

**O‘ZBEKISTON RESPUBLIKASI ADLIYA VAZIRLIGI
HUZURIDAGI YURIDIK KADRLARNI QAYTA TAYYORLASH
VA MALAKASINI OSHIRISH INSTITUTI
DSc.07/27.02.2020.Yu.108.01 RAQAMLI ILMIY KENGASH**

**INSON HUQUQLARI BO‘YICHA O‘ZBEKISTON RESPUBLIKASI
MILLIY MARKAZI**

XUDAYBERDIYEVA SHOHISTA AKMAL QIZI

**O‘ZBEKISTON VA TURKIYA RESPUBLIKALARI O‘RTASIDA
HAMKORLIKNING HUQUQIY ASOSLARI**

12.00.10 – Xalqaro huquq

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

Toshkent – 2025

Falsafa doktori (PhD) dissertatsiyasi avtoreferati mundarijasi
Contents of the abstract of the dissertation of the Doctor of Philosophy (PhD)
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Falsafa doktori (PhD) dissertatsiya mavzusi O‘zbekiston Respublikasi Oliy ta’lim, fan va innovatsiyalar vazirligi huzuridagi Oliy attestatsiya komissiyasida B2022.4.PhD/Yu901-raqam bilan ro‘yxatga olingan.

Dissertatsiya Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazida bajarilgan.

Dissertatsiya avtoreferati uch tilda (o‘zbek, ingliz, rus (rezyume)) Ilmiy kengash veb-sahifasida va “ZiyoNET” Axborot-ta’lim portalida (www.ziynet.uz) joylashtirilgan.

Ilmiy rahbar:

Toshqulov Jo‘raboy
yuridik fanlar doktori, professor

Rasmiy opponenlar:

Saidova Lola Abduvoxiidovna
yuridik fanlar doktori, professor

Gafurova Sevara Alisherovna
yuridik fanlar doktori, dotsent

Yetakchi tashkilot:

Jahon iqtisodiyoti va diplomatiya universiteti

Dissertatsiya himoyasi O‘zbekiston Respublikasi Adliya vazirligi huzuridagi Yuridik kadrlarni qayta tayyorlash va malakasini oshirish instituti DSc.07/27.02.2020.Yu.108.01 raqamli Ilmiy kengashning 2025-yil 14-may kuni soat 14:30 dagi majlisida bo‘lib o‘tadi (Manzil: 100052, Toshkent sh., Katta Darxon ko‘chasi, 6-uy. Tel.: +99871 234-56-02; e-mail: yurmarkaz@adliya.uz).

Dissertatsiya bilan O‘zbekiston Respublikasi Adliya vazirligi huzuridagi Yuridik kadrlarni qayta tayyorlash va malakasini oshirish instituti Axborot-resurs markazida tanishish mumkin (24-raqam bilan ro‘yxatga olingan). (Manzil: 100052, Toshkent sh., Katta Darxon ko‘chasi, 6-uy. Tel.: +99871 234-56-02; e-mail: yurmarkaz@adliya.uz).

Dissertatsiya avtoreferati 2025-yil 25-aprel kuni tarqatildi.

(2025-yil 25-aprel kungi 8-raqamli reyestr bayonnomasi).

B.N. Toshev

Ilmiy darajalar beruvchi ilmiy kengash raisi, yuridik fanlar doktori, professor

Sh.N. Raxmanov

Ilmiy darajalar beruvchi ilmiy kengash kotibi, yuridik fanlar nomzodi, dotsent

M.A. Tillabayev

Ilmiy darajalar beruvchi ilmiy kengash huzuridagi ilmiy seminar raisi, yuridik fanlar doktori, professor

KIRISH (Falsafa doktori (PhD) dissertatsiya annotatsiyasi)

Dissertatsiya mavzusining dolzarbligi va zarurati. Dunyoda davlatlar o'rtasidagi hamkorlik xalqaro tinchlik va xavfsizlikni mustahkamlash, global barqarorlikni ta'minlash hamda iqlim o'zgarishi, iqtisodiy nomutanosiblik va migratsiya kabi transmilliy muammolarni hal etishda muhim ahamiyat kasb etmoqda. Jahon Banki ma'lumotlariga ko'ra, 2023-yilda dunyo bo'ylab 700 milliondan ortiq odam kuniga 2,15 AQSh dollaridan kam daromad bilan yashamoqda¹. Xalqaro mehnat tashkiloti hisobotiga ko'ra, global ishsizlik darajasi 2023-yilda 5,8% ni tashkil etgan². BMT ma'lumotlariga ko'ra, 2011-yildan buyon global harorat 1,1°C ga oshgan, bu esa ekologik ofatlar va oziq-ovqat xavfsizligiga tahdid solmoqda³. Ushbu muammolar xalqaro ishonchsizlik, mintaqaviy manfaatlar ziddiyati va resurslarning adolatsiz taqsimlanishi natijasida yuzaga kelmoqda. Muammolarni bartaraf etish uchun xalqaro shartnomalar ijrosini kuchaytirish, iqtisodiy hamkorlikni rivojlantirish, ekologik muammolar, terrorizm va qashshoqlikka qarshi qo'shma tashabbuslarni ilgari surish zarur. Shu nuqtai nazardan, O'zbekiston va Turkiya o'rtasidagi hamkorlikni rivojlantirish va amaliyotni yaxshilash bugungi kunda dolzarb ahamiyat kasb etadi.

Jahonda davlatlar o'rtasidagi huquqiy hamkorlik va xalqaro shartnomalarning milliy qonunchilik tizimiga implementatsiya qilinishga qaratilgan ilmiy tadqiqotlarga alohida e'tibor berilmoqda. Jumladan, xalqaro shartnomalarning huquqiy kuchini belgilash, ularning ijro mexanizmlarini takomillashtirish, huquqiy normalarning milliy qonunchilik bilan uyg'unlashuvi va davlatlar o'rtasidagi huquqiy integratsiya jarayonlarini o'rganish yuzasidan ma'lum natijalarga erishilgan. Shunga qaramasdan dunyo miqyosida bugungi zamonaviy sharoitlarni inobatga olgan holda, O'zbekiston va Turkiya o'rtasidagi huquqiy munosabatlar, ularning xalqaro shartnomalar asosida rivojlanishi va milliy huquqiy tizimlarga ta'sirining nazariy, amaliy va huquqiy jihatlarini kompleks tarzda o'rganuvchi tadqiqotlarning ko'lamini kengaytirish, ushbu sohada muammolarni aniqlash hamda ularga ilmiy asoslangan yechimlar berishga qaratilgan tadqiqotlar olib borish zaruriyatini ko'rsatadi.

Respublikamizda O'zbekiston va Turkiya o'rtasidagi strategik hamkorlik izchil rivojlanib, iqtisodiyot, savdo, transport, ta'lim va madaniyat sohalarida muhim natijalarga erishilgan. Xususan, ikki tomonlama munosabatlarni huquqiy jihatdan tartibga soluvchi 140 dan ortiq xalqaro huquqiy hujjatlar mavjud. Shuningdek, O'zbekiston Respublikasi Prezidentining 2022-yil 28-yanvardagi PF-60-sonli "2022–2026 yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida"⁴gi Farmonida tashqi siyosiy va tashqi iqtisodiy faoliyatning normativ-huquqiy bazasini hamda xalqaro hamkorlikning shartnomaviy-huquqiy asoslarini

¹ Jahon Banki. "Global Poverty Update 2023". 2023-yil 12-oktabr. Rasmiy veb-sayt: <https://www.worldbank.org/en/news/press-release/2023/10/12/global-poverty-update-2023>

² Xalqaro Mehnat Tashkiloti (ILO). "Global Unemployment Report 2023". Rasmiy veb-sayt: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_865799/lang--en/index.htm

³ Birlashgan Millatlar Tashkiloti (BMT). "Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report". Rasmiy veb-sayt: <https://www.ipcc.ch/report/ar6/syr/>

⁴ O'zbekiston Respublikasi Prezidentining 2022 yil 28 yanvardagi "2022-2026 yillarga mo'ljallangan Yangi O'zbekistonning taraqqiyot strategiyasi to'g'risida"gi PF-60-son Farmoni // <https://lex.uz/docs/5841063>

takomillashtirish vazifasi qo'yilgan. Ushbu vazifalar o'z navbatida O'zbekiston va Turkiya o'rtasidagi ikki tomonlama munosabatlarni huquqiy jihatdan mustahkamlash, mavjud hujjatlarning davr talablariga muvofiqligini aniqlash, ikki davlat o'rtasidagi xalqaro shartnomalarning umumiy va o'ziga xos xususiyatlarini tahlil qilish hamda tegishli takliflarni ishlab chiqish zaruratini keltirib chiqaradi. Bu esa, O'zbekiston va Turkiya o'rtasidagi mavjud xalqaro-huquqiy hujjatlarni tahlil qilish, ularning samaradorligini oshirish va zamonaviy talablarga moslashtirishga qaratilgan ilmiy tadqiqotlar o'tkazishni taqozo etadi.

O'zbekiston Respublikasining 2019-yil 6-fevraldagi O'RQ-518-son "Xalqaro shartnomalar to'g'risida"gi qonuni, 1993-yil 5-apreldagi "Narkotik vositalari va psixotrop moddalarini g'ayriqonuniy tarqatishga va terrorizmga qarshi kurash sohasida hamkorlik to'g'risida", 1994-yil 23-iyundagi "Fuqarolik, savdo va jinoyi ishlar bo'yicha o'zaro huquqiy yordam ko'rsatish haqida", 1994-yil 23-iyundagi Konsullik konvensiyasi, 1996-yil 8-maydagi "Abadiy do'stlik va hamkorlik to'g'risida", 1996-yil 8-maydagi "Atrof muhitni muhofaza qilish sohasida hamkorlik qilish to'g'risida", 1997-yil 18-noyabrdagi "Sog'liqni saqlash va tibbiyot sohasidagi hamkorlik to'g'risida", 2003-yil 19-dekabrdagi "Xalqaro terrorizmga qarshi kurash sohasida hamkorlik to'g'risida", 2018-yil 30-apreldagi "Ekstraditsiya to'g'risida", 2018-yil 30-apreldagi "Madaniy hamkorlik to'g'risida", 2018-yil 23-apreldagi "Mintaqalararo hamkorlik to'g'risida"gi bitimlari, shuningdek 2017-yil 30-oktabrdagi PQ-3363-son "O'zbekiston Respublikasi va Turkiya Respublikasi o'rtasidagi hamkorlikni yanada mustahkamlash va rivojlantirish chora-tadbirlari to'g'risida"gi qarori va mavzuga oid boshqa qonun hujjatlarida belgilangan vazifalarni amalga oshirishga ushbu dissertatsiya tadqiqoti muayyan darajada xizmat qiladi.

Tadqiqotning respublika fan va texnologiyalari rivojlanishining ustuvor yo'nalishlariga mosligi. Mazkur tadqiqot ishi respublika fan va texnologiyalar rivojlanishining "I. Axborotlashgan jamiyat va demokratik davlatni ijtimoiy, huquqiy, iqtisodiy, madaniy, ma'naviy-ma'rifiy rivojlanishda innovatsion g'oyalar tizimini shakllantirish va ularni amalga oshirish yo'llari" ustuvor yo'nalishiga muvofiq bajarilgan.

Muammoning o'rganilganlik darajasi. O'zbekiston va Turkiya o'rtasidagi hamkorlikning xalqaro-huquqiy asoslari yetarlicha chuqur o'rganilmagan bo'lib, ushbu yo'nalishda maxsus keng qamrovli tadqiqot mavjud emas. Shu bilan birga, O'zbekistonlik olimlarning ayrim ilmiy ishlari mazkur mavzuga oid muayyan masalalarni qisman yoritgan. Jumladan, O'zbekiston Respublikasining xalqaro shartnomaviy huquqi, xalqaro huquq normalarining milliy qonunchilik bilan uyg'unlashuvi, tashqi siyosiy va iqtisodiy hamkorlikning huquqiy asoslari bo'yicha A.X. Saidov, J. Toshqulov, A.M. Qosimov, G.A. Matkarimova, A.A. To'laganov, N.S. Narmatov, D.Sh. Umarxanova, D.M. To'xtamuratov, I.R. Aliyev, Z.M. Mirzaaxmedov, M.R. Doschanov, Q. Rajabov, X. Bekmuratov, A.A. Matchonov, A.A. Niyozov, H.M. Yunusov, X.S. Isakdjanov, A.K. Kirgizboyev, M.N. Mirhamidova, R.T. Xakimov, O.Z. Muxammedjanov, S.Sh. Sharapova, M.M. Fayziyev kabi olimlarning tadqiqotlari mavjud.

Jumladan, xalqaro shartnomaviy munosabatlarning turli jihatlari I.M. Umaraxunov⁵ tomonidan xalqaro shartnomalarni tuzish va ijro etish jarayoni, L.A. Saidova⁶ tomonidan xalqaro va milliy huquq normalarining o‘zaro bog‘liqligi, I. Boboqulov, A. G‘ofurov va G. Yuldasheva tomonidan xalqaro huquqiy normalarning milliy qonunchilikka implementatsiyasi doirasida tadqiq etilgan.

