif va tavsiyalar

13. O'zbekiston Respublikasining "Ilm-fan va ilmiy faoliyat to'g'risida"gi Qonunining 3-moddasiga **«ilmiy ijod erkinligi – bu shaxsning ilmiy-tadqiqot faoliyatini erkin tanlash, amalga oshirish va natijalarini tarqatish bo'yicha konstitutsiyaviy kafolatlangan huquqi bo'lib, u davlat tomonidan huquqiy, tashkiliy va moliyaviy jihatdan ta'minlanadi»**, degan mazmunda norma kiritish taklif qilinadi. Bu ta'rif ilmiy ijod erkinligining asosiy elementlarini o'zida mujassam etgan bo'lib, uni qonunchilikka kiritish maqsadga muvofiqdir.

14. Ilmiy ijod erkinligining tarkibiy elementlarini qonunchilikda aniq belgilab qo'yish taklif qilinadi. Bunda tadqiqot yo'nalishini tanlash erkinligi, metodologiyani tanlash erkinligi, ilmiy natijalarni e'lon qilish erkinligi, ilmiy hamkorlikni amalga oshirish erkinligi va ilmiy muloqot hamda munozara erkinligi kabi elementlarni qamrab olish lozim. Bu elementlarni «Ilm-fan va ilmiy faoliyat to'g'risida»gi qonunning 4-moddasida alohida band sifatida mustahkamlash zarurligi asoslab berildi.

15. Davlatning ilmiy ijod erkinligini ta'minlash majburiyati – bu davlat ilmiy faoliyat uchun zarur shart-sharoitlarni yaratib berishi, ilmiy kadrlar tayyorlash tizimini shakllantirishi va moliyaviy qo'llab-quvvatlash, ishonchli sud himoyasi bilan ta'minlashni anglatadi.

Bundan tashqari, ilmiy ijod natijalariga bo'lgan mualliflik huquqlarini himoya qilish mexanizmlarini takomillashtirish zarur. Bu borada intellektual mulk huquqini himoya qilishning samarali tizimini yaratish, mualliflik huquqini buzganlik uchun javobgarlik choralarini kuchaytirish lozim.

Bundan tashqari, ilmiy tadqiqotlar uchun moliyaviy manbalarni shakllantirish masalasiga jiddiy e'tibor qaratish kerak. Bunda davlat byudjeti mablag'lari bilan bir qatorda xususiy sektor investitsiyalarini jalb etish, grant mablag'laridan samarali foydalanish mexanizmlarini takomillashtirish muhim ahamiyat kasb etadi.

Konstitutsiyaning 53-moddasida belgilangan «Intellektual mulk qonun bilan muhofaza qilinadi» degan konstitutsiyaviy normani **«Intellektual faoliyat**

natijalariga bo'lgan huquqlar va ularga tenglashtirilgan individuallashtirish vositalari qonun bilan muhofaza qilinadi» deb o'zgartirish taklif etiladi.

16. O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunining 14-moddasi ikkinchi qismini *«Ilmiy faoliyat subyektlari o'z ilmiy faoliyati natijalarini ochiq elektron platformalar orqali e'lon qilish va tarqatish huquqiga ega. Bunda davlat, xizmat va tijorat sirlari bilan bog'liq ma'lumotlarni oshkor qilishga yo'l qo'yilmaydi»* degan tahrirda qo'shimcha band kiritish taklif qilinadi.

17. O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunining 31-moddasining birinchi qismini quyidagi tahrirda bayon etish taklif qilinadi: *«Ilmiy faoliyat natijalarini tijoratlashtirish foyda olish maqsadida ilmiy faoliyat natijalarini fuqarolik muomalasiga kiritish jarayoni bo'lib, unda ilmiy-tadqiqot muassasalari va oliy ta'lim muassasalarining intellektual mulk obyektlarini yaratish, huquqiy muhofaza qilish va ulardan foydalanish bilan bog'liq faoliyati rag'batlantiriladi».*

18. Ilmiy faoliyat subyektlarining huquqlarini himoya qilish mexanizmlarini takomillashtirish maqsadida O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga quyidagi normalarni kiritish taklif etiladi: ilmiy faoliyat subyektlarining huquqlari buzilganda sudga murojaat qilish tartibi; ilmiy tashkilotlar faoliyatiga noqonuniy aralashganlik uchun javobgarlik; ilmiy xodimlarning huquqlarini himoya qilish bo'yicha maxsus vakolatli organ vakolatlarini kengaytirish taklif qilinadi.

19. O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga qo'shimcha ravishda 31¹-modda bilan to'ldirish taklif qilinadi:

“31¹-modda. Ilmiy ijod erkinligini ta'minlash mexanizmlari

Ilmiy ijod erkinligini ta'minlash mexanizmlari quyidagilardan iborat:

ilmiy ijod erkinligini himoya qilishning davlat mexanizmlari;

ilmiy ijod erkinligini o'z-o'zini himoya qilish mexanizmlari;

ilmiy ijod erkinligini ta'minlashning huquqiy mexanizmlari;

ilmiy ijod erkinligini ta'minlashning moliyaviy mexanizmlari”.

20. Ilmiy ijod erkinligini tartibga solishning amaliy mexanizmlari sifatida qonunchilikka **ilmiy ijod erkinligini davlat tomonidan himoya qilish va o'z-o'zini himoya qilish mexanizmlarini** belgilash taklif qilinadi.

Bizningcha ilmiy ijod erkinligining o'z-o'zini himoya qilish mexanizmlari quyidagilarni o'z ichiga oladi: ilmiy hamjamiyatning o'zini o'zi boshqarish organlarini shakllantirish; ilmiy faoliyat subyektlarining kasbiy uyushmalarini tuzish; ilmiy etika qoidalarini ishlab chiqish va ularga rioya etilishini ta'minlash.

21. O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonunining 39-moddasini quyidagi tahrirdagi ikkinchi qismi bilan to'ldirish taklif qilinadi: *«Ilmiy asbob-uskunalardan jamoaviy foydalanish markazlari faoliyatini moliyalashtirishda xususiy sektorning ishtiroki davlat tomonidan rag'batlantiriladi. Bunda xususiy sektor tomonidan kiritilgan investitsiyalar miqdoriga mutanosib ravishda soliq imtiyozlari berilishi mumkin».*

22. O'zbekiston Respublikasining «Ilm-fan va ilmiy faoliyat to'g'risida»gi Qonuniga quyidagi mualliflik tushunchalarini kiritish taklif qilinadi:

«Ilmiy xodim (tadqiqotchi) — zarur malakaga ega bo‘lgan hamda ilmiy va (yoki) ilmiy-texnikaviy faoliyat bilan professional ravishda shug‘ullanuvchi shaxs.

Ilmiy xodimlarning lavozimlari davlat va nodavlat ilmiy-tadqiqot muassasalarida, ta‘lim faoliyatini amalga oshiruvchi tashkilotlarda, shuningdek ilmiy va (yoki) ilmiy-texnikaviy faoliyatni amalga oshiruvchi boshqa tashkilotlarda nazarda tutiladi».

«Ilmiy faoliyat – bu maxsus tayyorgarlikka ega bo‘lgan jismoniy va yuridik shaxslar tomonidan ilmiy va ilmiy-texnik faoliyat sohasida yangi bilimlarni yaratish, ulardan amaliyotda foydalanish va ularni tizimlashtirish maqsadida amalga oshiriladigan ijodiy faoliyat bo‘lib, u fundamental va amaliy tadqiqotlar, tajriba-konstruktorlik ishlari, ilmiy-texnik mahsulotlarni yaratish, ilmiy kadrlar tayyorlash kabi yo‘nalishlarni o‘z ichiga oladi».

