

PROBLEMS OF FREEDOM OF CONSCIENCE

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Abstract

The article analyzes the strengthening of democratic guarantees of citizens' rights and freedoms based on the principles of social justice and constitutional reforms in the Republic of Uzbekistan. The Government of Uzbekistan aims to regulate citizens' religious freedoms through the improvement of the Law "On Freedom of Conscience and Religious Organizations."

Keywords: Conscience, freedom of conscience, religious organizations, religious freedom of citizens, religious associations.

Introduction

The proposals and initiatives of the President of the Republic of Uzbekistan, Sh. M. Mirziyoyev, put forward at the sessions of the United Nations General Assembly and devoted to the fate and future development of humanity, address highly relevant issues related to ensuring the socio-economic and socio-political stability of the countries of the region, as well as creating decent living conditions for future generations.

In this context, the improvement of national legislation aimed at ensuring human and civil rights and freedoms in the process of developing the foundations of civil society corresponds to the strategic goal of building a social state. A secular social state oriented toward ensuring worthy living conditions for every citizen guarantees the principles of interethnic and interfaith tolerance. The nature and stability of state-religion relations largely depend on the strength of their legal foundations. Thus, Article 35 of the Constitution of the Republic of Uzbekistan guarantees freedom of conscience to every citizen, including the right to profess any religion or none, as well as the inadmissibility of coercion in matters of religious belief.

The Law of the Republic of Uzbekistan "On Freedom of Conscience and Religious Organizations," adopted in a new edition in 2021, once again confirmed the complexity of state-religion relations and the need for their scientific understanding in both theoretical and practical aspects [6]. The significance of this law lies in clarifying legal provisions related to religious education, religious and local religious organizations, missionary activity, proselytism, professional religious education, as well as unlawful religious activity.

At the same time, a socio-philosophical analysis of young people's attitudes toward Islam and the characteristics of increasing religiosity allows for a deeper and more objective understanding of the issue under consideration.

Analysis of literature on the Topic

The Development Strategy of Uzbekistan for 2022-2026 provides the creation of a solid legal framework aimed at regulating relations between the individual, the state, and society on the basis of the rule of law, as well as ensuring human rights and freedoms. This contributes to the legal regulation of relations between the state and religious organizations, the protection of



citizens' rights and freedoms, and the elimination of ambiguities and inconsistencies within the system of social governance.

The religiosity of citizens and the improvement of the religious environment are guaranteed, in particular, by the right of parents or their legal guardians to provide religious upbringing within the family. The law legally ensures citizens' freedom in matters of religious belief, including the right to perform religious rites, participate in religious ceremonies and other forms of religious activity, and independently determine their attitude toward religious education. At the same time, any form of coercion in this sphere is prohibited. Restrictions on citizens' rights are permitted only in accordance with the law and on the basis of the principles of tolerance [8].

In public life, social norms-especially legal norms-play an essential role, as they form the mechanism of state regulation of relations between the individual and society. In this context, the socio-legal aspects of legal norms governing freedom of conscience may be classified on the basis of their philosophical analysis as follows.

First, the legal approach to the category of "freedom of conscience" establishes the legal foundations of relations between the state and religion, as well as regulates citizens' religious activities. Every law must clearly define its subject matter, contribute to resolving emerging problems, and ensure social relevance in the process of its implementation. In this regard, it is also appropriate to consider the category of freedom of conscience from a moral and philosophical perspective.

The introduction of this concept into scientific discourse is associated with the period of the Reformation in Europe and the activities of Protestant thinkers. Criticism of the Catholic Church, related to the moral and ethical crisis of the clergy, abuses of authority, and the deception of believers, contributed to the formation of a new understanding of freedom of conscience. Representatives of Protestantism advocated the creation of a just society and the formation of a new social consciousness corresponding to the conditions of emerging industrial capitalist society. Their struggle against the Catholic Church and feudal ideology contributed to the formation of the spiritual and ideological foundations of the Renaissance.

In Protestantism, freedom of conscience implied the rejection of obligatory mediation by the Church and clergy in matters of religious belief, affirming the individual's right to independently determine their religious convictions. Protestant representatives emerged as reformers who contributed to the establishment of the principles of secularization. Although many Protestant scholars and religious figures existed, many adhered to a dualistic position. They defended the principles of liberal religious freedom and the right of citizens to freely determine their attitude toward religion [12, p. 584].

During the Renaissance, philosophical thought in the process of shaping relations between the state and the Church emerged under the slogans of religious tolerance and freedom of belief. These ideas were based on the concept that religious freedom is a natural right granted to human beings by God. In this context, the separation of education from the Church was supported as a necessary condition for ensuring religious freedom. In the philosophical works of John Locke, religious freedom, including the right to atheistic beliefs, was considered a personal right of the Protestant citizen [7; 12, p. 583].

Such an interpretation of freedom of conscience was also accepted within Soviet ideology, albeit in a different substantive form: the rejection of religion was accompanied by the establishment



of atheism and materialism as the dominant ideological and moral foundation of social life. In the union republics, laws “On Freedom of Conscience and Religious Organizations” were adopted on a unified legal basis, while religion was interpreted as an obstacle to social progress, and the ideological concept of the Party as the “honor and conscience of the era” became a guiding principle of education and social life. As a result, during the years of independence, the phenomenon of Islam developed naturally [8, p. 93].