MDH mamlakatlari olimlaridan S.N. Baburin, V.V. Ershov, E.G. Lukashuk, V.M. Shumilov, N.M. Korkunov, S.A. Kotlyarovskiy, N.A. Zaxarov, V.N. Kazakov, S.N. Dubinkina, L.D. Timchenko, V.V. Gavrilov, P.N. Biryukov, V.G. Xrabskov, N.I. Kostenko, A.G. Svetlanov xalqaro shartnomalarning ijrosini ta’minlash mexanizmlarini, davlatlarning xalqaro-huquqiy majburiyatlarini bajarish tartibini, shuningdek, xalqaro shartnomalar huquqining dolzarb masalalarini tadqiq etgan.

Xorijiy mamlakatlarda esa P. Foshil, A. Bustamante, N. Bergbom, X. Tripel, R. Kolb, A. Ost, P. Duarte, R. Karabuliev, S. Gyuzel, T. Uzbashi, G. Demir, S. Sonmez, A. Bayramov⁷ kabi olimlar tomonidan Turkiyaning xalqaro shartnomaviy huquqi, xalqaro huquqiy kelishuvlarining nazariy va amaliy jihatlari o‘rganilgan.

Shunga qaramay, O‘zbekiston va Turkiya o‘rtasidagi xalqaro shartnomalarning milliy qonunchilikka implementatsiyasi, huquqiy uyg‘unlashuv jarayonlari va shartnomaviy majburiyatlarning bajarilishi masalalari kompleks tarzda tadqiq etilmagan. Ushbu tadqiqot mazkur huquqiy jihatlarni ilmiy asosda tahlil qilish, xalqaro shartnomalarning samaradorligini oshirish va ikki davlat o‘rtasidagi huquqiy integratsiyani chuqurlashtirishga xizmat qiladi.

Dissertatsiya tadqiqotining dissertatsiya bajarilgan oliy ta’lim muassasasining ilmiy-tadqiqot ishlari rejalarini bilan bog‘liqligi. Tadqiqot ishi Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazining 2022-yilda tasdiqlangan ilmiy-tadqiqot ishlari rejasi doirasida bajarilgan.

Tadqiqotning maqsadi O‘zbekiston va Turkiya o‘rtasidagi hamkorlikning rivojlanishi xalqaro-huquqiy jihatlarning yuridik tabiatini, xalqaro shartnomalarning umumiy va o‘ziga xos xususiyatlarini nazariy tadqiq etish va xalqaro shartnomalarning samaradorligini oshirish bo‘yicha ilmiy asoslangan taklif va tavsiyalar ishlab chiqishdan iborat.

Tadqiqotning vazifalari:

O‘zbekiston va Turkiya o‘rtasidagi hamkorlikning huquqiy asoslari tushunchasi va mazmuni xalqaro huquq nuqtayi nazaridan tahlil qilish va ushbu tushunchalarga mualliflik tarifini berish;

O‘zbekiston va Turkiya o‘rtasidagi xalqaro-huquqiy munosabatlarning shakllanishi va rivojlanishi tahlili natijalari asosida xulosalar chiqarish;

O‘zbekiston va Turkiya o‘rtasidagi xalqaro shartnomalarning yuridik tabiati va klassifikatsiyasini tahlil qilish va o‘ziga xos xususiyatlarini hisobga olib tasniflash;

O‘zbekiston va Turkiya o‘rtasidagi hamkorlikni tartibga soluvchi sohalariga oid xalqaro shartnomalarning o‘ziga xos xususiyatlarini tavsiflash va mualliflik tavsifini

⁵ Умарухонов И.М. Международная договорно-правовая практика Республики Узбекистан. –Т.; 2003. –423 с.

⁶ Саидова Л.А. Дипломатическое право в Узбекистане: проблемы теории и практики: Автореф. дис... докт. юр.наук. –Т.:УМЭД 2001. –50с.

⁷ Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro‘yxatida keltirilgan.

berish;

O‘zbekistonning Turkiya bilan Turkiy davlatlar tashkiloti doirasida hamkorligining huquqiy jihatlarini yoritish va hamkorlikning ustuvor yo‘nalishlarini aniqlash;

O‘zbekiston va Turkiya o‘rtasidagi ikki tomonlama shartnomalarni rivojlantirishning xalqaro-huquqiy jihatlarini takomillashtirish bo‘yicha takliflar ishlab chiqish;

O‘zbekiston va Turkiyaning TDT doirasidagi o‘zaro hamkorlikning shartnomaviy-huquqiy asoslarini takomillashtirish borasida ilmiy taklif va tavsiyalarni ishlab chiqishdan iborat.

Tadqiqot obyekti sifatida O‘zbekiston va Turkiya o‘rtasidagi hamkorlik natijasida yuzaga keladigan xalqaro-huquqiy munosabatlar tizimi olingan.

Tadqiqotning predmetini O‘zbekiston va Turkiya o‘rtasidagi hamkorlikni huquqiy tartibga solishga qaratilgan xalqaro shartnomalar, normativ-huquqiy hujjatlar, qonunni qo‘llash amaliyoti, xorijiy davlatlar qonunchiligi, ilmiy-nazariy qarash va yondashuvlar tashkil qiladi.

Tadqiqotning usullari. Tadqiqotda tarixiy, tizimli-tuzilmaviy, qiyosiy huquqiy, mantiqiy, induksiya va deduksiya, ilmiy manbalarni kompleks tadqiq etish, statistik ma’lumotlar tahlili kabilardan foydalanilgan.

Tadqiqotning ilmiy yangiligi quyidagilardan iborat:

O‘zbekiston Respublikasi tashqi siyosiy va tashqi iqtisodiy faoliyatining, xalqaro hamkorlikning asosiy sohalaridagi o‘zaro munosabatlarning huquqiy bazasini takomillashtirish lozimligi sababli, xalqaro shartnomalarning ratifikatsiyasi, ijrosi va milliy qonunchilikka implementatsiyasini yanada takomillashtirish bo‘yicha takliflar ishlab chiqilganligi asoslangan.

parlamentlararo hamkorlikning qonunchilik asoslarini shakllantirish va takomillashtirish lozimligi sababli, boshqa davlatlarning parlamentlari va xalqaro parlament tashkilotlari bilan hamkorlik bo‘yicha parlamentlararo guruhlar, komissiyalar, qo‘mitalar, ishchi guruhlar va boshqa tuzilmalarni tashkil etish hamda ularning samaradorligini oshirish mexanizmlari ishlab chiqilganligi asoslangan.

ikki davlat o‘rtasida mahkumlarni topshirish shartlarini huquqiy jihatdan aniq belgilash lozimligi sababli, ikki davlat prokuraturalari o‘rtasida hamkorlikning ustuvor yo‘nalishlari, tergov qilish va jinoyatchilikka qarshi kurashishda axborot almashish tartibini takomillashtirish zarurligi asoslangan.

ikki davlatning inson huquqlari sohasidagi xalqaro majburiyatlarini bajarishga ko‘maklashish lozimligi sababli, tomonlarning fuqarolik jamiyati institutlari o‘rtasida muntazam ravishda ikki tomonlama maslahatlashuvlar o‘tkazish tartibini joriy etish ikki davlatda inson huquqlarini samarali himoya qilishga xizmat qilishi asoslangan.

Tadqiqotning amaliy natijalari quyidagilardan iborat:

O‘zbekiston va Turkiya o‘rtasidagi shartnomaviy-huquqiy bazasining rivojlanish jarayoni besh bosqichga bo‘lingan holda tahlil qilindi. Ushbu bosqichlar asosida xalqaro shartnomalarning shakllanishi, ularning milliy qonunchilikka ta’siri va huquqiy uyg‘unlashuv jarayonlari asoslangan;

Xalqaro shartnomalarni klassifikatsiyalashga yangicha uslubiy yondashuv

ishlab chiqildi. Shunga muvofiq, ikki davlat o'rtasidagi shartnomalar siyosiy, iqtisodiy, ijtimoiy-gumanitar, huquqiy yo'nalishlar bo'yicha tasniflash asoslangan;

O'zbekiston va Turkiya o'rtasida xalqaro jinoyat ishlari bo'yicha huquqiy yordamni takomillashtirish zarurati asoslandi. Jinoiy ishlar bo'yicha huquqiy yordam to'g'risida maxsus bitim imzolash zarurati asoslangan;

JPKning 594-moddasiga chet davlatlardan olingan dalillarni qabul qilish va ularning qonuniyligi tekshirilishi tartibini belgilash lozimligi asoslangan;

JPKning 170-moddasiga xalqaro telefon so'zlashuvlarini eshitib turish bo'yicha tezkor axborot almashish mexanizmini tartibga soluvchi qo'shimchalar kiritish zarurligi asoslangan;

Turkiya va O'zbekiston o'rtasida hamkorlik va tajriba almashish platformasi yaratish lozimligi asoslangan;

O'zbekiston va Turkiya o'rtasidagi "Ekstraditsiya to'g'risida"gi bitimning 5-moddasi s) bandiga shaxsiy holat tushunchasini kengaytirish lozimligi asoslangan;

Turkiya davlatlar tashkiloti doirasida huquqiy yordam va ekstraditsiya masalalarini tartibga soluvchi yagona hujjat ishlab chiqish zarurligi asoslangan;

O'zbekiston va Turkiya o'rtasida transport-logistika sohasidagi hamkorlikni rivojlantirish huquqiy jihatdan muhim ahamiyatga ega ekanligi asoslangan;

O'zbekistonning dengizga chiqish imkoniyatlarini kengaytirish bo'yicha xalqaro huquqiy kelishuvlarni ishlab chiqish va amalga oshirish mexanizmini ishlab chiqish zarurligi asoslangan.

Tadqiqot natijalarining ishonchliligi Tadqiqot natijalari xalqaro huquq va milliy qonunchilik normalari, rivojlangan davlatlar tajribasi, huquqni qo'llash amaliyoti, statistik ma'lumotlarni tahlil qilish natijalari umumlashtirilib, tegishli hujjatlar bilan rasmiylashtirilgan hamda olingan xulosa, taklif va tavsiyalar aprotatsiyadan o'tkazilib, ularning natijalari yetakchi milliy va xorijiy nashrlarda e'lon qilingan bo'lib, vakolatli tuzilmalar tomonidan tasdiqlangan va amaliyotga joriy qilingan.

Tadqiqot natijalarining ilmiy va amaliy ahamiyati. Mazkur tadqiqot natijalarining ilmiy ahamiyati undagi ilmiy-nazariy xulosalar, taklif va tavsiyalardan xalqaro huquq sohasida tadqiqot ishlarini olib borishda, qonun ijodkorligida, milliy qonunchilikni takomillashtirishda, "Xalqaro shartnomalar huquqi", "Xalqaro tashkilotlar huquqi" kabi fanlarni o'qitishda foydalanish mumkinligi bilan izohlanadi.

Tadqiqot natijalarining amaliy ahamiyati shundan iboratki, undagi xulosa va takliflardan O'zbekiston va Turkiya o'rtasida xalqaro huquqiy hamkorlikni rivojlantirish, xalqaro shartnomalarning samaradorligini oshirish, xalqaro jinoyat ishlari bo'yicha huquqiy yordam mexanizmlarini takomillashtirish, huquqni muhofaza qiluvchi organlar o'rtasida axborot almashinuvi tizimini rivojlantirish, sud-huquq tizimi va tergov organlari faoliyatida, shuningdek, xalqaro huquq bo'yicha yuridik oliy ta'lim muassasalarining ta'lim dasturlarini takomillashtirishda foydalanish mumkin.

Tadqiqot natijalarining joriy qilinishi. O'zbekiston va Turkiya o'rtasidagi hamkorlikning huquqiy asoslari tadqiqoti bo'yicha olingan ilmiy natijalar asosida:

O'zbekiston Respublikasi tashqi siyosiy va tashqi iqtisodiy faoliyatining,

xalqaro hamkorlikning asosiy sohalaridagi o‘zaro munosabatlarning huquqiy bazasini takomillashtirish, parlamentlararo hamkorlikning qonunchilik asoslarini shakllantirish va takomillashtirish, boshqa davlatlarning parlamentlari va xalqaro parlament tashkilotlari bilan hamkorlik bo‘yicha parlamentlararo guruhlar, komissiyalar, qo‘mitalar, ishchi guruhlar va boshqa tuzilmalarni tashkil etish hamda ular faoliyatining samaradorligini oshirish, boshqa davlatlarning parlamentlari xalqaro parlament guruhlari va xalqaro parlament tashkilotlari, shu jumladan TDTning Parlament Assambleyasi bilan yaqin hamkorlik o‘rnatish haqidagi taklif 2020-yil 25-sentabrda qabul qilingan №481-IV/KQ-132-IV-sonli “O‘zbekiston Respublikasining parlament diplomatiyasi konsepsiyasini tasdiqlash to‘g‘risida”gi O‘zbekiston Respublikasi Oliy Majlisi Qonunchilik palatasi Kengashining va O‘zbekiston Respublikasi Oliy Majlisi Senati Kengashining Qo‘shma qaroriga asosan ishlab chiqilgan “O‘zbekiston Respublikasining parlament diplomatiyasi konsepsiyasi”ning 3.1.1, 4.1.1, 5.8, 5.10-bandlarini ishlab chiqishda foydalanilgan (*O‘zbekiston Respublikasi Oliy Majlis Qonunchilik palatasining Xalqaro ishlar va parlamentlararo aloqalar qo‘mitasining 2024-yil 23-sentabrdagi 04/6-10-2404-sonli dalolatnomasi*). Mazkur taklifning joriy qilinishi davlatlar o‘rtasida parlamentlararo hamkorlikni mustahkamlash va uning huquqiy asoslarini takomillashtirishga xizmat qiladi;

ikki davlat o‘rtasida mahkumlarni topshirish shartlari: a) basharti ushbu shaxs hukmni ijro etish Davlati fuqarosi bo‘lsa yoki bunday fuqaroligi bo‘lmagan holda, hukmni ijro etish Davlati bilan bog‘lik mustahkam ijtimoiy aloqalari mavjud bo‘lsa; b) basharti sud qarori qonuniy kuchga kirgan bo‘lsa; c) basharti topshirish to‘g‘risidagi so‘rov kelib tushgan paytda mahkum tomonidan jazo muddatining o‘talmay qolgan qismi to‘qqiz oydan kam bo‘lmasa; d) basharti mahkum topshirilishga rozilik bildirsa yoki uning yoshi yoki jismoniy yoxud ruhiy holatini e‘tiborga olib, ikki Davlatdan biri buni lozim deb topgan taqdirda, bunday rozilik qonuniy vakil tomonidan bildirilgan bo‘lsa; e) basharti hukm chiqarishga asos bo‘lgan harakat yoki harakatsizlik hukmni ijro etish Davlati qonunchiligiga muvofiq jinoyat hisoblansa yoki bunday qilmish uning hududida sodir etilgan taqdirda jinoyat hisoblansa; va f) basharti hukm chiqarish va hukmni ijro etish Davlatlari topshirishga rozi bo‘lsa haqidagi taklif 2022-yil 29-martda imzolangan “O‘zbekiston Respublikasi Hukumati bilan Turkiya Respublikasi Hukumati o‘rtasida mahkumlarni topshirish to‘g‘risida”gi bitimning 4 moddasini a, b, c, d, e, f bandlarini ishlab chiqishda foydalanilgan (*O‘zbekiston Respublikasi Bosh prokuraturasi Xalqaro-huquqiy boshqarmasining 2024-yil 26-sentabrdagi 26/2-112674/24-sonli dalolatnomasi*). Ushbu shartlar mahkumlarni topshirish jarayonining huquqiy asoslarini aniq belgilash, inson huquqlarini himoya qilish, xalqaro huquqiy hamkorlikni rivojlantirish hamda jinoyat jazolarini ijro etishda davlatlar o‘rtasida samarali hamkorlik mexanizmini shakllantirishga xizmat qiladi.

ikki davlat prokuraturalari o‘rtasida hamkorlikning ustuvor yo‘nalishlari, ikki davlat prokuraturalari o‘rtasida tergov qilish va jinoyatchilikka qarshi kurashishda axborot almashish tartibi ya’ni 2022-yil 23-mayda O‘zbekiston Respublikasi Bosh prokuraturasi bilan Turkiya Respublikasi Oliy kassatsiya sudi Bosh prokuraturasi o‘rtasida imzolangan anglashuv Memorandumining 3, 4 paragraflarini ishlab

chiqishda foydalanilgan (*O‘zbekiston Respublikasi Bosh prokuraturasi Xalqaro-huquqiy boshqarmasining 2024-yil 26-sentabrdagi 26/2-112674/24-sonli dalolatnomasi*). Mazkur taklifning joriy qilinishi ikki davlat prokuraturasi o‘rtasida hamkorlikni mustahkamlash va uning huquqiy asoslarini takomillashtirishga xizmat qiladi.

Ikki davlatning inson huquqlari sohasidagi xalqaro majburiyatlarini bajarishga ko‘maklashish maqsadida Tomonlar o‘rtasida aloqalarni rivojlantirish va kengaytirish, inson huquqlarini himoya qilish bo‘yicha muntazam ravishda ikki tomonlama maslahatlashuvlar o‘tkazish, Tomonlarning fuqarolik jamiyati institutlari bilan aloqalarini rivojlantirishga ko‘maklashish haqidagi takliflar 2022-yil 7-iyunda Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazi va Turkiyaning Inson huquqlari va tenglik instituti o‘rtasidagi o‘zaro anglashuv Memorandumining: 2-3-moddalarini ishlab chiqishda foydalanildi (*Inson huquqlari bo‘yicha O‘zbekiston Respublikasi Milliy markazining 2024-yil 17-sentabrdagi 11/920-son dalolatnomasi*). Mazkur taklifning joriy qilinishi davlatlar o‘rtasida inson huquqlari sohasidagi hamkorlikni mustahkamlash va uning huquqiy asoslarini takomillashtirishga xizmat qiladi.

Tadqiqot natijalarining aprobatsiyasi. Mazkur tadqiqot natijalari 6 ta ilmiy-amaliy konferensiyada, xususan, 3 ta xalqaro va 3 ta respublika ilmiy-amaliy konferensiyalarida muhokamadan o‘tgan.

Tadqiqot natijalarining e‘lon qilinishi. Mazkur tadqiqot natijalari bo‘yicha jami 19 ta ilmiy ish, jumladan, dissertatsiyaning asosiy ilmiy natijalarini chop etishga tavsiya etilgan ilmiy nashrlarda 12 ta maqola, shundan xorijiy jurnallarda 8 ta maqola chop etilgan.

Dissertatsiyaning tuzilishi va hajmi. Dissertatsiya tarkibi kirish, uchta bob, xulosa, foydalanilgan adabiyotlar ro‘yxatidan iborat. Dissertatsiyaning hajmi 156 betni tashkil etgan.

DISSERTATSIYANING ASOSIY MAZMUNI

Dissertatsiyaning **kirish qismida** tadqiqot mavzusining dolzarbligi va zarurati, tadqiqotning respublika fan va texnologiyalar rivojlanishining asosiy ustuvor yo‘nalishlariga mosligi, tadqiq etilayotgan muammoning o‘rganilganlik darajasi, dissertatsiya mavzusining dissertatsiya bajarilayotgan oliy ta‘lim muassasasining ilmiy-tadqiqot ishlari rejalari bilan bog‘liqligi, tadqiqotning maqsad va vazifalari, obykti va predmeti, uslublari, tadqiqotning ilmiy yangiligi va amaliy natijasi, tadqiqot natijalarining ishonchliligi, tadqiqot natijalarining ilmiy va amaliy ahamiyati, ularning joriy qilinganligi, tadqiqot natijalarining aprobatsiyasi, natijalarning e‘lon qilinganligi, dissertatsiyaning hajmi va tuzilishi yoritib berilgan.

Dissertatsiyaning birinchi bobi “**O‘zbekiston va Turkiya o‘rtasidagi hamkorlikning ilmiy — nazariy asoslari**” deb nomlanib, O‘zbekiston va Turkiya o‘rtasidagi hamkorlikning huquqiy asoslari tushunchasi va mazmuni, O‘zbekiston va Turkiya o‘rtasidagi xalqaro-huquqiy munosabatlarning shakllanishi va rivojlanishi, O‘zbekiston va Turkiya o‘rtasidagi xalqaro shartnomalarning yuridik tabiati va klassifikatsiyasi masalalari ilmiy-nazariy jihatdan tahlil qilingan.

BMT Bosh Assambleyasi tomonidan qabul qilingan “Xalqaro huquq prinsiplari to‘g‘risidagi deklaratsiya” (1970) xalqaro huquqning asosiy tamoyillarini belgilab berdi. Ushbu prinsiplar, jumladan, suveren tenglik, ichki ishlariga aralashmaslik, zo‘ravonlikdan tiyilish va xalqaro hamkorlik tamoyillari O‘zbekiston va Turkiya o‘rtasidagi munosabatlarda yaqqol namoyon bo‘lmoqda. Har ikki davlat o‘zaro hurmat, suverenitetga rioya va tinchlikparvarlik asosida siyosiy, iqtisodiy hamda madaniy sohalarida hamkorlikni rivojlantirib kelmoqda. Bu holat, ayniqsa, xalqaro huquq normalariga asoslangan do‘stona munosabatlarning namunasi sifatida e‘tirof etilishi mumkin.

Tadqiqotchi ikki davlat o‘rtasidagi hamkorlikning ilmiy-nazariy asoslarini xalqaro huquq nuqtayi nazaridan tahlil qiladi. Hamkorlik vujudga kelishining tarixiy shart-sharoitlari, “xalqaro shartnomalar” kabi tushunchalarga mualliflik ta‘rifi ishlab chiqiladi. Xalqaro shartnomaviy-huquqiy hamkorlikning mustahkamlanish jarayonini ko‘rib chiqadi, uning bosqichlarini aniqlaydi, xalqaro shartnomalarning tasnifi, davlatlararo shartnomalarning xususiyatlari va ularning tasniflanish muammolari tahlil qilinadi.

Hamkorlik davlatlar va tashkilotlarning o‘zaro bog‘liqligining ko‘rsatkichidir. Xalqaro munosabatlarning rivojlanishi ijtimoiy, siyosiy, iqtisodiy, madaniy, ekologik va ilmiy hamkorlik tizimlarini yaratadi. So‘nggi yillarda insoniyatning global muammolari bilan bog‘liq hal etilmagan muammolar keskinlashdi. Bu sohada jahon muammolarini hal etishga hissa qo‘shadigan xalqaro faoliyatni kengaytirish nihoyatda dolzarbdir. Hamkorlik o‘zaro almashinuv asosida rivojlanayotgan munosabatlar majmuasidir. Zamonaviy voqelik sharoitida xalqaro munosabatlar dialog o‘rnatish, manfaatlarni taqqoslash, konsensusga erishish, qadriyatlarining nomuvofiqligi holatlarida va mintaqalar, mamlakatlar va tashkilotlar o‘rtasidagi ziddiyatli vaziyatlarda muvofiqlashtirish mexanizmlari jarayoniga o‘xshaydi.

Hamkorlikning mazmuni davlatlararo munosabatlarni rivojlantirishga qaratilgan bo‘lib, ikki tomonlama va ko‘p tomonlama shartnomalar orqali mustahkamlanadi. Bu jarayon xalqaro tashkilotlar doirasida ham amalga oshiriladi, masalan, BMT va Turkiy davlatlar tashkiloti. Shu bilan birga, hamkorlik jamiyatda ijtimoiy-iqtisodiy farovonlikni oshirish va mintaqaviy barqarorlikni ta‘minlashga xizmat qiladi.

Xalqaro shartnoma orqali davlatlar o‘z suverenitetiga oid funksiyalarini amalga oshirishi hamda shartnomalar tuzilishi orqali o‘zaro hamkorlikning huquqiy va siyosiy munosabatlari mustahkamlangan, ikki tomonlama hamkorlikdagi mavjud muammolarni hal qilish imkoniyatlari haqida so‘z yuritiladi.

Shartnomaviy-huquqiy asosning tarixiy-huquqiy tahlili O‘zbekiston va Turkiya shartnomaviy-huquqiy bazasining shakllanishida ikki tomonlama munosabatlarning yuqori darajadagi intensivligi kuzatilayotganligi, o‘zaro manfaatli hamkorlikni mustahkamlashga yordam berishi asoslangan. Shuningdek, O‘zbekiston va Turkiya o‘rtasidagi shartnomaviy-huquqiy munosabatlarning rivojlanish bosqichlarini aniqladi. Xususan, birinchi bosqich 1991-yildan 2016-yilgacha, ikkinchi bosqich 2016-yildan to hozirgacha bo‘lgan davrni qamrab oladi.

O‘zbekiston va Turkiya shartnomaviy-huquqiy hamkorligining samaradorligini oshirish uchun shartnomaviy-huquqiy vositalarning o‘zaro

bog'liqligi va uyg'un ishlashini kuzatish imkonini beradi. Bu vositalar faqat shartnomaviy-huquqiy asoslar, huquq normalari, huquqiy munosabatlar, huquqni qo'llash aktlarini emas, balki ikki davlatning shartnomaviy siyosati va uning samaradorligini oshirishga qaratilgan chora-tadbirlarni ham o'z ichiga oladi.

Shu nuqtai nazardan xalqaro shartnomalar xalqaro huquqning subyektlari o'rtasidagi munosabatlarni tartibga soluvchi va ularni rivojlantiruvchi huquqiy asosdir. Davlatlar o'rtasidagi munosabatlarni tartibga solish "pacta sunt servanda"⁸ tamoyiliga asoslangan xalqaro shartnomalar bo'yicha majburiyatlarga rioya etilishini ta'minlaydi va BMT Ustavi maqsadlariga muvofiq xalqaro hamkorlikni rivojlantirishga yordam beradi. 1969-yilgi "Xalqaro shartnomalar huquqi to'g'risida"gi Vena konvensiyasining 2-moddasiga muvofiq, shartnoma – davlatlar o'rtasida yozma ravishda tuzilgan va xalqaro huquq bilan tartibga solinadigan, bunday kelishuv yagona hujjatda yoki bir-biriga aloqador ikki yoki undan ortiq tegishli hujjatlarda bo'lishidan va uning aniq nomlanishidan qat'i nazar xalqaro kelishuvni anglatishidan kelib chiqqan holda davlatlar o'rtasidagi xalqaro shartnomalarning umumiy va o'ziga xos xususiyatlari tahlil qilinib, ular mustaqil ravishda guruh, maqsad, vazifalar, roli va ahamiyati bo'yicha turli xil belgilarga ega ekanligi aniqlanadi. Ular har qanday xalqaro va milliy shartnomaga xos bo'lgan umumiy xususiyatlari, ya'ni siyosiy xarakterga egaligi, ixtiyoriy ravishda tuzilganligi va boshqalar bilan ajralib turadi. Ushbu umumiy xususiyatlar shartnomalar va ularning normalarida namoyon bo'ladi. O'zbekiston va Turkiya o'rtasidagi xalqaro shartnomalarning umumiy va o'ziga xos belgilari huquqiy jihatlarining aniqlanishi, ularni to'g'ri tasniflash va ikki davlat o'rtasidagi shartnomaviy-huquqiy bazani tizimlashtirishga katta ahamiyat kasb etadi.