«Davlat ilmiy tashkilotlari - bu davlat tomonidan tashkil etilgan, davlat byudjeti mablag‘lari hisobidan moliyalashtiriladigan, asosiy faoliyat turi ilmiy-tadqiqot ishlarini olib borish bo‘lgan yuridik shaxslar bo‘lib, ular ilmiy va ilmiy-texnik faoliyatni amalga oshirish, ilmiy kadrlar tayyorlash, ilmiy natijalarni amaliyotga joriy etish vazifalarini bajaradi».

23. O‘zbekiston qonunchiligida «yosh olim» tushunchasiga quyidagicha ta‘rif keltirib o‘tish maqsadga muvofiq. *«Yosh olim – ilmiy-tadqiqot faoliyati bilan shug‘ullanuvchi, yoshi 35 dan oshmagan falsafa doktori (PhD) ilmiy darajasiga ega shaxs yoki yoshi 40 dan oshmagan fan doktori (DSc) ilmiy darajasiga ega shaxs».*

24. Ilmiy xodimlarning huquqiy maqomini ta‘minlanishi va davlat tomonidan huquqlarini kafolatlanishi quyidagi ijobiy natijalarga olib kelishi mumkin: ilmiy tadqiqotlarning sifati oshishiga; ilmiy yangiliklarning jamiyat tomonidan qabul qilinishi osonlashishiga; yoshlarning ilm-fanga qiziqishini ortishiga; ilmiy asoslangan qarorlar qabul qilinishni kuchayishiga.

Yevropa Ittifoqi mamlakatlari tajribasi shuni ko‘rsatadiki, ushbu davlatlarda olimlarga bo‘lgan yuqori ishonch darajasi ilmiy faoliyat uchun yaratilgan qulay sharoitlar va ilmiy erkinlikning ta‘minlanganligi bilan bevosita bog‘liqdir. Bu esa o‘z navbatida jamiyatning ilmiy-texnik taraqqiyotiga ijobiy ta‘sir ko‘rsatadi.

25. Ilmiy ijod erkinligini cheklash – bu ilmiy faoliyatni taqiqlash emas, balki uni tartibga solish mexanizmi hisoblanadi. Cheklashlar orqali ilm-fan rivoji bilan jamiyat manfaatlari o‘rtasidagi muvozanat ta‘minlanadi.

Shu bois ham, ilmiy faoliyatni cheklashda quyidagi prinsiplarga amal qilish kerak: *ochiqlik va shaffoflik; asoslilik va obyektivlik; ilmiy hamjamiyat manfaatlarini hisobga olish; inson huquqlari ustuvorligi; jamiyat manfaatlariga moslik.*

Ilmiy ijod erkinligini cheklash asoslari va tartibi qonunchilikda aniq belgilanmagan. Bu esa amaliyotda asossiz cheklovlarning qo‘llanilishiga olib kelishi mumkin. Masalan, ba‘zi ilmiy muassasalar rahbarlari “ma‘muriy zarurat” bahonasida tadqiqotchilarning erkinligini cheklashi mumkin.

Shu bois, milliy qonunchiligimizda ilmiy ijod erkinligini cheklash **uch asosiy mezonga muvofiq** amalga oshirilishi taklif qilinadi: *qonuniylik* – faqat qonunda belgilangan asoslarda; *mutanosiblik* – ko‘zlangan maqsadga mos ravishda; *zaruriylik* – boshqa usullar bilan maqsadga erishib bo‘lmagan hollarda.

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TASHKENT STATE UNIVERSITY OF LAW**

TASHKENT STATE UNIVERSITY OF LAW

ASLONOVA LAYLO OLIMOVNA

**CONSTITUTIONAL AND LEGAL FOUNDATIONS OF FREEDOM OF
SCIENTIFIC CREATIVITY**

12.00.02. – Constitutional law. Administrative law.
Finance and customs law

**Abstract of doctoral (PhD) dissertation
on legal sciences**

Tashkent – 2025

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The doctoral dissertation (PhD) is available at the Information Resource Center of Tashkent State University of Law (registered under No. 1413.), (Address 100047, Amir Temur Street, 13. Tashkent city. Phone: (998971) 233-66-36).

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INTRODUCTION (DISSERTATION ANNOTATION)

Relevance and necessity of the dissertation topic. The international recognition of freedom of scientific creativity as one of the fundamental human rights, along with its legal protection, has become increasingly significant. In particular, efforts to encourage the scientific activities of young researchers, support their innovative ideas, and make the field of science more attractive are gaining urgency as foundational measures for the development of investment and innovation. According to UNESCO's 2023 edition of the Science Report, published every four years, global expenditures on research and experimental development (R&D) increased by an average of 19.2percent during 2014–2018, while this figure reached 23.4percent during 2019–2023. This indicates consistent progress in the creation of material and technical conditions to ensure freedom of scientific creativity⁸. For example, in 2023, the global share of women researchers was 33.3 percent, which is 2.1 percent higher than in 2019⁹. This positive trend reflects the development of freedom of scientific creativity on the basis of gender equality.

In a survey published in 2025 by the European organization Ipsos Global Trustworthiness Index, over 23,000 adults under the age of 75 from 32 countries participated. The results of this study showed that scientists, along with medical doctors, are considered among the most trustworthy professionals in 11 EU countries out of a list of 21 professions. Notably high levels of public trust in scientists were observed in Spain (65percent), the Netherlands (65percent), and Romania (57percent). This highlights the significant role and value of scientists in society¹⁰.

These indicators demonstrate that, in recent years, the rapid development of science and technology and the integration of modern and efficient technologies into production have become a top priority and essential task for many states. In today's world, not physically strong individuals, but rather intellectually capable, constantly creative individuals who can lay the foundation for economic growth through unique and effective innovations are increasingly valued.

Globally, important research directions include the introduction of effective constitutional mechanisms for the protection of freedom of scientific creativity, the improvement of the legal framework for encouraging scientific research activities, the development of legal systems for protecting scientific discoveries and inventions, clear definition of the grounds and limits for restricting academic freedom, legal assessment of creative works generated with the help of artificial intelligence, support for digital and environmental scientific research, and prioritizing investments in these fields.

In recent years, Uzbekistan has been implementing a range of measures aimed at enhancing scientific research activities, ensuring freedom of scientific creativity, and further improving national mechanisms in this area. These include the wide-

⁸ UNESCO Science Report: Race Against Time for Smarter Development, UNESCO Publishing, Paris, 2023, p.45. <https://unesdoc.unesco.org/ark:/48223/pf0000377250>

⁹ UNESCO Science Report: Race Against Time for Smarter Development, UNESCO Publishing, Paris, 2023, p.45. <https://unesdoc.unesco.org/ark:/48223/pf0000377250>

¹⁰ <https://www.euronews.com/video/2025/01/17/trust-issues-these-are-the-professions-europeans-trust-the-most-and-the-least>

scale introduction of digital technologies into scientific work, increasing the practical significance and commercialization of research, improving the legal protection of intellectual property, training highly qualified personnel with modern knowledge and independent thinking, and modernizing scientific infrastructure—all of which have been elevated to a qualitatively new stage.

The Development Strategy of New Uzbekistan identifies as priority objectives: the widespread introduction of innovations into the economy, harmonizing scientific research with practical needs, conducting thematic social surveys in relevant areas and carrying out scientific research based on their results, developing cooperation between industrial enterprises and scientific institutions, creating broad opportunities in all areas for the implementation of innovative projects, and introducing modern mechanisms to support research and innovation initiatives¹¹. These goals underline the urgency of improving legislation in this field.