In the aforementioned law, freedom of conscience is interpreted primarily in moral rather than purely legal terms. Moral norms are regarded as social phenomena. Such an approach is also conditioned by the transition to an information society, the transformation of science into a key structural component of the economy, the global dissemination of information technologies, as well as the recognition of human rights and freedoms as the highest value [2, p. 245].

Research Methodology

Within the framework of this study, the position is substantiated that the phenomenon of “conscience” is equally related to both the religious and atheistic worldviews of the individual. Conscience is considered an autonomous spiritual and moral state possessing an internal regulatory capacity and not subject to direct legal influence or coercion. By its very nature, conscience exists independently of external law, guided by its own “inner law.” In this regard, particular significance is attached to the philosophical legacy of G. W. F. Hegel, who recognized the existence of the “absolute idea” as the fundamental principle of being, as well as the inner spiritual essence inherent in human nature. Based on this philosophical foundation, the methodological approach of the prominent scholar A. Minchenko is supported. He examines the category of “freedom of conscience” through the prism of such concepts as “freedom of religion,” “secular nature of the state,” “state religious policy,” and “relations between the state and religious associations” [3].

Analysis and Results

Conscience serves as a significant intellectual and moral indicator of the individual and, manifesting in such ethical qualities as nobility, sincerity, and moral purity, is directly related to the legal aspects of religiosity, freedom of religion, and belief. At the same time, scholarly literature notes that religiosity constitutes an element of the spiritual structure of personality, independent of the political sphere, and is the result of education and upbringing. In this regard, some researchers argue that religious principles can serve as one of the foundations of state organization [5, p. 179].

Conscience represents an internal mechanism by which an individual monitors their own actions, serving both as a source of moral encouragement for positive deeds and as a cause of inner spiritual experience and self-criticism in the case of negative actions. It constitutes the highest moral criterion, guiding the individual toward the path of good and imparting meaning to life and activity. Conscience can also be considered a form of internal moral self-awareness, shaped by upbringing and reflecting the person’s aspiration to live a truthful and morally upright life.

Thus, conscience functions as an internal spiritual and moral experience and as a crucial element of an individual’s system of values. In this regard, legal scholar S. A. Buryanov notes that mechanically combining the concepts of “conscience” and “freedom” in the academic analysis



of the category “freedom of conscience” prevents the formulation of accurate scientific conclusions and complicates its effective application in legal regulation [1].

Indeed, conscience is an abstract phenomenon associated with human cognitive activity and possesses internal autonomy. It cannot fully express either the degree of an individual’s religiosity or the nature of the relationship between the state and religious organizations. At the same time, the legal content of the law is aimed at regulating the external aspects of an individual’s relationship to religion and religious associations, without affecting the internal sphere of beliefs and moral experiences. This indicates that conscience, as a form of internal self-regulation, exists beyond direct legal influence.

Within the scope of this study, conscience is considered a complex spiritual and psychological phenomenon linked to an individual’s emotional state, rational-reflective capacities, and system of moral values. This phenomenon is actively studied in psychology, where its independence from legal regulatory mechanisms is emphasized [10].

Since, in regulating their own behavior, a person naturally relies on moral values, religious beliefs, and faith in higher spiritual principles, the norms, precepts, and rituals of world religions serve as a spiritual mediator between the believer and God. In this context, freedom of conscience primarily constitutes an internal spiritual state of the individual that is not subject to direct legal regulation.

Conclusions

Based on the conducted study, it can be concluded that the establishment of legal foundations governing the state’s relations with religion, believers, and religious associations serves as an important indicator of the democratic development of relations between the individual, the state, and society. At the same time, it is necessary to further clarify the legal boundaries for the exercise of citizens’ rights to religious activity. This is due to the fact that ensuring the human right to religiosity as a natural right requires not only the separation of the state from religion but also the development of constructive interaction between them.

In this context, citizens should have the opportunity to receive religious education not only within religious educational institutions but also within the framework of the secular education system. The secular nature of the state should not hinder the fulfillment of young people’s needs for objective knowledge about religion. The primary criterion in this regard should be the formation of the spiritual and moral education of youth and the maintenance of stable social relations in society. Moreover, improving religious literacy among young people is a crucial factor in developing protective immunity against religious radicalism and constitutes a necessary condition for the prevention of extremism.

In a socially secular state, for the optimal safeguarding of individual interests, it is advisable to further improve legislation regulating freedom of religion and the activities of religious associations. Such legislation should ensure the realization of citizens’ right to freedom of religion, while also regulating social relations associated with the activities of religious associations.

Conscience should be considered not only as an internal moral regulator connected with religious beliefs but also as an important spiritual and ethical mechanism that guarantees the freedom of choice and behavior of the individual within the system of civil relations in a social state.



It should be noted that the use of the term “religious organizations” in current legislation requires further scientific and legal clarification, as its content does not fully correspond to the generally accepted legal characteristics of the category “organization.” Religious organizations are generally understood as voluntary, non-state, non-commercial associations of citizens established on a confessional basis to perform religious rites and other religious activities.

The conducted research has both scientific and practical significance in the context of further improving the legal regulation of citizens’ rights to religious activity in the Republic of Uzbekistan. Further liberalization of legislation regulating state-religion relations, as well as in-depth study of religious knowledge within the education and upbringing system, will contribute to the stabilization of the religious situation in the country and help fill existing gaps in the spiritual and moral education of young people.

In this regard, increasing religious literacy and developing educational and outreach activities among youth will promote the formation of an atmosphere of ethnoconfessional tolerance, prevent the spread of destructive ideas, and further strengthen the spiritual and moral foundations of society.

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