

THE INTERRELATION BETWEEN THE PRINCIPLE OF LEGAL STABILITY AND HUMAN RIGHTS

Daminova Mukhlisabonu Askarovna

Teacher at the Department of Philosophy and Sociology,

Qarshi State University

mukhlisaaskarovna@gmail.com

Annotation: This thesis analyzes the interrelation between the principle of legal stability and human rights from both theoretical and practical perspectives. The author highlights the role of stable legislation in ensuring legal certainty and consistency, as well as its significance in guaranteeing the protection of human rights. The study substantiates how frequent or unclear changes in legislation can lead to legal insecurity and negatively affect citizens' trust in the state. In conclusion, it is emphasized that legal stability serves as a strategic principle for the effective protection of human rights in a democratic society.

Keywords: legal stability, human rights, legal certainty, legal trust, legislative consistency, democratic rule-of-law state, legal security.

The principle of legal stability serves as one of the essential foundations for the guaranteed protection of human rights. Stable legislation enables citizens to understand their rights, exercise them freely, and defend them effectively. Frequently changing or unclear legal norms pose a direct threat to individuals' constitutional freedoms. If laws within the normative-legal system are frequently, unexpectedly, or contradictorily amended, citizens' ability to enjoy and exercise their rights and freedoms is undermined.

Therefore, legal stability and human rights are closely interconnected. In particular, the lack of legal clarity and consistency hinders the full realization of fundamental rights such as fair judicial protection, the inviolability of personal life, the right to property, and freedom of expression. When the principle of legal



certainty is violated, citizens begin to lose trust in the state. For this reason, legal stability is a strategic principle for any democratic and rule-of-law state, serving as a real guarantee of human rights.

Speaking of human rights, these are inherent, inalienable, indivisible, and universal rights possessed by every individual from birth. Human rights can be personal, socio-economic, political, or cultural in nature. As international foundations of human rights, we can refer to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other international treaties. The constitutions of many countries, including the Constitution of the Republic of Uzbekistan, recognize human rights as the highest value.

Legal stability is defined as a means of ensuring just and accountable governance, as well as a mechanism for protecting human rights. It is the foundation of social justice and a stable society.¹

Stable legislation is one of the key conditions for legal clarity. A citizen must clearly know the existence of their rights and how and when to exercise them. Constantly changing and vague laws hinder the full implementation of human rights. In addition, an unstable legal environment erodes trust and leads to the violation of the principles of a rule-of-law state.

Legal stability plays a central role in judicial justice. If legal decisions are unstable, courts may issue inconsistent rulings, which violates citizens' constitutional right to fair judicial protection. For instance, frequent changes in tax legislation inevitably affect the financial rights of the population.

Based on the above, we can conclude that legal stability is the balanced approach of the legal system towards changes, and the existence of a legal environment that brings clarity to the rights and obligations of citizens and legal entities. Moreover, legal stability acts as the most important legal barrier against abuse of law, political manipulation, and the erosion of public trust.

¹ Tamanaha, Brian Z. *The Rule of Law*. Cambridge University Press, 2004



Legal stability is closely linked with democracy and human rights, but in recent years, its violation has been on the rise, leading to social instability and authoritarian governance both nationally and internationally.²

Legal stability is viewed as a fundamental principle of human rights and is fully revealed through the concepts of consistency, predictability, and legal certainty. One of the most important and significant concepts within legal stability is legal clarity.

Legal clarity is vital in a stable legal system. It ensures that individuals can confidently exercise their rights, knowing that they are protected by the law. Furthermore, clear and stable laws are essential for attracting investment and ensuring economic growth, as entrepreneurs desire a predictable legal environment. Legal clarity serves as the foundation of the rule of law, guaranteeing that everyone — even state authorities — is subject to the law. It ensures consistent and impartial application of laws, thereby reinforcing justice and equality.

The main aspects of legal clarity include:

- Laws must be formulated in such a way that those subject to them can understand them and do not misinterpret them;
- Individuals must be able to know the legal consequences of their actions before those actions take place;
- Laws should not be changed frequently or without justification, as this undermines trust in the legal system;
- Laws must be applied equally and fairly to different situations and individuals;
- Individuals must have access to the laws and legal information necessary to understand their rights and obligations.

Legal clarity is often applied in practice across various fields and serves a key function. For example, in contract law, the terms of a contract must be clear and understandable so that parties are aware of their obligations. In criminal law,

² Shaffer, Gregory & Sandholtz, Wayne (tahr.). The Rule of Law under Pressure. Cambridge University Press, 2025.



actions that are considered crimes must be defined by law so that citizens know which behaviors are prohibited. Similarly, in administrative law, legal clarity means that decisions made by state bodies should be predictable and consistent, enabling citizens to rely on those decisions when acting.

In general, legal clarity is not just a technical legal requirement; it is a fundamental principle that forms the foundation of a just, stable, and prosperous society.