The Constitution of the Republic of Uzbekistan (2023), the Law “On Science and Scientific Activity” (2019), the Law “On Education” (2020), the Law “On Innovative Activity” (2020), the Law “On the Status of the Teacher” (2024), the Presidential Decree No. PF–60 dated January 28, 2022 “On the Development Strategy of New Uzbekistan for 2022–2026”, the Presidential Decree No. PF–158 dated September 11, 2023 “On the Uzbekistan – 2030 Strategy”, the Presidential Decree dated October 30, 2020 “On the Approval of the Concept for the Development of Science Until 2030”, and the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 132 dated March 9, 2020 “On Measures to Further Improve the Legal Framework for the Development of Scientific Research and Innovation Activity”, along with other relevant legal documents, serve as a basis for the implementation of this dissertation’s research findings to a certain extent.

Relevance of the research to national priorities in science and technology development. The research topic aligns with the national priority direction of “Forming and implementing a system of innovative ideas for the development of an information society and a democratic state in social, legal, economic, cultural, and spiritual-educational spheres.”

Degree of scholarly elaboration of the issue. Various studies have been conducted by national scholars on the guarantees of academic freedom and creative rights, the individual’s right to create, the process of obtaining academic degrees, and issues of cooperation with non-governmental non-profit organizations in this field. Moreover, research in this area continues to be relevant to this day. It is appropriate to consider academic studies related to the constitutional and legal guarantees of an individual’s academic freedom within the following directions:

First, in national legal science, scholars such as A. Saidov, R. Hakimov, Sh. Yakubov, and A. Mirkomilov have analyzed the guarantees of scientific creativity and academic freedom in their scholarly articles. Additionally, scholars like A. Rasulev, Sh. Khojaev, D. Matrasulov, S. Saidov, and V. Khan have expressed their well-reasoned views on the state of scientific development and the prospects of

¹¹ Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" // National Database of Legislation, January 29, 2022, No. 06/22/60/0082.

academic freedom in Uzbekistan through popular articles¹². Moreover, regarding the freedom of scientific creativity, the essence of author rights has been studied in the scientific works of O. Okulov, A. Egamberganov, and M. Inagamova. However, the analysis of the above-mentioned scientific works shows that the theoretical and practical issues related to analyzing the constitutional and legal foundations of scientific creativity freedom, especially the legal mechanisms for ensuring science rights and freedoms, have not been studied by national scholars as a separate dissertation based on the legislation of the Republic of Uzbekistan and advanced foreign experiences.

Second, among the scholars of CIS countries, Russian scholars such as D. S. Shaporeva, I. D. Yagofarova, O. V. Romanovskaya, D. I. Artemova, N. V. Chernx, S. Yu. Kashkin, L. G. Berlyavskiy, and Belarusian jurist L. A. Kisileva¹³ have deeply analyzed the legal nature of scientific creativity freedom.

Third, scholars from Europe and foreign countries such as Shaver, L., Andrea Boggio and Cesare P. R. Romano (USA), Amedeo Santosuosso (Italy) have studied the right to science from a legal perspective, while the works of Schabas, W. A. (USA), Artur Biłgorajski (Poland), A. Chapman, J. Vindxam, Helle Porsdarm, and Sebastian Porsdarm Mann (Switzerland), Harris T. L., Walter P. Metzger¹⁴ have provided a scientific-theoretical analysis of the content and essence of freedom of scientific creativity in their works.

Relevance of the research to the scientific research plans of the higher education institution. The research topic is included in the scientific research plan of Tashkent State University of Law and is carried out within the framework of the plan titled "Improving the Protection of Fundamental Human Rights in the Context of Deepening Democratic Reforms."

Purpose of the research. The purpose of the research is to improve the constitutional and legal foundations of ensuring the right to scientific creativity freedom for citizens of the Republic of Uzbekistan and to develop proposals and recommendations aimed at enhancing the effectiveness of legal regulations and the application of law in this area.

The research objectives are to

- reveal the content and essence of the concept of freedom of scientific creativity, and to study its socio-legal nature;
- analyze the constitutional and legal characteristics of freedom of scientific creativity and examine its place within the system of human rights;
- study the formation process of the institution of freedom of scientific creativity, analyze its historical stages of development and characteristics in different periods from a comparative-historical perspective;
- examine the constitutional and legal foundations of ensuring freedom of scientific creativity in the Republic of Uzbekistan, assess the level of its consolidation in national legislation, and analyze the state of the normative-legal framework;

¹² A complete list of the works of these scientists is given in the list of references of the dissertation.

¹³ A complete list of the works of these scientists is given in the list of references of the dissertation.

¹⁴ A complete list of the works of these scientists is given in the list of references of the dissertation.

- study the national mechanisms for ensuring freedom of scientific creativity in the Republic of Uzbekistan, evaluate their effectiveness, and develop proposals for their improvement;

- analyze the legal status of scientific personnel, their opportunities for exercising freedom of scientific creativity, and the system of guarantees provided to them;

- examine the legal grounds for restricting freedom of scientific creativity, the mechanisms of imposing restrictions, and assess their legality and expediency;

- study the standards of enshrining freedom of scientific creativity in international legal documents, the mechanisms of international guarantees, and their impact on the national legal system;

- develop prospective directions and proposals for improving the mechanisms of ensuring freedom of scientific creativity in the Republic of Uzbekistan.

The object of the research is the system of legal relations related to ensuring the right to scientific creativity freedom for individuals in the Republic of Uzbekistan.

The subject of the research includes the normative-legal documents that regulate the legal relations related to ensuring the right to scientific creativity freedom, law enforcement practices, internationally recognized standards, the legislation and practices of foreign countries, as well as the conceptual approaches present in "Constitutional Law," "Comparative Constitutional Law," scientific-theoretical views, and legal categories.

Methods: The research employs various methods, including historical, systemic-structural, formal-legal, comparative-legal, logical methods, as well as a comprehensive study of scientific sources, surveys, induction, deduction, and statistical data analysis.

Scientific novelty of the research includes the following:

Justification of the need for citizens, non-governmental non-profit organizations, and other institutions of civil society to have the right to carry out public control over the implementation of legislation related to science and scientific activity;

Justification that scientific organizations should have the right to create organizations that commercialize scientific results, centers for collective use of scientific instruments, and other organizations, as well as the right to create unique scientific objects in accordance with the legislation;

Justification that scientific expertise should be carried out based on the principles of openness while respecting state, service, and commercial secrets, in accordance with legislation;

Justification of the need for the national information space of science and scientific activity to ensure unrestricted use of any information resources, regardless of ownership, in accordance with the procedures established by law.

Practical results of the research include:

Proving the need to establish as a separate provision in Article 4 of the "Law on Science and Scientific Activity" the constituent elements of scientific creativity freedom, such as the freedom to choose research directions, the freedom to choose

methodology, the freedom to publish scientific results, the freedom to engage in scientific cooperation, and the freedom of scientific communication and discussion;

developing a proposal to introduce Article 311 into the "Law on Science and Scientific Activity" of the Republic of Uzbekistan, which defines mechanisms for ensuring scientific creativity freedom;

developing a proposal to include the criteria for restricting scientific creativity freedom—legality, proportionality, and necessity—into the "Law on Science and Scientific Activity" and justifying the need for their incorporation into the legislation;

proposing the approval of the "Ethics of Scientific Research, Rules of Integrity, and Standards" by the decision of the Cabinet of Ministers of the Republic of Uzbekistan, which includes national standards for scientific research, mechanisms for verifying scientific results, scientific ethics rules, and the procedure for publishing scientific works.