Dissertatsiyaning **"Xalqaro shartnomalar doirasida O'zbekiston va Turkiya o'rtasidagi hamkorlikning huquqiy jihatlari"** deb nomlangan ikkinchi bobida O'zbekiston va Turkiya o'rtasidagi hamkorlikni ta'minlashga oid sohaviy xalqaro shartnomalarning o'ziga xos xususiyatlari, O'zbekiston Respublikasining Turkiya Respublikasi bilan Turkiy davlatlar tashkiloti doirasida hamkorligining huquqiy jihatlari tahlil qilingan.

O'zbekiston Respublikasining 2019-yil 6-fevraldagi O'RQ-518-sonli "Xalqaro shartnomalar to'g'risida"gi Qonuni asosida ilmiy asoslangan tarzda o'zbek-turk xalqaro shartnomalarining tasnifi to'rt guruh bo'yicha amalga oshirildi. Birinchi guruhga diplomatik munosabatlar o'rnatish, umumsiyosiy masalalar, tinchlik va xavfsizlikni qo'llab-quvvatlash to'g'risidagi shartnomalar kiradi. Ikkinchi guruhga iqtisodiy sohaga oid shartnomalar: savdo-iqtisodiy va ilmiy-texnikaviy hamkorlikni, moliyaviy-iqtisodiy kelishuvlarni, investitsiyani himoya qilish, atrof-muhitni muhofaza qilish hamda transport kommunikatsiyalarini rivojlantirishga qaratilgan shartnomalar joy olgan. Uchinchi guruhda ijtimoiy-gumanitar sohalaridagi hamkorlikni nazarda tutuvchi shartnomalar. To'rtinchi guruh konsullik munosabatlari, jinoyatchilikka qarshi kurashish, huquqiy yordam ko'rsatish bo'yicha shartnomalarning o'ziga xos jihatlari xalqaro huquqning nazariy

⁸ 1969-yilda qabul qilingan "Xalqaro shartnomalar huquqi to'g'risida"gi Vena konvensiyasining 26-moddasi // <https://lex.uz/docs/2646414>

asoslariga tayanib ushbu sohalarga oid xalqaro shartnomalar tasniflandi va quyidagi fikrlarga kelinadi:

1. Xalqaro huquq normalarining milliy qonunchilikka muvofiqligini ta'minlash ikki davlatga erishilgan kelishuvlarni amalga oshirishda yagona, kelishilgan huquqiy amaliyotdan chiqish imkonini beradi. Binobarin, ushbu jihatdagi keyingi tadqiqotlar O'zbekiston va Turkiya o'rtasidagi xalqaro shartnomalarning moddiy-huquqiy normalarini takomillashtirishga xizmat qiladi.

2. Iqtisodiy sohaga oid munosabatlarni quyidagicha guruhlash kerak: iqtisodiy munosabatlarning xalqaro huquqiy rejimini belgilovchi shartnomalar, ular orasida savdo shartnomalari eng muhim o'rinni egallaydi; tovarlar va xizmatlarning davlat chegaralari orqali olib o'tishini tartibga soluvchi shartnomalar, ular o'z navbatida tovar aylanmasi to'g'risidagi savdo shartnomalari, sanoat, transport va boshqa xalq xo'jaligi loyihalarini qurish uchun texnik xizmat ko'rsatish, texnik yordam ko'rsatish va jihozlar yetkazib berish, o'zaro tovar yetkazib berish va tovar kontingentlari to'g'risidagi boshqa shartnomalar va o'zaro savdo ayirboshlash kvotalari kabi turlarga bo'linadi.

3. Transport shartnomalarining obykti va ularni tartibga solish predmeti shundan iboratki, transport bog'lovchi bo'g'in sifatida o'ziga xos murakkab ijtimoiy munosabatlarni shakllantirishning asosiy omili bo'lib, mahsulot, tovarlar, xizmatlar ishlab chiqaruvchilar va iste'molchilar o'rtasidagi zarur aloqani ta'minlaydi. Bu yuridik fanda transport huquqini qamrab olgan yangi murakkab huquq tarmoqlarini shakllanishi va rivojlanishiga asos bo'ladi.

4. O'zbekiston bilan Turkiya o'rtasidagi ijtimoiy-gumanitar sohalardagi hamkorlikni tartibga soluvchi xalqaro shartnomalarni tasniflashda biz shartnoma predmetini ham hisobga oldik. Shuning uchun bunday xalqaro shartnomalarni xalqaro munosabatlar turiga qarab ikki kichik guruhga bo'lish mumkin: ilmiy hamkorlik to'g'risidagi shartnomalar va ijtimoiy-gumanitar shartnomalar.

5. Ikki davlat o'rtasida inson huquqlari sohasidagi hamkorlikni rivojlantirish maqsadida doimiy ravishda ikki tomonlama maslahatlashuvlarni tashkil etish va tajriba almashish mexanizmlarini yo'lga qo'yish taklif etiladi. Ushbu jarayon milliy qonunchilikni xalqaro standartlarga moslashtirishga qaratilgan birgalikdagi ilmiy tadqiqotlar va qonunchilik tashabbuslarini amalga oshirish bilan qo'llab-quvvatlanishi lozim. Shuningdek, inson huquqlariga oid muammolarni aniqlash va ularni hal etishda fuqarolik jamiyati institutlarini faol jalb qilish orqali hamkorlikni kuchaytirish maqsadga muvofiqdir. Bunday tashabbuslar davlatlar o'rtasidagi aloqalarni mustahkamlash va inson huquqlarining himoyasini yangi bosqichga olib chiqishga xizmat qiladi.

6. O'zbekiston va Turkiya o'rtasidagi parlamentlararo hamkorlikni mustahkamlash maqsadida Parlamentlararo do'stlik guruhlarining faoliyatini kengaytirish va bu yo'nalishda mustahkam huquqiy platformani shakllantirish taklif etiladi. Ushbu hamkorlikni korrupsiyaga qarshi kurash, inson huquqlarini himoya qilish, atrof-muhitni muhofaza qilish kabi sohalarda qo'shma qonunchilik tashabbuslarini ishlab chiqish orqali yanada chuqurlashtirish maqsadga muvofiqdir. Mazkur tashabbuslar ikki davlat qonunchilik tizimlarini xalqaro standartlarga

moslashtirishga va innovatsion qonunchilik mexanizmlarini rivojlantirishga xizmat qiladi.

7. Ta'lim, ilmiy tadqiqotlar va madaniy almashinuv sohaslarida qo'shma dasturlarni amalga oshirish orqali ikki davlat parlamentlari o'rtasidagi madaniy va gumanitar hamkorlikni rivojlantirish tavsiya etiladi. Madaniy merosni himoya qilish va yoshlar o'rtasida gumanitar aloqalarni mustahkamlash bo'yicha tashabbuslarni kengaytirish orqali xalqlar o'rtasidagi yaqinlikni yanada mustahkamlashga alohida e'tibor qaratish zarur.

Bundan tashqari, huquqiy sohadagi hamkorlikni tartibga soluvchi xalqaro shartnomalar, ular xalqaro huquqning muayyan manbalari qoidalarining to'liq va samarali amalga oshirilishiga yordam beradigan institutsional xususiyatga ega. Qonun chiqarish sohasida huquqiy yordam xalqaro hamkorlikning majmuaviy komponenti sifatida ikki davlat o'rtasidagi hamkorlikni amalga oshirish jarayonida xalqaro huquqiy majburiyatlarni bajarishga yordam beradi. Bu milliy huquqiy tizimlarni yaqinlashtirish uchun xizmat qiladi.

Tadqiqotchining fikriga ko'ra, O'zbekiston va Turkiya o'rtasida fuqarolik, savdo va jinoiy ishlar bo'yicha o'zaro huquqiy yordam to'g'risidagi hukumatlararo shartnomalarni jinoiy ishlar bo'yicha huquqiy yordam manbalari tizimida ko'rib chiqish lozim, chunki ular davlatlararo huquqiy yordam shartnomalarini aniqlashtirib beradi va ularning amalga oshirish tartibini belgilaydi. Bu jarayonda xalqaro huquqiy normalarning ijrosini o'z vaqtida ta'minlash alohida ahamiyat kasb etadi, chunki xalqaro huquqiy normalarning ijtimoiy qiymati va samaradorligi ularning amalga oshirilishida aniq namoyon bo'ladi. Ikki davlat o'rtasidagi hamkorlikning bevosita amalga oshirilishi milliy davlatlarning suverenitetiga asoslangan va suveren huquqiga mos keladi. Masalan, O'zbekiston va Turkiya o'rtasida fuqarolik, savdo va jinoiy ishlar bo'yicha o'zaro huquqiy yordam to'g'risidagi shartnomaga ko'ra, agar qarorlarning e'tirof etilishi yoki ijrosi shartnoma tuzuvchi tomonlarning suverenitetiga, xavfsizligiga yoki jamoat manfaatlariga zarar yetkazishi mumkin bo'lsa, yoki huquqiy yordam berish haqidagi so'rov ushbu shartnoma tuzuvchi tomonning siyosiy murojaati bo'lsa, bu bunday so'rovdan bosh tortish uchun asos bo'lishi mumkinligi asoslantirilgan.

O'zbekiston va Turkiya o'rtasidagi xalqaro shartnomalar qoidalaridan kelib chiqqan holda, dissertant tomonidan jinoiy ishlar bo'yicha huquqiy yordamni tartibga soluvchi manbalarning tasnifini ishlab chiqish taklif qilingan. Ularni ikki guruhga bo'lish maqsadga muvofiqdir: 1) huquqiy yordam va hamkorlik to'g'risidagi xalqaro shartnomalar; 2) huquqiy yordam normalarida yordamchi rol o'ynaydigan xalqaro shartnomalar. Bunday ajratish faqat nazariy jihatdan emas, balki amaliy jihatdan ham muhim ahamiyatga ega, chunki u xalqaro shartnomalarning qaysi normalariga ustuvorlik berish kerakligini aniqlash imkonini beradi. Ikki davlat o'rtasidagi hamkorlikni huquqiy tartibga solish xalqaro shartnomalarning amaliy bazasida muhim o'rin tutadi, bu O'zbekiston va Turkiya o'rtasidagi hamkorlikning amaliy natijalarini ilmiy-nazariy jihatdan yanada o'rganish zarurligini belgilaydi.

Bundan tashqari, ikki tomonlama iqtisodiy hamkorlik doirasida rivojlanishning yangi yo'nalishi bo'lgan energetika sohasidagi hamkorlik transport

munosabatlarining yangi turini – xalqaro quvur transportini Markaziy Osiyo mamlakatlari uchun birinchi o‘ringa olib chiqdi. O‘zbekiston va Turkiya o‘rtasidagi transport-kommunikatsiya hamkorligining shartnomaviy-huquqiy bazasini shakllantirish bo‘yicha aniq qadamlar O‘zbekiston Respublikasining transport-tranzit salohiyatini yuksaltirishga ko‘maklashuvchi xalqaro shartnomalar tuzish alohida ahamiyat kasb etadi. Bu, o‘z navbatida, respublikaning xalqaro yuk tashish va energiya resurslarini tashish tizimidagi rolini kuchaytirish, transport kommunikatsiyalari salohiyatini oshirish va bu boradagi davlatlararo loyihalarni yanada rivojlantirish va amalga oshirishga xizmat qiladi.

TDTning ikki davlat o‘rtasidagi hamkorlikda tutgan o‘rni va uning faoliyat yo‘nalishlari xalqaro tashkilotning hujjatlari orqali o‘rganildi.

O‘zbekiston Respublikasining TDTdagi a‘zoliqi mamlakatning ko‘p tomonlama hamkorlikni rivojlantirish siyosati nuqtai nazaridan alohida dolzarb ahamiyatga ega. Chunki davlatlar o‘z milliy manfaatlarini ichki ehtiyojlar va milliy xavfsizlik talablaridan kelib chiqib belgilaydi, bu esa xalqaro-huquqiy bazaning rivojlanishiga zamin yaratadi. O‘zbekistonning 2022-yilda TDTga raisligi mazkur tashkilot faoliyatining samaradorligini oshirish va uning me‘yoriy-huquqiy bazasini mustahkamlashga yordam berdi.

Bundan tashqari, muallif tomonidan TDTning xalqaro huquqda to‘laonli subyekti ekanligi asoslashga harakat qilindi, uning xalqaro tashkilotga xos bo‘lgan xususiyatlari ochib berildi.