As stated in Article 1 of the Constitution of the Republic of Uzbekistan: "Uzbekistan is a sovereign, democratic, legal, social, and secular state with a republican form of government."³

This status imposes the need to ensure the rule of law in the country and to guarantee legal stability for both citizens and investors. Legal stability is expressed through the predictability of the legislative system, the avoidance of frequent and unjustified changes to normative-legal acts, and the protection of the principle of legitimate expectations.

Particularly in the investment sector — especially in the practice of international investment arbitration — legal stability is recognized as one of the main principles that reinforces investor confidence. From this point of view, Uzbekistan's form of governance and status as a rule-of-law state should contribute to maintaining legal certainty during legislative changes.

In this regard, as enshrined in Article 15 of the Constitution of the Republic of Uzbekistan, "The state and its bodies shall observe and implement the Constitution and laws" — this provision serves as a key guarantee of the principle of legal stability.⁴

³ Republic of Uzbekistan. (2023). *Constitution of the Republic of Uzbekistan* (adopted December 8, 1992, with latest amendments in 2023). Ministry of Justice of the Republic of Uzbekistan. <https://lex.uz/docs/4032775>

⁴ Republic of Uzbekistan. (2023). *Constitution of the Republic of Uzbekistan* (adopted December 8, 1992, with latest amendments in 2023). Ministry of Justice of the Republic of Uzbekistan. <https://lex.uz/docs/4032775>



In addition, Article 6 of the Law "On Normative-Legal Acts" sets out the principles of legal clarity, consistency, stability, and legality in the adoption of normative-legal acts. These principles allow both investors and other legal subjects to predict changes in legislation in advance.⁵

On the international level, the interpretation of the principle of legal stability is closely connected with the concept of legitimate expectations. According to this principle, foreign investors plan their investments based on the host state's existing legislation, official statements of government bodies, and consistent policies. Therefore, abrupt or unannounced legal changes may lead to the emergence of claims in international investment arbitration.

However, in this context, the sovereign right of the state—namely, the right to change its political and economic policy based on public interest—should not be denied. Therefore, in current arbitration practice, there is an ongoing effort to strike a balance between the principles of legal stability and legitimate expectations, and the state's right to freely conduct its normative-legal policy.

On the path to building a legal state and a civil society, legal stability is one of the key indicators for any country. This principle implies that the normative-legal acts adopted by the state must be consistent, predictable, transparent, and stable. At the same time, human rights and freedoms are at the core of any legal system. However, no matter how well these rights are guaranteed, if the normative-legal foundations are unstable, frequently changing, or socially misunderstood, they cannot be fully implemented in practice. From this perspective, the interconnection between legal stability and human rights, and the role of legal stability in protecting human rights, deserve special scholarly attention.

Legal stability plays a crucial role in ensuring human rights. Only when legislation is stable, clear, and understandable can citizens fully comprehend their rights and obligations. For instance, if the Criminal Code or laws on administrative

⁵ Law of the Republic of Uzbekistan. (2010, December 22). *On Normative Legal Acts*, Law No. O'RQ-278. [Electronic resource] – URL: <https://lex.uz/docs/1744012>



responsibility are not stable, citizens cannot anticipate the consequences of their actions, which increases the risk of punishment and threatens individual freedom. A stable legal system serves as a foundation for personal integrity and freedom. When laws are unchanging and consistent, individuals feel protected in expressing their beliefs, opinions, and engaging in activities. Stable legal foundations also create equal opportunities for everyone. If laws are interpreted differently or change frequently, certain groups may suffer from injustice.

Legal stability increases citizens' trust in the state, encouraging their active political and social participation.

According to Article 13 of the Constitution of the Republic of Uzbekistan, "Human rights, freedoms, and legitimate interests are the highest value."⁶

The 2023 constitutional reforms were aimed at strengthening legal stability, and the firmness of the Constitution and the complexity of its amendment procedures themselves reflect this stability. In addition, the National Strategy for the Protection of Human Rights for 2020–2024 places special emphasis on enhancing the stability of the legal environment.

Violations of legal stability lead to several negative consequences. It not only weakens citizens' trust in justice but also negatively affects the country's international reputation.

The role of the Constitution in ensuring legal stability is immeasurable—it must be supreme and harmonized with all laws. Moreover, changes in legislation should be systematically analyzed, and democratic mechanisms such as public discussion, expert review, and legal impact assessment should be implemented in the law-making process.

Legal stability and human rights are interdependent and mutually reinforcing systemic elements. The consistency, clarity, and stability of legislation serve as a real guarantee of human rights. Therefore, strengthening legal stability is not only

⁶Republic of Uzbekistan. (2023). *Constitution of the Republic of Uzbekistan* (adopted December 8, 1992, with latest amendments in 2023). Ministry of Justice of the Republic of Uzbekistan. <https://lex.uz/docs/4032775>



a legal policy issue, but a comprehensive societal strategy aimed at protecting human dignity.

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