The reliability of research results The general theoretical conclusions presented at the end of the research, as well as the proposals aimed at improving legislative acts, are based on the theoretical views found in the subjects "Constitutional Law," "Comparative Constitutional Law," and "Scientific and Practical Issues of Constitutional Law," and the analysis of national legislative norms and law enforcement practice.

The reliability of the research results is determined by the methods used in the work, the scientific-theoretical approaches utilized within its scope, which are taken from official sources, the mutual analysis of international experience, international standards, and national legislative sources, the application of conclusions, proposals, and recommendations in practice, the publication of results in leading national and foreign publications, and the approval of the results by authorized bodies.

The scientific and practical significance of the research results. The scientific significance of the research results is manifested in the development of scientific research related to improving the organizational-legal foundations of ensuring scientific creativity freedom, commenting on the relevant norms of legislative acts, improving national legislation, and using the findings to enhance the teaching of the subjects "Constitutional Law," "Comparative Constitutional Law," and "Scientific and Practical Issues of Constitutional Law."

The practical significance of the research results is determined by their potential to be used in improving normative-legal documents regulating the freedom of scientific research in the Republic of Uzbekistan, as well as in law enforcement practice and activities of scientific subjects.

The implementation of research results Based on the scientific results obtained for improving the constitutional-legal foundations of scientific creativity freedom:

the proposal that citizens, non-governmental non-profit organizations, and other institutions of civil society should have the right to exercise public control over the implementation of legislation on science and scientific activities was considered in the new revision of Article 10, Paragraph 3, of the Law of the Republic of Uzbekistan on "Science and Scientific Activities" (Law No. LRU-683) adopted on

April 21, 2021 (Information letter No. 3/08-16 dated January 30, 2025, from the Parliamentary Research Institute of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan). The implementation of this proposal served the introduction of the procedure for public control over the implementation of legislation on science and scientific activities by civil society institutions;

the proposal that scientific organizations, in accordance with the established procedure, should have the right to organize organizations involved in the commercialization of scientific results, centers for collective use of scientific equipment, and other organizations, as well as the establishment of unique scientific objects, was considered in the new revision of Part 2, Article 16 of the Law of the Republic of Uzbekistan on "Science and Scientific Activities" (Law No. LRU-576) adopted on April 21, 2021 (Information letter No. 3/08-16 dated January 30, 2025, from the Parliamentary Research Institute of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan). The implementation of this proposal served to define the right of scientific organizations to establish organizations involved in the commercialization of scientific results, centers for collective use of scientific equipment, and other organizations, as well as the establishment of unique scientific objects;

the proposal that scientific expertise, in accordance with legislation, must be carried out while respecting state, service, and commercial secrets and based on the principle of openness of expertise results, was considered in the new revision of Paragraph 6 of Part 2, Article 26 of the Law of the Republic of Uzbekistan on "Science and Scientific Activities" (Law No. LRU-576) adopted on April 21, 2021 (Information letter No. 3/08-16 dated January 30, 2025, from the Parliamentary Research Institute of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan). The implementation of this proposal helped define the procedure for conducting scientific expertise based on contemporary requirements;

the proposal that the close relationship between science, scientific activities, and the national information space should ensure the free use of any information resources, regardless of ownership, in accordance with the procedures defined by law, was considered in the new revision of Part 1, Section 3, of Article 30 of the Law of the Republic of Uzbekistan on "Science and Scientific Activities" (Law No. LRU-683) adopted on April 21, 2021. This was taken into account in the development of the third section of Part 1 of Article 30 (Information letter No. 3/08-16 dated January 30, 2025, from the Parliamentary Research Institute of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan). The implementation of this proposal served to introduce the procedure for freely using any information resources, regardless of ownership, in the national information space in accordance with the law;

Approbation of the research results. The results of this research were approved at 4 scientific conferences, including 2 international and 2 republican scientific-practical conferences, roundtables and seminars.

Publication of research results. A total of 13 scientific works have been published based on this research, including 9 in scientific journals (3 in foreign publications) and 4 scientific articles in collections.

The Structure and volume of the dissertation. The dissertation consists of an introduction, three chapters containing ten sections, a conclusion, a list of references, and appendices. The dissertation is 158 pages long.

THE MAIN CONTENT OF THE DISSERTATION

The introduction of the dissertation discusses the relevance and necessity of the topic, its alignment with the main priority areas of scientific-technical and technological development of the republic, the degree of the issue's exploration, the connection of the dissertation with the scientific research plan of the higher educational institution, the objectives and tasks of the research, the object and subject of the study, its methodology, the scientific novelty and practical results of the research, the reliability of these results, and the scientific and practical significance of the research, its implementation, approval, and the publication of its results.

The first chapter of the dissertation is titled "Theoretical and Legal Foundations of the Institute of Scientific Creativity Freedom," and it explores the concept of scientific creativity freedom and its socio-legal essence, the constitutional-legal nature of scientific creativity freedom, its place in the system of human rights, the formation of the legal basis for scientific creativity freedom, and its historical development stages.

The author studies the nature of the concept of scientific creativity freedom and reveals its legal content. The researcher interprets scientific creativity freedom both in a broad and narrow sense. In a broad sense, it is the individual's ability to engage in scientific activities, while in a narrow sense, it refers to the constitutional right to freely choose the research direction, freely disseminate and use scientific results.

The researcher, analyzing the views of foreign scholars (M.Polanyi, R.K.Merton, R.Berdahl, P.Dasgupta, P.A.David, J.Butler), identifies three key elements of scientific creativity freedom: the freedom to choose a research topic, methodological independence, and the freedom to publish results. The author has formulated a scientific conclusion that freedom of scientific creativity is a form of freedom based on professional competence and responsibility, oriented towards the interests of society and grounded in professional expertise. This freedom represents a unity of rights and obligations, and it must be exercised within the framework of ethical norms, methodological requirements, and social responsibility.

Within the scope of the research, the integrative concept of freedom of scientific creativity has been comprehensively analyzed, and the necessity of its application to the legislation of Uzbekistan has been substantiated. The concept proposed by the author demonstrates the need to move away from a fragmented approach to the regulation of scientific activity and to establish a unified and comprehensive system. In particular, the author has reached the scientific conclusion that it is necessary to enshrine the constitutional guarantees of freedom of scientific creativity in the Law of the Republic of Uzbekistan "On Science and Scientific Activity," to regulate the relations between state bodies and scientific institutions on the basis of integrative principles, and to introduce legal mechanisms that encourage

interdisciplinary cooperation. The author emphasizes that this approach is crucial for modernizing the scientific sphere in Uzbekistan, ensuring effective integration into the international scientific community, and fostering the development of an innovative economy.

In explaining the legal nature of scientific creativity freedom, the author distinguishes two important aspects: as a subjective right, it is the individual's opportunity to engage in scientific activities; as an objective right, it is the state's duty to regulate and support scientific activities.

The researcher explores the constitutional-legal nature of scientific creativity freedom and justifies its special place in the human rights system, highlighting its connection with other fundamental rights such as the freedom of expression, the right to education, and intellectual property rights.