TDT doirasidagi O‘zbekiston va Turkiya hamkorligining xalqaro huquqiy asoslarini o‘rganib, ularni maqsadga muvofiq ravishda quyidagi guruhlariga ajratish mumkin: xavfsizlik va iqtisodiy hamkorlikni ta‘minlash masalalarini tartibga soluvchi shartnomalar, shuningdek, gumanitar sohada hamkorlik masalalarini tartibga soluvchi shartnomalar. TDT faoliyatining huquqiy bazasining asosiy hujjatlari predmeti bo‘yicha olti guruhga bo‘linadi: siyosiy, xavfsizlikni ta‘minlashga qaratilgan, savdo-iqtisodiy, transport, ilmiy va madaniy-gumanitar, huquqiy hamda TDTning boshqa xalqaro tashkilotlar bilan hamkorligini tartibga soluvchi hujjatlar. TDT doirasidagi o‘zbek-turk shartnomaviy-huquqiy hamkorlik uchun ayrim davlatlarning amaldagi huquqiy tizimlari va mintaqaviy huquq tizimlarining xususiyatlarini hisobga olgan holda qonunchilikni muvofiqlashtirish juda muhimdir.

Dissertatsiyaning uchinchi bob **“O‘zbekiston va Turkiya Respublikalarining ikki va ko‘p tomonlama shartnomaviy munosabatlarini takomillashtirish”** deb nomlanib, mazkur bobda O‘zbekiston va Turkiya respublikalarining ikki va ko‘p tomonlama shartnomaviy munosabatlarini takomillashtirish, O‘zbekiston va Turkiyaning TDT doirasidagi o‘zaro hamkorlikning shartnomaviy-huquqiy asoslarini takomillashtirish istiqbollari tahlil qilingan.

Dissertatsiyaning mazkur bobida keltirilgan ma‘lumotlarga ko‘ra, ushbu sohalarning turli xil yo‘nalishlaridagi xalqaro-huquqiy jihatlarining ko‘pligi va ularning siyosiy munosabatlar bilan chambarchas bog‘liqligi ushbu yo‘nalishlarni tartibga solish xalqaro-huquqiy hujjatlar shaklida amalga oshirilishini talab qiladi.

Shu sababli, O‘zbekiston va Turkiya o‘rtasidagi savdo-iqtisodiy va transport hamkorligining muvaffaqiyatli rivojlanishi ko‘p jihatdan xalqaro iqtisodiy shartnomalarni to‘liq va yetarli darajada huquqiy tartibga solishga bog‘liq. Mamlakatlararo savdo aloqalarini yanada yaqinlashtirish, eksport-import ko‘rsatkichlarini yanada oshirish borasida savdo-iqtisodiy shartnomalarni sifat jihatidan takomillashtirish shart. Bu nuqtai nazardan xalqaro shartnomalarning normalarini samarali amalga oshirishning tizimli tahlilini o‘tkazish hamda ularning huquqshunoslari va mutaxassislari o‘rtasida xalqaro shartnomalarni takomillashtirish yo‘llari to‘g‘risida muntazam fikr almashinuvi muhim ahamiyat kasb etadi.

Hukumatlararo hujjatlarda keltirilgan kelishuvlarni samarali amalga oshirish mexanizmlarini ishlab chiqish huquq va qonun ijodkorligi texnologiyasi sohasida O‘zbekiston va Turkiyaning umumiy mezonini aniqlash imkonini beradi, bu ikki davlat uchun ham xalqaro iqtisodiy shartnomalarni tuzishda samarali huquqiy qoidalar va shakllarni ishlab chiqishga yordam beradi, hamda ulardan hamkorlik jarayonida bir xilda foydalanishni ta‘minlaydi.

Huquqiy masalalar bo‘yicha hamkorlikdagi ayrim muammolar va ularning yechimi keltiriladiki, huquqiy sohadagi hamkorlikni rivojlantirish, ayniqsa, huquqiy yordam ko‘rsatish, xalqaro shartnomalarning talablari va normalariga muvofiq tartibga solinadi. Huquqiy yordam huquqning turli sohalarining normalari bilan ta‘minlangan xalqaro majburiyatlar mezonini sifatida ushbu sohadagi shartnomalarni doimiy takomillashtirishni talab qiladi, bu esa davlatlararo munosabatlar va huquqiy yordam hajmi bilan muvofiq keladi. (“Milliy qonunchilikka tayangan holda, davlatlar xalqaro huquqni rivojlantirishning tashabbuskorlari hisoblanadi, yangi bitimlarni tuzadi, shuningdek, barcha huquqiy kamchiliklarni bartaraf qiladi”).

Tashkilotning xalqaro huquqdagi o‘rni, tashkilotning asosiy tuzilmalari hamda a‘zo davlatlarning shartnomaviy-huquqiy bazasida umumiy mezonlarni aniqlash va hamkor davlatlar o‘rtasida xavfsizlik tizimini shakllantirish uchun yagona yondashuvlarni ishlab chiqish zaruriyatini taqozo etadi.

O‘zbekiston Turkiya va boshqa a‘zo davlatlar uchun ustuvor yo‘nalishlardan biri TDT doirasidagi iqtisodiy faoliyatning huquqiy asoslarini shakllantirish hisoblanadi. Savdo va investitsiyalarning o‘zaro munosabatlarini yanada moslashuvchan tuzilishini yaratish, davlatlar va kuzatuvchi davlatlar uchun tashqi iqtisodiy faoliyatning siyosiy-huquqiy tartibga solishini muvofiqlashtirish mexanizmlarini ishlab chiqish uchun shartnomaviy-huquqiy asoslarni takomillashtirish zarur.

Turkiya tomonidan transport-kommunikatsiya loyihalari doirasida imzolanadigan shartnomalar asosida O‘zbekistonning TDTdagi ishtirok etishi mamlakatimizga Osiyo va Yevropani bog‘laydigan muhim transport yo‘lagi sifatida o‘z afzalliklaridan foydalanish imkonini beradi.

TDT doirasida kelgusidagi ishlarning yana bir yo‘nalishi faqat ichki qonunchilikni muvofiqlashtirishga qaratilmagan, balki jinoyatchilikka qarshi kurash, majburiy ijro qiymatga ega bo‘lgan unifikatsiyalangan instrumentlarni

ishlab chiqish uchun dolzarb masalalar bo'yicha yo'nalishlarni ishlab chiqishga ham qaratilgan bo'lishi lozim.

XULOSA

O'zbekiston va Turkiya o'rtasidagi hamkorlikning huquqiy asoslarini tadqiq qilgan holda quyidagi ilmiy xulosa, taklif va tavsiyalar ishlab chiqildi.

I. Ilmiy-nazariy xulosalar:

1. O'zbekiston va Turkiya o'rtasidagi huquqiy hamkorlikni shakllantirishning xalqaro-huquqiy asoslarini tahlil qilib, uni ikki bosqichni o'z ichiga olgan O'zbekiston va Turkiya shartnomaviy-huquqiy bazasini shakllantirish va rivojlantirish jarayonini davrlashtirish amalga oshirildi (1991-2016-yillar; 2016-yildan keyingi davr). Bu barcha bosqichlar progressiv tendensiya bilan tavsiflanadi, bu esa shartnomaviy-huquqiy hujjatlarni doimiy ravishda takomillashtirish va samaradorligini oshirishdan iborat.

2. O'zbekistonning Turkiya bilan tuzgan xalqaro shartnomalarining umumiy va o'ziga xos belgilari hamda "O'zbekiston Respublikasining xalqaro shartnomalari to'g'risida"gi Qonunning qoidalaridan, shuningdek, ilmiy-nazariy tushunchalardan, ikki davlat o'rtasidagi hamkorlikni tartibga soluvchi xalqaro shartnomalardan kelib chiqqan holda *siyosiy, iqtisodiy, ijtimoiy-gumanitar, huquqiy sohalarga taalluqli shartnomalar, shuningdek, O'zbekiston va Turkiya ko'p tomonlama shartnomalar* kabi beshta guruhga bo'lingan.

3. O'zbekiston va Turkiya o'rtasidagi hamkorlikni tartibga soluvchi sohalarga oid xalqaro shartnomalarni tahlil qilish natijasi orqali ikki davlat o'rtasidagi xalqaro-huquqiy munosabatlarning ustuvor yo'nalishlari iqtisodiy-investitsion yo'nalish ekanligi aniqlandi va mazkur yo'nalishlarda hamkorlik munosabatlarini olib borish yuqori iqtisodiy manfaatdorlik kasb etishi aniqlandi.

4. O'zbekiston va Turkiya o'rtasidagi ikki tomonlama xalqaro shartnomalarni O'zbekiston Respublikasining "Xalqaro shartnomalar to'g'risidagi Qonuni"ning 7-moddasiga muvofiq O'zbekiston Respublikasi davlati nomidan ish ko'ruvchi shartnomalar turiga ko'ra tahlil qilganda, shartnomalarning aksariyat qismi (umumiy 139 ta shartnomadan 49 tasi) hukumatlararo ekanligi aniqlandi. Shartnomalarning amaliy ijro samaradorligini va iqtisodiy manfaatdorligini ta'minlashda idoralararo shartnomalarni tuzishga e'tibor qaratilishi zaruriyati tavsiya qilindi.

II. O'zbekiston va Turkiya Respublikalari o'rtasidagi xalqaro shartnomalar va amaldagi qonunchilikni takomillashtirish bo'yicha taklif va tavsiyalar:

1. Har ikki davlat o'rtasida shartnoma-huquqiy munosabatlarni yaxshilash uchun xalqaro savdo shartnomalarining amalga oshirilishini *monitoring qilish mexanizmini yaratish zarur*. Shuningdek, savdo shartnomalarini takomillashtirish maqsadida xalqaro standartlarga muvofiqlashtirilgan *sifat baholash tizimi joriy etilishi lozim*. Bu tizim ikki davlatning bojxona va sanitariya organlari o'rtasida elektron ma'lumot almashish tizimi orqali amalga oshirilib, shu bilan birga, tezkorlikni ta'minlovchi mexanizmlar joriy etilishi kerak. Sifat baholash tizimi

xalqaro standartlar asosida ishlab chiqilib, savdo va texnik to'rsiqlarni bartaraf etishga qaratilgan normativ-huquqiy hujjatlarda o'z aksini topishi lozim. Bu hujjatlar Jahon Savdo Tashkiloti (WTO) va boshqa xalqaro tashkilotlar qoidalariga muvofiq ishlab chiqilishi zarur.

2. *Ilm-fan, ta'lim, madaniyat va turizm sohalarida hamkorlikni kuchaytirish uchun mos shartnomalar tuzilib*, ikki davlat o'rtasidagi axborot almashinuvini rivojlantirish lozim. Bu hamkorlik imkoniyatlari, madaniyat va tarix bo'yicha o'zaro ma'lumotlar yetishmasligini bartaraf etib, ikki davlat o'rtasida iqtisodiy aloqalarni mustahkamlashga va gumanitar hamkorlik asoslarini kuchaytirishga xizmat qiladi.

3. Huquqiy yordam ko'rsatish sohasida xalqaro hamkorlikning yangi yo'nalishlari paydo bo'lganligi munosabati bilan O'zbekiston va Turkiya o'rtasidagi **savdo, fuqarolik va jinoiy ishlar bo'yicha tuzilgan Shartnomaga** tegishli qoidalarni kiritish lozim. Jumladan shartnomaning 25²-moddasiga ko'rsatiladigan yordam **hajmini xalqaro qidiruv, mulkni musodara qilish va hibsga olish, aktivlarni muzlatish** kabi tushunchalarni inobatga olgan holda kengaytirishga qaratilgan bo'lishi kerak.

4. Savdo, fuqarolik va jinoiy ishlar bo'yicha tuzilgan Shartnomaga **xalqaro savdo va fuqarolik munosabatlarida ekologik zararlarni qoplash va ekologik talablarni ta'minlash bo'yicha huquqiy yordam mexanizmini kiritish**. BMTning Barqaror rivojlanish maqsadlari xalqaro savdo va fuqarolik ishlarida ekologik muammolarni hal qilishni talab qiladi. Bu tamoyil shartnomalarning xalqaro standartlarga muvofiqligini ta'minlaydi.

5. Jinoyatning turi, shakli va ko'lamining kengayib borayotganini inobatga olib, Turkiya va O'zbekiston o'rtasida xalqaro jinoyat ishlari bo'yicha huquqiy yordamni kengaytirish zarur. Buning uchun **jinoiy ishlar bo'yicha huquqiy yordam to'g'risidagi bitim hamda hamkorlik va tajriba almashish platformasini yaratish lozim**. Platforma transmilliy jinoyatlarga qarshi kurash, jinoyatchilarni ekstraditsiya qilish, tergovda huquqiy yordam ko'rsatish, tezkor axborot almashinuvi va mutaxassislar tayyorgarligini oshirish kabi masalalarni qamrab olishi kerak. Bu tizim xalqaro konvensiyalar va BMT talablariga muvofiq ishlab chiqilishi lozim.

6. Turkiya va O'zbekiston o'rtasida **ekstraditsiya shartnomasi doirasida qidiruvdagi shaxslar va ularning huquqiy maqomlarini tezkor tekshirish uchun birgalikdagi axborot tizimini ishlab chiqish zarur**. Bu tizim orqali har ikki davlatning pasport va viza ma'lumotlarini tezkor almashish mumkin bo'ladi. Ya'ni O'zbekiston va Turkiya o'rtasidagi ekstraditsiya shartnomasi qoidalarini amalga oshirish va hibsga olish bilan bog'liq ravishda sudlarning hibsga olish sanksiyasini berish huquqini tekshirish uchun rozilik talab qilinadi. Shuning uchun qidiruv e'lon qilingan yoki hibsga olish rejalashtirilgan shaxsning fuqaroligi hamda boshqa ma'lumotlarni aniqlash uchun pasport-viza xizmati xulosasini shakllantirib, ishga ilova qilish kerak.