The author, by systematically analyzing the formation and historical development stages of freedom of scientific creativity, has substantiated the necessity of dividing this process into five main periods. The first stage is the period of antiquity and the Middle Ages, during which scientific knowledge primarily developed within the framework of religious and philosophical teachings. Although freedom of science was limited, the emergence of the first scientific schools can be observed. The second stage is the Renaissance period in science (the era of Nicolaus Copernicus and Galileo Galilei), characterized by scientific revolutions, the development of experimental methods, and the emergence of independent scientific thought free from religious dogmas. The third stage covers the period of the First and Second World Wars, marked by the rapid development of science, the strengthening of mechanisms for state funding and control of scientific research, and the growing importance of scientific discoveries in the context of military-technological competition. The fourth stage is the period of the emergence of international standards regulating science, characterized by the adoption of the Universal Declaration of Human Rights and the formation of mechanisms for international scientific cooperation. The fifth stage is the era of artificial intelligence, distinguished by new technological opportunities in science, digital transformation, the introduction of modern methods of data processing, and the automation of scientific research, which ushers in a qualitatively new stage of development.

The author systematically analyzes the formation and historical stages of scientific creativity freedom. The struggle for scientific freedom, from religious pressures in the Middle Ages to ideological restrictions in the 20th century, is illustrated.

The experience of Uzbekistan has been studied separately in the research. The Jadid movement at the beginning of the 20th century and the subsequent Soviet-era repressions are analyzed, showing that the restrictions imposed on scientific and creative freedom not only affected the fate of individual scientists but also had a negative impact on the scientific and cultural development of the entire nation.

The author has revealed new dimensions of scientific creativity freedom in the modern era. The research indicates that the right to science encompasses not only the use of the results of scientific progress but also the ability to use scientific methods and knowledge. This increases the practical significance of this right.

The most important conclusions drawn by the author in this chapter are as follows:

Firstly, scientific creativity freedom is a natural right of an individual that serves to realize their intellectual potential. This freedom is inherent in nature and is not granted by the state but is recognized and guaranteed.

Secondly, scientific creativity freedom is not absolute. Its limits are determined by law, and these limits are based on societal interests, moral values, human rights, and security requirements.

Thirdly, in modern conditions, ensuring scientific creativity freedom has become a global issue, which calls for strengthening international cooperation.

The researcher emphasizes the need to develop a legal definition of the concept of "scientific creativity freedom" at the legislative level. This concept must encompass the structural elements of scientific creativity freedom, the limits of scientific creativity freedom, and the state's obligations to ensure scientific creativity freedom.

In the dissertation, the scientific views of foreign and national scholars (R. Post, J. Habermas, G. Martino, R. Alexy, S.S. Alekseev, A. Saidov, R. Hakimov, Sh. Yakubov) have been analyzed and the author has deeply explored the constitutional-legal nature of scientific creativity freedom as an institution. The researcher has identified four key characteristics of scientific creativity freedom: universality (applicability to all fields of science), independence (the researcher's ability to make independent decisions), responsibility (operating within scientific ethics and legal norms), and protection (the existence of legal guarantees and protection mechanisms provided by the state).

Another significant achievement of the research is the justification for the manifestation of scientific creativity freedom in two directions: the first direction is the freedom to engage in scientific activity (choosing a research topic, determining the methodology, etc.); the second direction is the freedom to use scientific results (publishing, distributing, and implementing research results in practice).

The author analyzes the international legal mechanisms for ensuring scientific creativity freedom and demonstrates the important role of UNESCO recommendations in this regard. The 2017 "Recommendation on Science and Scientific Researchers" particularly emphasizes the fundamental principles for ensuring scientific creativity freedom.

The research also deeply examines the relationship between the concept of freedom of scientific creativity and "academic freedom." The author shows the differences between these two concepts: scientific creativity freedom is a broader concept, encompassing not only higher education but all scientific research activities.

Another important aspect of the research is the study of ensuring scientific creativity freedom in the digital age. The author has analyzed how digital technologies not only create new opportunities for scientific activity but also introduce new challenges.

At the same time, the role of state and non-governmental organizations in implementing scientific creativity freedom has also been studied by the author. In

this regard, the necessity of developing a public-private partnership model has been justified.

In the first chapter of the dissertation, another important conclusion made by the author is the increasing significance of international cooperation in ensuring scientific creativity freedom. This, in turn, creates the necessity to align national legislation with international standards.

The author has developed specific proposals for improving institutional mechanisms for ensuring scientific creativity freedom. Overall, the research conducted by the author has allowed for a systematic study of the theoretical and legal foundations of the institution of scientific creativity freedom, identifying its development trends and outlining ways to improve it.

The second chapter of the dissertation is devoted to the "**Legal Foundations and Practice of Regulating Scientific Creativity Freedom in the Republic of Uzbekistan.**" This chapter explores the constitutional and legal foundations for ensuring scientific creativity freedom in Uzbekistan, national mechanisms for ensuring this freedom and improving them, the legal status of scientific workers and their guarantees for exercising scientific creativity freedom, and the legal foundations and mechanisms for restricting scientific creativity freedom.

After studying the theoretical foundations of the constitutional-legal regulation of scientific creativity freedom, the author identifies two important aspects of this right: firstly, it is recognized as one of the basic constitutional rights of an individual; secondly, scientific creativity freedom is a right that must be protected and guaranteed by the state.

The researcher has analyzed the system of legal foundations for ensuring scientific creativity freedom in Uzbekistan and categorized them into four groups: **the first**—special laws (such as the "Law on Science and Scientific Activity" and the "Law on Education"); **the second**—strategic documents ("New Uzbekistan Development Strategy" and "Uzbekistan-2030 Strategy"); the third—sectoral normative documents; and the fourth—international legal documents.

The author has analyzed the legal status of scientific workers and identified that terms such as "scientific worker," "researcher," and "scientist" are not clearly defined in legislation. In this regard, the author has proposed the following definition for "scientific worker": "a scientific worker is a person who possesses the necessary qualifications and professionally engages in scientific and/or scientific-technical activity."

The researcher has studied international experience in defining the legal status of the term "young scientist" and has proposed the following definition to be included in the legislation: "a young scientist is an individual engaged in scientific research, who holds a PhD degree (or equivalent) and is under the age of 35 or holds a Doctor of Science (DSc) degree and is under the age of 40."

In the dissertation, the scientific views of a number of foreign scholars (R.I. Sitdikova, I.T. Kasavin, G.A. Vasilevich, A.R. Chapman, R. Jongsma Karin) have been analyzed, and the legal grounds and mechanisms for restricting the freedom of scientific creativity have been examined. The author has also deeply analyzed the issue of restricting scientific creativity freedom. He has justified that such

restrictions should be based on three main criteria: legality—only on the grounds specified by law; proportionality—appropriate to the intended purpose; necessity—only when other methods cannot achieve the goal.

The researcher has developed several proposals for improving the "Law on Science and Scientific Activity." Specifically, he has suggested introducing new provisions into the law regarding the responsibility of individuals engaged in scientific activity and limitations related to the examination of scientific projects.

The author has achieved the following important scientific innovations in his research:

The author has attempted to justify a proposal for improving the constitutional norm. It has been proposed to change the wording of Article 53 of the Constitution, which currently states "Intellectual property is protected by law," to "Rights to the results of intellectual activity and means of individualization equivalent to them are protected by law." This proposal reflects the modern interpretation of the concept of intellectual property.

The researcher has proposed to introduce a legal definition of the concept of "scientific creativity freedom" in Article 3 of the "Law on Science and Scientific Activity": "Scientific creativity freedom is the constitutionally guaranteed right of an individual to freely choose, carry out, and disseminate the results of scientific research, which is ensured by the state through legal, organizational, and financial means."