7. Ekstraditsiya to'g'risidagi O'zbekiston Turkiya shartnomasining 35-moddasiga muvofiq, Shartnomada nazarda tutilgan asoslar bo'yicha "Agar so'rov oluvchi Tomon tutib berilishi kerak bo'lgan shaxs uning fuqarosi ekanligi asosida tutib berishdan voz kechsa, unda so'rov yuboruvchi Tomon iltimosiga ko'ra u jinoiy

ta'qib etishni qo'zg'atadi". **Unga nisbatan jinoiy ish qo'zg'atish uchun o'z vakolatli organlaridan talab qilinadi. Mazkur qoida bilan bog'liq holda, xorijiy davlatlarning adliya muassasalarining buyruqlari jinoyat ishi qo'zg'atilishi uchun asos sifatida O'zbekiston Respublikasi Jinoyat-protsessual kodeksiga kiritilishi taklif qilamiz.**

8. Turkiya va O'zbekiston o'rtasida "Ekstraditsiya to'g'risida"gi bitimning 5-moddasi s) bandining **"shaxsiy holati"** tushunchasini kengroq yoritish va quyidagi omillarni alohida bandlar shaklida ko'rsatib o'tish shaxslarning insonparvarlik asosida himoya qilinishini kuchaytiradi. ***Shaxsiy holat tarkibiga sog'liq bilan bog'liq muammolar (jismoniy yoki ruhiy kasalliklar, nogironlik), yosh (voyaga yetmaganlik yoki qarilik), oilaviy vaziyat (boquvchilik mas'uliyati, homiladorlik yoki emiziklik)*** kabi omillarni kiritish mumkin.

9. Chet davlatlardan olingan dalillarni qabul qilish jarayonini tezlashtirish uchun xalqaro standartlarga asoslangan axborot va dalil almashuvini tartibga soluvchi me'yorlar kiritilishi lozim. Shuningdek, amaldagi dalillarni tekshiruvchi tizimlarni muvofiqlashtirish kerak. Shu bilan birga, **Jinoyat-protsessual kodeksda chet davlat manbalaridan olingan dalillarni qabul qilish tartibi, ya'ni dalillarni qabul qilish ularning olingan paytidagi amalda bo'lgan qonunlarga muvofiq aniqlanishi kerakligi haqidagi qoida kodeksning 594-moddasiga kiritilishi lozim.**

10. O'zbekistonning Turkiya va boshqa xorijiy davlatlar bilan huquqiy hamkorlik sohasida tuzilgan xalqaro shartnomalar hamda xalqaro majburiyatlarning milliy qonunchilikka muvofiqligini muntazam ravishda qayta ko'rib chiqish va baholash uchun **ekspert komissiyasini** tashkil etish zarur. Ushbu komissiya xalqaro va milliy huquq bo'yicha mutaxassislar, huquqni muhofaza qiluvchi organlar vakillari, parlament a'zolari hamda tegishli vazirlik va idoralar ekspertlaridan iborat bo'lishi lozim. Komissiya har ikki davlat qonunlaridagi o'zgarishlarni monitoring qilib boradi hamda milliy qonunchilikni xalqaro standartlarga moslashtirish bo'yicha tavsiyalar ishlab chiqadi.

11. O'zbekiston Respublikasi Bosh prokuraturasi va Adliya vazirligi **jinoyatchilikka qarshi kurashish va o'zaro huquqiy yordam ko'rsatish sohasida xalqaro majburiyatlarni bajarish bo'yicha monitoring mexanizmlarini yo'lga qo'yishi lozim.** Bu esa xalqaro huquqiy normalarning ijrosi darajasidagi farqlarni bartaraf etishga va boshqa davlatlar tomonidan qabul qilingan majburiyatlarni amalga oshirishning institutsional mexanizmlarini takomillashtirishga yordam beradi. Mazkur tartib "Xalqaro shartnomalar to'g'risida"gi Qonun, Jinoyat-protsessual kodeksi, shuningdek, O'zbekiston Respublikasining xalqaro huquqiy hamkorlik bo'yicha davlat dasturlari va strategik hujjatlarida o'z aksini topishi lozim.

12. TDTga a'zo davlatlarning shartnoma-huquqiy bazasida umumiy yondashuvlarni aniqlash, qonunchilikni mintaqaviy xususiyatlarni hisobga olgan holda unifikatsiya qilish, Markaziy Osiyoda xavfsizlik tizimini shakllantirish bo'yicha bir xil yondashuvlarni ishlab chiqish, mintaqada integratsiya jarayonlarini rivojlantirish, transport-kommunikatsiya, suv-energetika, ekologik va boshqa loyihalarni amalga oshirishga qaratilgan hamkorlik mexanizmlarini yaratish zarur.

III. O‘zbekiston va Turkiya Respublikalari o‘rtasida xalqaro huquqiy hamkorlikni takomillashtirish bo‘yicha takliflar:

1. Eksport-import jarayonlarida notarif to‘siqlarni minimal darajaga tushirish va intellektual mulk huquqlarini samarali himoya qilish uchun O‘zbekiston, Turkiya va TDTga a‘zo davlatlar ekspertlari savdoda eng qulay rejim qo‘llanilishi mumkin bo‘lgan tovarlarning indikativ ro‘yxatini hamda innovatsiyalarni transchegaraviy tarqalishiga ko‘maklashuvchi shartnoma loyihasini ishlab chiqishlari zarur. Mazkur shartnoma bojxona tartib-taomillari, intellektual mulk huquqlarini himoya qilish, innovatsiyalar almashinuvi hamda sertifikatlashtirish jarayonlarini tartibga soladi.

2. Transmilliy jinoyatchilikka qarshi kurashishni takomillashtiruvchi va ushbu sohada unifikatsiyalashgan normalarni yaratishga qaratilgan umummajburiy huquqiy hujjatlarni ishlab chiqishga e‘tibor qaratish lozim. TDTga a‘zo davlatlarning **xalqaro tergov guruhlarini tashkil etish, ularning shakllanishi va faoliyat yuritish tartibini, xalqaro tergov topshiriqlari mazmuni va bajarish tartibini, shuningdek, bir ishda birlashtirish va bir nechta a‘zo davlatlar hududida sodir etilgan jinoyatlar bo‘yicha jinoyat ishlarini almashish qoidalarini aniqlash zarur.**

3. TDTda iqtisodiy faoliyatning huquqiy asoslari va savdo-iqtisodiy hamkorlikning tashkiliy tuzilmasini zamonaviy tendensiyalarga muvofiq ravishda takomillashtirish doirasida **savdo-iqtisodiy, investitsion, energetika, transport-kommunikatsiya va agroindustriya** hamkorligiga oid muammolarni hal etish, shuningdek, ishbilarmon doira vakillari o‘rtasida to‘g‘ridan-to‘g‘ri aloqalar o‘rnatishga qaratilgan zarur huquqiy hujjatlarni qabul qilish dolzarbdir.

4. *Ekologiya va mintaqaning transchegaraviy daryolaridan foydalanish* sohasidagi xalqaro huquqiy baza TDTga a‘zo davlatlar o‘rtasidagi o‘zaro hamkorlikning asosiy tamoyili bo‘lishi va ushbu yo‘nalishda samarali huquqiy tizimni shakllantirishga xizmat qilishi lozim. Bu tizim suvdan foydalanish bo‘yicha xalqaro konvensiyalarni to‘liq qo‘llab-quvvatlash va amalga oshirishga, shuningdek, barcha suv iste‘mol qiluvchi davlatlarning manfaatlarini hisobga olgan holda atrof-muhitni muhofaza qilish sohasida mavjud bo‘lgan ikki tomonlama va ko‘p tomonlama huquqiy mexanizmlarni qo‘llash va rivojlantirishga yo‘naltirilgan bo‘lishi kerak.

5. TDT doirasida O‘zbekiston va Turkiya o‘rtasidagi hamkorlikning shartnoma-huquqiy asoslarini hisobga olgan holda erishilgan **kelishuvlarning ijrosini monitoring qilish, qonunchilik va tuzilgan shartnomalarni qo‘llash bo‘yicha kelgusi ustuvor yo‘nalishlarni aniqlash**, hamkorlik sohalaridagi muammolarni, jumladan, yuzaga kelishi mumkin bo‘lgan muammolarni aniqlash va ularning optimal yechimlarini taklif etish mexanizmlarini yaratish maqsadga muvofiq. Bunday mexanizm xalqaro huquq sohasi va institutlari milliy huquq sohasi va institutlaridan ancha oldin shakllangan hamda ularga sezilarli ta‘sir ko‘rsatgan taqdirda, huquqiy tartibga solishni jadallashtirishga xizmat qiladi.

6. O‘zbekiston va Turkiyaning *milliy ekologik huquqining rivojlanishini*, shuningdek, TDTga a‘zo boshqa davlatlar huquqiy tizimlarining o‘zaro ta‘sirini va bog‘liqligini hisobga olgan holda, ekologik tadqiqotlarni qiyosiy-huquqiy tadqiqot

sifatida, ya'ni ilmiy metod va kompleks ilmiy yo'nalish sifatida tashkil etish bo'yicha huquqiy hujjat qabul qilish zarur. Bu mexanizm milliy qonunchiliklarni yaqinlashtirish istiqbollari belgilashga, noyob huquqiy normalarni aniqlashga va jamiyatning muayyan sohalarini huquqiy tartibga solishning eng optimal variantlarini topishga yordam beradi.

7. Qonunchilik va huquqni qo'llash amaliyotining xalqaro huquqiy normalarga muvofiqligini doimiy monitoring qilish bo'yicha ishlar olib borilishi zarur. Bu jarayon qonunbuzarliklar va jinoyatchilikka qarshi kurash sohasida xalqaro standartlarni amalga oshirishning muhim mexanizmlaridan biri sifatida qaralishi lozim.

**SCIENTIFIC COUNCIL DSc.07/27.02.2020.Yu.108.01 FOR AWARDING
ACADEMIC DEGREES AT THE TRAINING INSTITUTE FOR LAWYERS
UNDER THE MINISTRY OF JUSTICE OF THE REPUBLIC OF
UZBEKISTAN**

**THE NATIONAL CENTER FOR HUMAN RIGHTS OF THE REPUBLIC
OF UZBEKISTAN**

KHUDAYBERDIYEVA SHOKHISTA AKMAL KIZI

**LEGAL BASIS FOR COOPERATION BETWEEN
THE REPUBLICS UZBEKISTAN AND TÜRKIYE**

12.00.10 – International law

ABSTRACT
of the dissertation of the Doctor of Philosophy n legal sciences

Tashkent – 2025

The topic of the dissertation of the Doctor of Philosophy was registered by the Higher Attestation Commission under the Ministry of Higher Education, Science and Innovation of the Republic of Uzbekistan for No.B2022.4.PhD/Yu901.

The dissertation was completed at The National Center for Human Rights of the Republic of Uzbekistan.

The abstract of the dissertation is posted in three (Uzbek, English, Russian (summary)) on the website of the Scientific Council (<https://uzmarkaz.uz/uz/>) and Information educational portal “ZiyoNET” (www.ziynet.uz).

Scientific supervisor:

Toshkulov Juraboy

Doctor of Science in Law, Professor

Official opponents:

Saidova Lola Abduvokhidovna

Doctor of Science in Law, Professor

Gafurova Sevara Alisherovna,

Doctor of Science in Law, Associate professor

Leading Organization:

The University of World Economy and Diplomacy

The defense of the dissertation will be held on May 14, 2025 at 14:30 at the Session of the Scientific Council DSc.07/27.02.2020.Yu.108.01 on the award of scientific degrees Training institute for lawyers under the Ministry of justice of the Republic of Uzbekistan (Address: 100052, Uzbekistan, Tashkent, Katta Darkhon street, 6. Phone: +998971 234-56-02; e-mail: yurmarkaz@adliya.uz).

The doctoral dissertation is available at the Information Resource Center of Training institute for lawyers under the Ministry of justice of the Republic of Uzbekistan (registered under № 24), (Address: 100052, Uzbekistan, Tashkent, Katta Darkhon street, 6. Phone: +998971 234-56-02; e-mail: yurmarkaz@adliya.uz).

The abstract of the dissertation was distributed on April 25, 2025.

(Protocol of the register № 8, April 25, 2025).

B.N.Toshev

Chairman of the Scientific Council for awarding scientific degrees, Doctor of science in law, Professor

Sh.N.Rakhmanov

Secretary of the Scientific council for awarding scientific degrees, Candidate in law, Associate professor

M.A.Tillabayev

Chairman of the Scientific seminar under the Scientific council for awarding scientific degrees, Doctor of science in law, Professor

INTRODUCTION (Abstract of the Doctor of Philosophy (PhD) dissertation)

Relevance and necessity of the them of dissertation. Cooperation between states in the world plays a crucial role in strengthening international peace and security, ensuring global stability, and addressing transnational issues such as climate change, economic disparities, and migration. According to data from the World Bank, in 2023, more than 700 million people worldwide lived on an income of less than \$2.15 per day¹. The International Labour Organization (ILO) reported that the global unemployment rate stood at 5.8% in 2023². Additionally, according to the United Nations, global temperatures have risen by 1.1°C since 2011, posing threats to environmental disasters and food security³. These challenges arise due to international distrust, regional conflicts of interest, and the unequal distribution of resources. To address these issues, it is essential to strengthen the implementation of international treaties, develop economic cooperation, and promote joint initiatives against environmental problems, terrorism, and poverty. From this perspective, the development of cooperation between Uzbekistan and Türkiye and the scientific study of its international legal aspects hold significant relevance today.