The researcher has analyzed the views of a group of scholars (M.A. Peters, E. Chemerinsky, E. Luca, R. Albert, L. Henkin), and authorial approaches have been proposed regarding the constitutional and legal foundations and national mechanisms for ensuring the freedom of scientific creativity. The author has systematized the mechanisms for ensuring scientific creativity freedom and categorized them into four groups: state mechanisms for protecting scientific creativity freedom; self-protection mechanisms for scientific creativity freedom; legal mechanisms for ensuring scientific creativity freedom; and financial mechanisms for ensuring scientific creativity freedom.

The author has conducted an in-depth study on the issue of responsibility for scientific workers and proposed an addition to Article 14 of the "Law on Science and Scientific Activity." According to this proposal, scientific workers should be held accountable in the following cases: for using the results of scientific activity for purposes contrary to societal interests; for committing actions that violate human rights and dignity during the scientific research process; and for violating impartiality during the scientific expertise process.

The researcher has proposed the establishment of the following restrictions when conducting scientific project evaluations: research on human cloning; experiments involving embryonic cells; research involving interventions in hereditary genes; scientific studies that could lead to the creation of biological weapons; and experiments that threaten environmental safety.

The researcher has developed a new scientific approach to strengthening the legal status of scientific workers. According to this approach, the legal status of a scientific worker includes three main elements: professional qualifications,

professional activity, and social guarantees. This approach allows for a clearer definition of the legal status of scientific workers.

In the author's opinion, scientific creativity freedom is part of the second generation human rights and ensures the opportunity for an individual to realize their creative potential and participate in cultural life. This right is not only individual in nature but also collective, serving to ensure the intellectual development of society.

The researcher points out that the system of legal foundations for ensuring scientific creativity freedom in Uzbekistan forms a solid legal foundation. These foundations complement and develop each other and cover all aspects of organizing scientific activity. This system defines the priority and strategic directions for short- and long-term development.

The author believes that there is a need to improve the theoretical and legal foundations of scientific creativity freedom. The current legislation lacks a clear definition of scientific creativity freedom. While the principle of "scientific creativity freedom" is mentioned in the "Law on Science and Scientific Activity," its legal content has not been elaborated.

The dissertation also deeply analyzes the issue of restricting scientific creativity freedom. The author justifies that such restrictions should be implemented based on three main criteria: legality—only on grounds specified by law; proportionality—corresponding to the intended purpose; and necessity—when other methods cannot achieve the goal.

In the author's view, when regulating the legal status of scientific workers, it is necessary to develop separate legal mechanisms for each category (scientific-pedagogical workers, employees of state scientific organizations, etc.).

The researcher shows that the state's obligation to ensure scientific creativity freedom involves creating necessary conditions for scientific activity, developing a system for training scientific personnel, providing financial support, and ensuring reliable judicial protection.

The dissertation also discusses the legal guarantees of scientific creativity freedom. The mechanisms for protecting the rights and legal interests of individuals engaged in scientific activity are analyzed. The author divides these guarantees into three main groups: legal, organizational, and financial guarantees.

The findings of this research serve to improve the constitutional and legal regulatory mechanisms of freedom of scientific creativity in Uzbekistan. The author's proposals aim to strengthen the legal status of the subjects of scientific activity, guarantee their rights and freedoms, and enhance the quality of scientific research.

The third chapter of the dissertation is titled "International Standards for Ensuring Academic Freedom and Prospects for Its Improvement in Uzbekistan." This chapter discusses the enshrinement and guarantees of freedom of scientific creativity in international legal instruments, its regulation in the constitutions of foreign countries through a comparative legal analysis, and prospects for improving the mechanisms for ensuring freedom of scientific creativity in the Republic of Uzbekistan.

According to the author, freedom of scientific creativity is one of the fundamental rights of a person and is recognized as an essential right in international legal instruments. The regulation and guarantee of this right at the international legal level is of urgent importance today, as in the context of globalization, scientific research is being conducted internationally, and scientific cooperation is expanding.

The author points out that the socio-legal nature of freedom of scientific creativity is reflected in various international legal instruments. Article 27 of the Universal Declaration of Human Rights recognizes freedom of scientific creativity as one of the fundamental human rights. The legal essence of this provision lies in its affirmation of the right to engage in scientific activity as a universal human right.

The researcher analyzes that the issue of regulating scientific rights in international legal instruments has long been neglected. This situation is particularly evident in the major international documents in the field of human rights.

The dissertation presents a comparative analysis of the regulation of freedom of scientific creativity in the constitutions of foreign countries. The author identifies two main groups of constitutions regarding the regulation of freedom of scientific creativity: the first group includes constitutions that jointly guarantee the freedom of teaching and the right to scientific creativity (e.g., the USA, China, Portugal, Germany, and Belarus); the second group comprises constitutions that adopt a comprehensive approach (e.g., Greece, Lithuania, and Poland).

The author believes that in order to improve the mechanisms for ensuring freedom of scientific creativity in Uzbekistan, a number of critical tasks must be addressed. In particular, it is important to improve the system for forming research topics based on the orders of the state, non-state, and business sectors; to develop mechanisms for financing scientific activity; and to align the system for training scientific personnel with international standards.

In the course of the research, the dissertation author identified several issues in the field of ensuring freedom of scientific creativity in Uzbekistan. In particular, the dynamics of funding allocated to science have developed unevenly — while its share in GDP increased from 0.31percent in 2020 to 0.81percent in 2023, it dropped to 0.21percent in 2024. It is also noted that the participation of the private sector in scientific research remains low, and there has been a tendency toward reduced funding for state scientific and technical programs.

The researcher points out that there has been a sharp decline in the number of PhD dissertation defenses in higher education institutions of the Republic — from 3,100 defenses in 2023 to only 807 in 2024. This situation indicates the necessity for systematic reforms in the field of scientific research.

The dissertation also contains an in-depth analysis of the implementation of freedom of scientific creativity related to artificial intelligence. According to the author, current legislation does not clearly define freedom of scientific creativity based on artificial intelligence, its legal nature, grounds for restriction, criteria for censorship, and the scope of authorized entities. This, in turn, requires the development of modern mechanisms for legal regulation in this area.

The author proposes amendments to the Law of the Republic of Uzbekistan “On Science and Scientific Activity,” including the introduction and definition of

the concept of “digital scientific activity,” clarification of the powers and functions of the Higher Attestation Commission, legislative regulation of the procedures for awarding academic degrees and titles, approval of “Research Ethics, Integrity Rules, and Standards for Scientific Works” by Cabinet of Ministers decree, and the development and adoption of the “Regulation on Industrial Doctorates,” among others.

According to the author’s conclusion, the implementation of these proposals will contribute to the improvement of mechanisms ensuring freedom of scientific creativity in Uzbekistan, enhance the effectiveness of research activities, and strengthen integration with the international scientific community.

CONCLUSION

In the framework of the research on the constitutional and legal foundations of freedom of scientific creativity, the following scientific-theoretical and legal-normative proposals and recommendations for improvement were developed:

I. Scientific-Theoretical Conclusions

1. As a result of the research, it was determined that freedom of scientific creativity, in its essence, is a form of freedom based on professional qualification and responsibility, oriented toward societal interests, and reliant on professional expertise. It was also substantiated that freedom of scientific creativity, as a natural human right, serves to realize an individual’s intellectual potential; this freedom is innate, not granted by the state, but rather recognized and guaranteed by it.

2. Legal analysis showed that freedom of scientific creativity as a constitutional right includes two key dimensions: first, as a subjective right, it refers to the individual’s ability to engage in scientific activity; second, as an objective right, it reflects the state's obligation to regulate and support scientific activity.