In the world, special attention is being paid to scientific research aimed at legal cooperation between states and the implementation of international treaties into national legal systems. In particular, significant results have been achieved in determining the legal force of international treaties, improving their enforcement mechanisms, harmonizing legal norms with national legislation, and studying the processes of legal integration between states. Nevertheless, considering modern global conditions, there is a need to expand research that comprehensively examines the theoretical, practical, and legal aspects of legal relations between Uzbekistan and Türkiye, their development based on international treaties, and their impact on national legal systems. Additionally, it is necessary to identify issues in this field and conduct research aimed at providing scientifically grounded solutions.

In our Republic, strategic cooperation with Türkiye has been developing steadily, yielding significant results in the fields of economy, trade, transport, education, and culture. Notably, more than 140 international legal documents regulate bilateral relations from a legal perspective. Furthermore, Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022, “On the Development Strategy of The New Uzbekistan for 2022–2026”⁴ outlines the task of improving the regulatory and legal framework for foreign policy and economic activities, as well as the treaty-based legal foundations of international cooperation. These tasks, in turn, necessitate strengthening the legal framework of bilateral relations between Uzbekistan and Türkiye, assessing the compliance of existing agreements with contemporary requirements, analyzing the general and specific characteristics of international treaties between the two countries, and developing

¹ Jahon Banki. “Global Poverty Update 2023”. 2023-yil 12-oktabr. Rasmiy veb-sayt: <https://www.worldbank.org/en/news/press-release/2023/10/12/global-poverty-update-2023>

² Xalqaro Mehnat Tashkiloti (ILO). “Global Unemployment Report 2023”. Rasmiy veb-sayt: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_865799/lang--en/index.htm

³ Birlashgan Millatlar Tashkiloti (BMT). “Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report”. Rasmiy veb-sayt: <https://www.ipcc.ch/report/ar6/syr/>

⁴ O‘zbekiston Respublikasi Prezidentining 2022 yil 28 yanvardagi “2022-2026 yillarga mo‘ljallangan Yangi O‘zbekistonning taraqqiyot strategiyasi to‘g‘risida”gi PF-60-son Farmoni // <https://lex.uz/docs/5841063>

relevant proposals. Consequently, it calls for conducting scientific research aimed at analyzing existing international legal documents between Uzbekistan and Türkiye, enhancing their effectiveness, and adapting them to modern requirements.

The dissertation research contributes to the implementation of the tasks outlined in the Law of the Republic of Uzbekistan “On international Treaties” No. LRU-518, dated February 6, 2019, as well as in the agreements “On cooperation in the fight against the illicit trafficking of narcotic drugs and psychotropic Substances and Terrorism” dated April 5, 1993, “On mutual legal assistance in civil, commercial, and criminal matters” dated June 23, 1994, the Consular convention dated June 23, 1994, “On eternal friendship and cooperation” dated May 8, 1996, “On cooperation in the field of environmental Protection” dated May 8, 1996, “On cooperation in the field of healthcare and medicine” dated November 18, 1997, “On cooperation in the fight against international terrorism” dated December 19, 2003, “On Extradition” dated April 30, 2018, “On cultural cooperation” dated April 30, 2018, “On interregional cooperation” dated April 23, 2018, as well as in the Decree of the President of the Republic of Uzbekistan “On measures for the further strengthening and development of cooperation between the Republic of Uzbekistan and the Republic of Türkiye” No. PD-3363, dated October 30, 2017, and other relevant legal acts.

The dependence of the research on the priority areas of development of science and technologies in the country. This research was carried out in the priority direction of the development of science and technology of the republic I. “Formation of a system of innovative ideas and practices to implement them in the social, legal, economic, cultural, spiritual and educational development of an informed society and a democratic state”.

The extent of the study of the research problem. The international legal foundations of cooperation between Uzbekistan and Türkiye have not been studied in sufficient depth, and no specialized comprehensive research has been conducted in this area. At the same time, some scientific works by Uzbek scholars have partially addressed certain aspects of this topic. In particular, research has been conducted on Uzbekistan’s international treaty law, the harmonization of international legal norms with national legislation, and the legal foundations of foreign policy and economic cooperation by scholars such as A.X. Saidov, J. Toshkulov, A.M. Kosimov, G.A. Matkarimova, A.A. Tulaganov, N.S. Narmatov, D.Sh. Umarxanov, D.M. Tukhtamuratov, I.R. Aliev, Z.M. Mirzaakhmedov, M.R. Doschanov, Q. Radjabov, X. Bekmuratov, A.A. Matchonov, A.A. Niyozov, H.M. Yunusov, X.S. Isakdjanov, A.K. Kirgizboyev, M.N. Mirkhamidova, R.T. Khakimov, O.Z. Mukhammedjanov, S.Sh. Sharapova, and M.M. Fayziyev. In particular, various aspects of international treaty relations have been examined by I.M. Umarakhunov⁵ focusing on the process of drafting and implementing international treaties, by L.A. Saidova⁶, analyzing the interconnection between international and national legal norms, and by I. Boboqulov, A. Gofurov, and G. Yuldasheva, who have studied the implementation of international legal norms into national legislation.

Scholars from the CIS countries, including S.N. Baburin, V.V. Ershov, E.G.

⁵ Умарухунов И.М. Международная договорно-правовая практика Республики Узбекистан –Т.:, 2003. –423 с.

⁶ Саидова Л.А. Дипломатическое право в Узбекистане: проблемы теории и практики: Автореф. дис... докт. юр.наук. –Т.:УМЭД 2001. –50с.

Lukashuk, V.M. Shumilov, N.M. Korkunov, S.A. Kotlyarovskiy, N.A. Zakharov, V.N. Kazakov, S.N. Dubinkina, L.D. Timchenko, V.V. Gavrilov, P.N. Biryukov, V.G. Khrabskov, N.I. Kostenko, and A.G. Svetlanov have studied the mechanisms for ensuring the implementation of international treaties, the procedures for fulfilling states' international legal obligations, and pressing issues of international treaty law.

In foreign countries, scholars such as P. Fauchille, A. Bustamante, N. Bergbom, H. Triepel, R. Kolb, A. Aust, P. Duarte, R. Karabuliev, S. Guzel, T. Uzbashi, G. Demir, S. Sonmez, and A. Bayramov⁷ have examined Türkiye's international treaty law and the theoretical and practical aspects of international legal agreements.

Despite these studies, the implementation of international treaties between Uzbekistan and Türkiye into national legislation, the processes of legal harmonization, and the fulfillment of treaty obligations have not been comprehensively analyzed. This research aims to scientifically analyze these legal aspects, enhance the effectiveness of international treaties, and deepen legal integration between the two countries.

Relation of the dissertation's theme to the scientific-research work of higher education institution where it was implemented. The research work was carried out within the framework of the scientific research plan approved in 2022 by The National Center for Human Rights of the Republic of Uzbekistan.

The aim of the research is to theoretically examine the legal nature of the development of international legal cooperation between Uzbekistan and Türkiye, to analyze the general and specific characteristics of international treaties, and to develop scientifically grounded proposals and recommendations to improve the effectiveness of international treaties.

The tasks of the research are to:

to analyze the concept and content of the legal foundations of cooperation between Uzbekistan and Türkiye from the perspective of international law and provide an author's definition of these concepts;

to draw conclusions based on the analysis of the formation and development of international legal relations between Uzbekistan and Türkiye;

to analyze the legal nature and classification of international treaties between Uzbekistan and Türkiye and classify them based on their specific characteristics;

to describe the distinctive features of international treaties regulating areas of cooperation between Uzbekistan and Türkiye and provide an author's description of them;

to examine the legal aspects of Uzbekistan's cooperation with Türkiye within the framework of the Organization of Turkic States (OTS) and identify priority areas of cooperation;

to develop proposals for improving the international legal aspects of the development of bilateral agreements between Uzbekistan and Türkiye;

to formulate scientific proposals and recommendations for enhancing the treaty-based legal framework of Uzbekistan-Türkiye cooperation within the OTS.

The object of the research is the system of international legal relations arising from the cooperation between Uzbekistan and Türkiye.

⁷ Bu va boshqa manbalar dissertatsiyaning foydalanilgan adabiyotlar ro'yxatida keltirilgan.

The subject of the research comprises international treaties, normative legal acts, law enforcement practices, the legislation of foreign countries, as well as scientific and theoretical approaches and perspectives, all aimed at the legal regulation of cooperation between Uzbekistan and Türkiye.

Research methods. The research employs historical, systemic-structural, comparative legal, logical, inductive and deductive methods, comprehensive analysis of scientific sources, and statistical data analysis.

Scientific novelty of the research is as follows:

based on the necessity to improve the legal framework governing the key areas of Uzbekistan's foreign policy and foreign economic activities, the research substantiates the development of proposals for further improvement of the ratification, implementation, and incorporation of international treaties into national legislation.

given the need to establish and enhance the legislative foundations of interparliamentary cooperation, the research justifies the development of mechanisms for the formation and increased efficiency of interparliamentary groups, commissions, committees, working groups, and other structures for cooperation with parliaments of other states and international parliamentary organizations.

owing to the necessity of clearly defining the legal conditions for the transfer of convicted persons between the two states, the research substantiates the need to improve priority areas of cooperation between the prosecutor's offices of both countries, including the procedure for information exchange in investigation and combating crime.

recognizing the importance of fulfilling international obligations in the field of human rights in both countries, the research substantiates the introduction of a procedure for regular bilateral consultations between civil society institutions of the parties, which would serve to ensure the effective protection of human rights in both countries.

The practical results of the research are as follows:

The development process of the treaty-based legal framework between Uzbekistan and Türkiye has been analyzed by dividing it into five stages. Based on these stages, the formation of international treaties, their impact on national legislation, and legal harmonization processes have been substantiated;

A new methodological approach to the classification of international treaties has been developed. Accordingly, treaties between the two countries have been classified into political, economic, socio-humanitarian, and legal categories;

The necessity of improving legal assistance in international criminal cases between Uzbekistan and Türkiye has been justified. The need to sign a special agreement on mutual legal assistance in criminal matters has been substantiated;

Amendments to Article 594 of the Criminal Procedure Code (CPC) have been proposed to define the procedure for accepting and verifying the legality of evidence obtained from foreign states;

Amendments to Article 170 of the CPC to regulate a rapid information exchange mechanism for monitoring international telephone conversations have been substantiated;

The necessity of creating a platform for cooperation and experience exchange between Türkiye and Uzbekistan has been justified;

The need to expand the definition of personal status in Article 5(s) of “The Agreement between the Republic of Uzbekistan and the Republic of Turkey on extradition” has been substantiated;

The necessity of developing a unified legal document within the Organization of Turkic States (OTS) to regulate legal assistance and extradition issues has been justified;

The development of transport and logistics cooperation between Uzbekistan and Türkiye has been substantiated as having significant legal importance;

The need to develop and implement international legal agreements to expand Uzbekistan’s access to maritime routes has been substantiated.

Reliability of research results. The research results are based on international law and national legal norms, the experience of developed countries, law enforcement practices, and statistical data analysis. The findings have been formalized through relevant documents, and the conclusions, proposals, and recommendations have been tested and approved. They have been published in leading national and international journals and validated by competent authorities, with some results already implemented in practice.

Scientific and practical significance of the research results.

The scientific significance of the research results lies in their potential application in academic studies in the field of international law, legislative drafting, and improving national legislation. The conclusions, proposals, and recommendations can also be used in the teaching of subjects such as “International treaty law” and “Law of international organizations”.

The practical significance of the research results is that the conclusions and recommendations can be used to develop international legal cooperation between Uzbekistan and Türkiye, enhance the effectiveness of international treaties, improve mechanisms for legal assistance in international criminal cases, strengthen the information exchange system between law enforcement agencies, and improve the curricula of higher education institutions specializing in international law.

Implementation of the research results.