3. Within the dissertation, **four fundamental features** of freedom of scientific creativity were identified: Universality (applicability to all scientific fields); Independence (freedom to choose the direction of scientific inquiry); Responsibility (implementation within the framework of scientific ethics and legal norms); Protection (existence of legal guarantees by the state).

4. It has been substantiated that freedom of scientific creativity encompasses the following components: freedom to choose the direction and methods of scientific research; freedom to publish scientific results; freedom to conduct scientific experiments; and freedom to access and use scientific information. The research findings have demonstrated that freedom of scientific creativity does not have an absolute character. Its boundaries are determined by law, and these limitations must be justified by public interests, moral values, human rights, and security requirements.

5. Although the concept of “freedom of scientific creativity” is not directly present in the scientific doctrines and legislation of foreign states, its essence is covered by various terms such as “scientific freedom,” “freedom of scientific activity,” “academic freedom,” “freedom of creativity,” “freedom of teaching,” and “freedom of science.” We consider such variations to be related to the specifics of

legal systems, legislative techniques, and national constitutional development. In the Constitution of the Republic of Uzbekistan, the notion of “freedom of scientific creativity” is enshrined, but its legal definition is absent in national legislation. “Freedom of scientific creativity is a form of freedom based on professional competence and responsibility, oriented towards the interests of society and grounded in professional expertise.” The freedom of scientific creativity of an individual represents a unity of rights and obligations, which must be exercised within the framework of ethical norms, methodological requirements, and social responsibility.

6. As a result of legal analysis, it has been established that restrictions on freedom of scientific creativity do not equate to a prohibition of scientific activity, but rather constitute a regulatory mechanism. Through restrictions, a balance between the development of science and the interests of society is ensured.

7. The correlation between the concepts of “creative freedom” and “the right to creative freedom” has been analyzed. It was demonstrated that the concept of “creative freedom” has a broader meaning, encompassing wider opportunities for action, a variety of behavioral choices, and the absence of restrictions and obstacles.

8. Within the framework of the research, it has been substantiated that the legal structure of freedom of scientific creativity includes such elements as: the right to act; the right to demand; the right to claim; and the right to use. The content of each of these elements has been elaborated.

9. According to international documents, states bear the following obligations to ensure freedom of scientific creativity: the obligation to respect (not to interfere with scientific activity); the obligation to protect (to prevent violations by third parties); and the obligation to fulfill (to create the necessary conditions for exercising this freedom).

10. A comparative analysis of the constitutions of advanced foreign countries has revealed that freedom of scientific creativity is regulated in four main areas: freedom to conduct scientific research, the right to disseminate scientific results, the right to use scientific achievements, and intellectual property rights. This demonstrates the necessity of creating an integral legal mechanism covering all stages of scientific activity.

11. The analysis of foreign constitutions has shown the existence of two main models of constitutional regulation in this sphere: the first model — guaranteeing freedom of teaching and the right to scientific creativity together (Belarus, China, Portugal, Germany); the second model — comprehensively guaranteeing freedom of teaching, freedom of scientific activity, and the autonomy of higher education institutions (Greece, Lithuania, Poland). This indicates that states, depending on their legal traditions and educational system peculiarities, adopt different approaches to regulation.

12. Alongside the term “freedom of scientific creativity” used in legal scholarship, it is proposed to introduce the concept of “digital freedom of scientific creativity” into the doctrine of constitutional law. Furthermore, the necessity of developing rules for conducting scientific activity in the digital environment has been scientifically substantiated. These rules should address the use of technological

tools and information security issues. In addition, they should incorporate mechanisms for verifying the authenticity of scientific results, procedures for compliance with norms of scientific ethics and their monitoring, the legal status of subjects of scientific creativity, and the improvement of copyright and intellectual property institutions.

II. Proposals and Recommendations for the Improvement of Normative Legal Acts.

13. It is proposed to introduce into Article 3 of the Law of the Republic of Uzbekistan “On Science and Scientific Activity” a provision with the following content: *“Freedom of scientific creativity is the constitutionally guaranteed right of an individual to freely choose, conduct, and disseminate the results of scientific research, which shall be ensured by the state through legal, organizational, and financial means.”* This definition incorporates the main elements of freedom of scientific creativity, and its inclusion in legislation is considered appropriate.

14. It is proposed to clearly define the structural elements of freedom of scientific creativity in legislation. These should include freedom to choose the direction of research, freedom to choose methodology, freedom to publish scientific results, freedom to engage in scientific cooperation, and freedom of scientific communication and debate. It has been substantiated that these elements should be enshrined as a separate provision in Article 4 of the Law “On Science and Scientific Activity.”

15. In our view, the state’s obligation to ensure freedom of scientific creativity means creating the necessary conditions for scientific activity, establishing a system for training scientific personnel, providing financial support, and guaranteeing reliable judicial protection.

Furthermore, it is necessary to improve mechanisms for the protection of copyright in relation to scientific results. In this regard, an effective system for the protection of intellectual property rights should be established, and liability measures for copyright infringement should be strengthened. Additionally, serious attention should be given to the issue of forming financial sources for scientific research. Alongside budgetary funds, it is important to attract private sector investments and to improve mechanisms for the effective use of grant funds.

It is proposed to amend Article 53 of the Constitution, which currently states *“Intellectual property is protected by law,”* to read: *“The rights to the results of intellectual activity and equivalent means of individualization are protected by law.”*

16. It is proposed to add a provision to the second part of Article 14 of the Law of the Republic of Uzbekistan “On Science and Scientific Activity” in the following wording: *“Subjects of scientific activity have the right to publish and disseminate the results of their scientific work through open electronic platforms. At the same time, the disclosure of information related to state, service, or commercial secrets shall not be permitted.”*

17. It is proposed to set out the first part of Article 31 of the Law of the Republic of Uzbekistan “On Science and Scientific Activity” in the following wording: *“Commercialization of the results of scientific activity is the process of introducing*

the results of scientific activity into civil circulation for the purpose of obtaining profit, in which the activities of scientific research institutions and higher education institutions related to the creation, legal protection, and use of intellectual property objects shall be encouraged.”

18. In order to improve the mechanisms for protecting the rights of subjects of scientific activity, it is proposed to introduce the following provisions into the Law of the Republic of Uzbekistan “On Science and Scientific Activity”: procedures for applying to the courts when the rights of scientific activity subjects are violated; liability for unlawful interference in the activities of scientific organizations; and the expansion of the powers of the authorized body responsible for protecting the rights of scientific personnel.

19. It is proposed to supplement the Law of the Republic of Uzbekistan “On Science and Scientific Activity” with an additional Article 311 as follows: *“Article 311. Mechanisms for Ensuring Freedom of Scientific Creativity* The mechanisms for ensuring freedom of scientific creativity include:

- state mechanisms for protecting freedom of scientific creativity;
- self-protection mechanisms of freedom of scientific creativity;
- legal mechanisms for ensuring freedom of scientific creativity;
- financial mechanisms for ensuring freedom of scientific creativity.”

20. As practical mechanisms for regulating freedom of scientific creativity, it is proposed to specify in legislation both state protection and self-protection mechanisms. In our opinion, self-protection mechanisms of freedom of scientific creativity should include: the formation of self-governing bodies of the scientific community; the establishment of professional associations of scientific actors; and the development of codes of scientific ethics and mechanisms to ensure their observance.

21. It is proposed to supplement Article 39 of the Law of the Republic of Uzbekistan “On Science and Scientific Activity” with a new second part as follows: *“In financing the activities of centers for collective use of scientific equipment, the participation of the private sector shall be encouraged by the state. In such cases, tax benefits may be granted proportionally to the amount of investments made by the private sector.”*

22. It is proposed to introduce the following definitions into the Law of the Republic of Uzbekistan “On Science and Scientific Activity”:

- *“Scientific employee (researcher) — a person possessing the necessary qualifications and professionally engaged in scientific and/or scientific-technical activity. The positions of scientific employees shall be provided for in state and non-state scientific research institutions, organizations engaged in educational activities, as well as other organizations conducting scientific and/or scientific-technical activity.”*

- *“Scientific activity — a creative activity carried out by natural and legal persons with special training in the field of science and scientific-technical activity, aimed at creating new knowledge, applying it in practice, and systematizing it. It includes fundamental and applied research, experimental-design work, the creation of scientific-technical products, and the training of scientific personnel.”*

- *“State scientific organizations — legal entities established by the state, financed from the state budget, whose main activity is conducting scientific research. They are responsible for carrying out scientific and scientific-technical activities, training scientific personnel, and introducing scientific results into practice.”*

23. It is considered expedient to introduce the following definition of “young scientist” into Uzbek legislation: *“A young scientist is a person engaged in scientific research activity who holds a Doctor of Philosophy (PhD) degree and is under 35 years of age, or who holds a Doctor of Science (DSc) degree and is under 40 years of age.”*

24. Ensuring the legal status of scientific employees and guaranteeing their rights by the state may lead to the following positive outcomes: improving the quality of scientific research; facilitating the acceptance of scientific innovations by society; increasing youth interest in science; and strengthening the adoption of scientifically grounded decisions. The experience of European Union countries shows that the high level of public trust in scientists in these states is directly linked to the favorable conditions created for scientific activity and the provision of scientific freedom. This, in turn, has a positive impact on the scientific and technological development of society.

25. Restricting freedom of scientific creativity does not mean prohibiting scientific activity, but rather constitutes a regulatory mechanism. Restrictions serve to ensure a balance between the development of science and the interests of society. Therefore, in restricting scientific activity, the following principles must be observed: openness and transparency; reasonableness and objectivity; consideration of the interests of the scientific community; the primacy of human rights; and consistency with public interests.

At present, the grounds and procedures for restricting freedom of scientific creativity are not clearly defined in legislation. This may lead to the application of unfounded restrictions in practice. For example, the heads of some scientific institutions may restrict the freedom of researchers under the pretext of “administrative necessity.”

Therefore, it is proposed that national legislation should stipulate that restrictions on freedom of scientific creativity be implemented according to three main criteria: legality — only on the grounds established by law; proportionality — in accordance with the pursued objectives; and necessity — only in cases where the objective cannot be achieved by other means.

**НАУЧНЫЙ СОВЕТ DSc.07/30.12.2019.Yu.22.02 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ТАШКЕНТСКОМ ГОСУДАРСТВЕННОМ
ЮРИДИЧЕСКОМ УНИВЕРСИТЕТЕ**

**ТАШКЕНТСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ
УНИВЕРСИТЕТ**

АСЛОНОВА ЛАЙЛО ОЛИМОВНА

**КОНСТИТУЦИОННО-ПРАВОВЫЕ ОСНОВЫ СВОБОДЫ НАУЧНОГО
ТВОРЧЕСТВА**

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АВТОРЕФЕРАТ

диссертации доктора философии по юридическим наукам (PhD)

Ташкент – 2025

Введение (Аннотация диссертации)

Цель исследования — совершенствование конституционно-правовых основ обеспечения права граждан Республики Узбекистан на свободу научного творчества и разработка предложений и рекомендаций, направленных на повышение эффективности законодательства и правоприменительной практики в данной сфере.

Объект исследования — система правовых отношений, связанных с обеспечением права личности на свободу научного творчества в Республике Узбекистан.

Научная новизна исследования заключается в следующем:

обоснована необходимость предоставления гражданам, неправительственным некоммерческим организациям и другим институтам гражданского общества права осуществлять общественный контроль за исполнением законодательства в области науки и научной деятельности;

доказано, что научные организации имеют право в установленном законодательством порядке создавать организации, занимающиеся коммерциализацией результатов научной деятельности, центры коллективного пользования научным оборудованием и другие организации, а также уникальные научные объекты;

обоснована необходимость проведения научной экспертизы в соответствии с законодательством с соблюдением государственной, служебной и коммерческой тайны, основываясь на принципах открытости результатов экспертизы;

доказано, что наука и научная деятельность тесно связаны с национальным информационным пространством, и доступ к любым информационным ресурсам, независимо от формы собственности, должен обеспечиваться в порядке, установленном законодательством.

Внедрение результатов исследований. На основе полученных научных результатов по совершенствованию конституционно-правовых основ свободы научного творчества:

предложение о необходимости наделения граждан, неправительственных некоммерческих организаций и других институтов гражданского общества правом осуществления общественного контроля за исполнением законодательства в сфере науки и научной деятельности было учтено при разработке новой редакции третьего абзаца статьи 10 Закона Республики Узбекистан «О науке и научной деятельности» № ЗРУ-576, внесённой Законом Республики Узбекистан № ЗРУ-683 от 21 апреля 2021 года (информация №3/08-16 от 30 января 2025 года Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан). Реализация данного предложения способствовала внедрению порядка осуществления институтами гражданского общества общественного контроля за исполнением законодательства о науке и научной деятельности.

предложение о наделении научных организаций правом в установленном законодательством порядке создавать организации, занимающиеся

коммерциализацией результатов научной деятельности, центры коллективного пользования научным оборудованием и другие организации, а также уникальные научные объекты, было учтено при разработке новой редакции второй части статьи 16 Закона Республики Узбекистан «О науке и научной деятельности» № ЗРУ-576 Законом № ЗРУ-683 от 21 апреля 2021 года (информация №3/08-16 от 30 января 2025 года Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан). Реализация данного предложения способствовала закреплению за научными организациями права на создание центров коллективного пользования научным оборудованием и других организаций, а также уникальных научных объектов.

предложение о необходимости осуществления научной экспертизы на основе принципа открытости результатов экспертизы с соблюдением требований законодательства о государственных, служебных и коммерческих тайнах было учтено при разработке шестого абзаца второй части статьи 26 Закона Республики Узбекистан «О науке и научной деятельности» № ЗРУ-576 Законом № ЗРУ-683 от 21 апреля 2021 года (информация №3/08-16 от 30 января 2025 года Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан). Реализация этого предложения способствовала установлению порядка проведения научной экспертизы в соответствии с современными требованиями.

предложение о необходимости обеспечения неразрывной связи науки и научной деятельности с национальным информационным пространством за счёт свободного доступа к любым информационным ресурсам вне зависимости от формы собственности в установленном законодательством порядке было учтено при разработке новой редакции третьего абзаца первой части статьи 30 Закона Республики Узбекистан «О науке и научной деятельности» № ЗРУ-576 Законом № ЗРУ-683 от 21 апреля 2021 года (информация №3/08-16 от 30 января 2025 года Института парламентских исследований при Законодательной палате Олий Мажлиса Республики Узбекистан). Реализация данного предложения способствовала установлению порядка свободного доступа к любым информационным ресурсам вне зависимости от формы собственности при определении национального информационного пространства науки и научной деятельности.

Структура и объём диссертации. Структура диссертации включает: введение, три главы, содержащие десять параграфов, заключение, список использованных источников и приложения. Объём диссертации составляет 156 страниц.

E'LON QILINGAN ILMIY ISHLAR RO'YXATI
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