Based on the scientific findings obtained from the study of the legal foundations of cooperation between Uzbekistan and Türkiye:

Proposals for improving the legal framework of Uzbekistan’s foreign policy and economic activities, establishing and enhancing the legislative foundations of inter-parliamentary cooperation, creating inter-parliamentary groups, commissions, committees, working groups, and other structures for cooperation with foreign parliaments and international parliamentary organizations, and increasing their effectiveness were incorporated into the development of the “Concept of Parliamentary Diplomacy of the Republic of Uzbekistan”, approved by the Joint Resolution of the Council of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan No. 481-IV/KQ-132-IV, dated September 25, 2020, “On the Approval of the Concept of Parliamentary Diplomacy of the Republic of Uzbekistan”. These findings were used in formulating Sections 3.1.1, 4.1.1, 5.8, and 5.10 of the Concept. (*Protocol No. 04/6-10-2404, dated September 23, 2024, issued by the Committee of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan on International Affairs and Interparliamentary Relations*). The implementation of these proposals will contribute to strengthening inter-

parliamentary cooperation between states and improving its legal foundations;

the legal conditions for the transfer of convicted persons between the two countries were analyzed and included in the drafting of Article 4 (a, b, c, d, e, f) of the “Agreement on the Transfer of Convicted Persons Between the Government of the Republic of Uzbekistan and the Government of the Republic of Türkiye,” signed on March 29, 2022. These conditions establish that: a) If that person is a citizen of the administering State or who, without citizenship, has strong social ties of the administering State; b) If the sentence is final; c) If, at the time of receipt of the request for transfer, the sentenced person still has at least nine months sentence to serve; d) If the transfer is consented to by the sentenced person or, where in view of his age or his physical or mental condition one of the two States considers it necessary, by the sentenced person’s legal representative; e) If the acts or omissions on account of which the sentence has been imposed constitute a criminal offence according to the law of the administering State or would constitute a criminal offence if committed on its territory; and f) If the sentencing and administering States agree to the transfer. (*Protocol No. 26/2-112674/24, dated September 26, 2024, issued by the International Legal Department of the General Prosecutor’s Office of the Republic of Uzbekistan*). The implementation of these conditions ensures a clear legal framework for the transfer of convicted persons, strengthens human rights protection, enhances international legal cooperation, and establishes an effective mechanism for cooperation between states in the execution of criminal sentences;

the priority areas for cooperation between the prosecutor’s offices of Uzbekistan and Türkiye, particularly in criminal investigations and the exchange of information in combating crime, were developed and incorporated into Paragraphs 3 and 4 of the Memorandum of Understanding signed between the Prosecutor General’s Office of the Republic of Uzbekistan and the Office of the Prosecutor General of the Supreme Court of Cassation of Türkiye on May 23, 2022. (*Protocol No. 26/2-112674/24, dated September 26, 2024, issued by the International Legal Department of the General Prosecutor’s Office of the Republic of Uzbekistan*). The implementation of these proposals will contribute to strengthening cooperation between the prosecutor's offices of the two states and improving their legal frameworks;

proposals on “maintenance and expansion of contacts between the Parties in order to facilitate the implementation of international commitments of both states in the field of human rights, holding regular bilateral consultations on the promotion and protection of human rights, assistance in developing of communication with civil society institutions of the Parties” were used in drafting of Articles 2 and 3 of the Memorandum of Understanding signed between The National Center for Human Rights of the Republic of Uzbekistan and the Human Rights and Equality Institution of Türkiye on June 7, 2022. (*Protocol No. 11/920, dated September 17, 2024, issued by the National Center for Human Rights of the Republic of Uzbekistan*). The implementation of these proposals will contribute to strengthening cooperation between states in the field of human rights and improving its legal framework.

Approbation of the research results. The results of this research have been discussed at 6 scientific-practical conferences, including 3 international and 3 national scientific-practical conferences.

Publication of the research results. A total of 19 scientific papers have been

published based on the results of this research, including 12 articles in scientific journals recommended for publishing the main scientific findings of the dissertation, of which 8 articles were published in foreign journals.

The structure and volume of the dissertation. The dissertation consists of an introduction, three chapters, a conclusion, and a list of references. The volume of the dissertation is 156 pages.

THE MAIN CONTENT OF THE DISSERTATION

The **introduction** of the dissertation provides an overview of the relevance and necessity of the research topic, its alignment with the main priority areas of the development of science and technology in the republic, the degree of study of the researched problem, the connection of the dissertation topic with the research plans of the higher education institution where the dissertation is conducted, the objectives and tasks of the research, its object and subject, methods, scientific novelty and practical results of the research, reliability of research results, scientific and practical significance of the results, their implementation, approval of research results, publication of results, as well as the volume and structure of the dissertation.

The first chapter of the dissertation is titled “**The Scientific and Theoretical Foundations of Cooperation Between Uzbekistan and Türkiye**” and provides a scientific-theoretical analysis of the concept and essence of the legal foundations of cooperation between Uzbekistan and Türkiye, the formation and development of international legal relations between Uzbekistan and Türkiye, as well as the legal nature and classification of international treaties between the two countries.

The “Declaration on Principles of International Law” adopted by the United Nations General Assembly in 1970 established the core foundations of international legal norms. These principles - including sovereign equality, non-interference in internal affairs, the prohibition of the use of force, and international cooperation - are clearly reflected in the relations between Uzbekistan and Türkiye. Both states continue to develop cooperation in political, economic, and cultural spheres based on mutual respect, respect for sovereignty, and a peaceful orientation. This cooperation can certainly be recognized as a model of friendly relations grounded in the norms of international law.

The researcher analyzes the scientific and theoretical foundations of cooperation between the two states from the perspective of international law. The historical conditions under which the cooperation emerged are examined, and the author develops a definition of concepts such as “international treaties”. The study reviews the process of strengthening international treaty-legal cooperation, identifies its stages, and analyzes the classification of international treaties, the characteristics of intergovernmental agreements, and the issues related to their classification.

Cooperation is an indicator of the interdependence of states and organizations. The development of international relations fosters the creation of social, political, economic, cultural, environmental, and scientific cooperation systems. In recent years, unresolved issues related to global problems of humanity have intensified. Expanding international activities aimed at addressing global challenges has become highly relevant. Cooperation represents a set of relationships that develop through mutual exchange. In modern realities, international relations resemble a process of

establishing dialogue, comparing interests, reaching consensus, and coordinating mechanisms in cases of value mismatches and conflicting situations between regions, countries, and organizations.

The essence of cooperation is aimed at the development of interstate relations and is strengthened through bilateral and multilateral agreements. This process is also carried out within the framework of international organizations, such as the United Nations and the Organization of Turkic States. At the same time, cooperation serves to enhance socio-economic well-being in society and ensure regional stability.

Through international treaties, states exercise their sovereign functions and strengthen the legal and political relations of mutual cooperation. The possibilities for resolving existing issues in bilateral cooperation through treaties are also discussed.

The historical and legal analysis of the treaty-legal foundation reveals a high level of intensity in bilateral relations during the formation of the treaty-legal framework between Uzbekistan and Türkiye, which has contributed to the strengthening of mutually beneficial cooperation. Furthermore, the stages of development of treaty-legal relations between Uzbekistan and Türkiye have been identified. In particular, the first stage covers the period from 1991 to 2016, while the second stage spans from 2016 to the present.

To enhance the effectiveness of treaty-based legal cooperation between Uzbekistan and Türkiye, it is necessary to monitor the interconnection and coordinated functioning of treaty-based legal instruments. These instruments include not only treaty-based legal foundations, legal norms, legal relations, and law enforcement acts but also policy measures aimed at improving the effectiveness of treaty relations between the two states.

From this perspective, international treaties constitute the legal basis that regulates and promotes relations between subjects of international law. The regulation of relations between states is based on the principle of “*pacta sunt servanda*,” which ensures compliance with treaty obligations and facilitates the development of international cooperation in accordance with the purposes of the UN Charter. According to Article 2 of the 1969 Vienna Convention on the Law of Treaties, “treaty” means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. Based on this, the general and specific characteristics of international treaties between states are analyzed, and it is determined that such treaties may possess a variety of features in terms of group, purpose, functions, role, and significance. They are distinguished by general characteristics typical for any international or national treaty, such as their political nature, voluntary conclusion, and others. These general features are manifested in treaties and their norms. The identification of the general and specific legal features of international treaties between Uzbekistan and Türkiye is of great importance for their correct classification and for the systematization of the contractual-legal framework between the two states.

The second chapter of the dissertation, titled “**Legal Aspects of Cooperation Between the Republic of Uzbekistan and the Republic of Türkiye Within the**

Framework of International Treaties”, analyzes the specific features of sectoral international treaties aimed at ensuring cooperation between Uzbekistan and Türkiye, as well as the legal aspects of Uzbekistan’s cooperation with Türkiye within the framework of the Organization of Turkic States.

Based on the Law of the Republic of Uzbekistan No. LRU-518 “On International Treaties” dated February 6, 2019, the classification of Uzbek-Turkish international treaties was carried out in a scientifically grounded manner under four groups. The first group includes agreements on the establishment of diplomatic relations, general political issues, and support for peace and security. The second group consists of agreements related to the economic sector, including trade and economic cooperation, financial and economic agreements, investment protection, environmental protection, and the development of transport communications. The third group covers agreements related to cooperation in social and humanitarian fields. The fourth group includes agreements concerning consular relations, combating crime, and providing legal assistance. The classification of these international treaties is based on theoretical foundations of international law, leading to the following conclusions:

1. Ensuring the compliance of international legal norms with national legislation allows both countries to implement the agreements reached based on a unified and coordinated legal practice. Further research in this area will contribute to improving the substantive legal norms of international treaties between Uzbekistan and Türkiye.

2. Economic relations should be grouped as follows: agreements determining the international legal regime of economic relations, among which trade agreements play the most significant role; agreements regulating the movement of goods and services across state borders, which, in turn, include trade agreements on goods turnover, agreements on industrial, transport, and other national economic projects, agreements on technical services, technical assistance, equipment supply, mutual goods supply, and trade exchange quotas.

3. The subject and regulatory scope of transport agreements indicate that transport serves as a crucial connecting link, forming complex social relations and ensuring necessary connections between producers and consumers of goods, products, and services. This factor contributes to the formation and development of new complex branches of law covering transport law within legal science.

4. When classifying international treaties regulating cooperation between Uzbekistan and Türkiye in the social and humanitarian fields, the subject matter of the agreements was also considered. Therefore, such agreements can be divided into two subgroups based on the type of international relations: agreements on scientific cooperation and agreements in the social and humanitarian fields.

5. To develop cooperation between the two states in the field of human rights, it is proposed to establish regular bilateral consultations and mechanisms for experience exchange. This process should be supported by joint scientific research and legislative initiatives aimed at harmonizing national legislation with international standards. Additionally, enhancing cooperation through the active involvement of civil society institutions in identifying and addressing human rights issues is considered appropriate. Such initiatives will strengthen bilateral relations and elevate human rights protection to a new level.

6. To strengthen inter-parliamentary cooperation between Uzbekistan and Türkiye, it is proposed to expand the activities of Inter-Parliamentary Friendship Groups and establish a solid legal platform in this direction. Further deepening of this cooperation can be achieved through the development of joint legislative initiatives in areas such as combating corruption, protecting human rights, and environmental conservation. These initiatives will contribute to aligning the legal systems of both countries with international standards and advancing innovative legislative mechanisms.

7. It is recommended to develop cultural and humanitarian cooperation between the parliaments of both states through the implementation of joint programs in education, scientific research, and cultural exchange. Special attention should be given to expanding initiatives aimed at preserving cultural heritage and strengthening humanitarian ties among the youth, thereby fostering closer relations between the peoples of both countries.

In addition, international treaties regulating cooperation in the legal field have an institutional character, helping to ensure the full and effective implementation of specific sources of international law. Legal assistance in the legislative field, as a comprehensive component of international cooperation, facilitates the fulfillment of international legal obligations during the implementation of cooperation between the two states. This serves to bring national legal systems closer together.

According to the researcher, intergovernmental agreements between Uzbekistan and Türkiye on mutual legal assistance in civil, commercial, and criminal matters should be considered within the system of sources of legal assistance in criminal matters, as they clarify interstate legal assistance agreements and define their implementation procedures. Ensuring the timely enforcement of international legal norms is of particular importance in this process, as the social value and effectiveness of international legal norms are directly manifested in their implementation. The direct implementation of cooperation between the two states is based on the sovereignty of national states and corresponds to sovereign rights. For example, under the agreement between Uzbekistan and Türkiye on mutual legal assistance in civil, commercial, and criminal matters, it is justified that a request may be refused if the recognition or enforcement of decisions could harm the sovereignty, security, or public interests of the contracting parties, or if the request for legal assistance constitutes a political appeal by one of the contracting parties.

Based on the provisions of international treaties between Uzbekistan and Türkiye, the dissertation proposes a classification of sources regulating legal assistance in criminal matters. It is appropriate to divide them into two groups: 1) international treaties on legal assistance and cooperation, and 2) international treaties that play a supporting role in legal assistance norms. This classification is significant not only from a theoretical perspective but also from a practical standpoint, as it allows for determining which provisions of international treaties should be given priority. The legal regulation of cooperation between the two states plays an essential role in the practical application of international treaties, highlighting the necessity of further scientific and theoretical study of the practical outcomes of Uzbekistan-Türkiye cooperation.

Moreover, in the context of bilateral economic cooperation, a new direction of development – energy cooperation – has brought a new type of transport relations,

international pipeline transport, to the forefront for Central Asian countries. Concrete steps in forming the contractual-legal framework for Uzbekistan- Türkiye transport and communication cooperation are particularly significant in concluding international treaties that contribute to enhancing the transport-transit potential of the Republic of Uzbekistan. This, in turn, strengthens the country's role in the system of international freight transportation and energy resource transit, increases the potential of transport communications, and contributes to the further development and implementation of interstate projects in this field.

The role of the OTS in cooperation between the two countries and its areas of activity have been examined through the organization's official documents.

Uzbekistan's membership in the OTS holds particular significance from the perspective of the country's policy on developing multilateral cooperation. States define their national interests based on internal needs and national security requirements, which creates a foundation for the development of an international legal framework. Uzbekistan's chairmanship of the OTS in 2022 contributed to enhancing the effectiveness of the organization's activities and strengthening its regulatory and legal framework.

Furthermore, the author has attempted to substantiate the OTS as a full-fledged subject of international law by identifying its characteristics typical of an international organization.

By studying the international legal foundations of Uzbekistan- Türkiye cooperation within the OTS framework, these can be appropriately classified into the following groups: agreements regulating security and economic cooperation, as well as agreements governing cooperation in the humanitarian field. The legal framework of OTS activities can be divided into six groups based on their subject matter: political agreements, security-related agreements, trade-economic agreements, transport agreements, scientific and cultural-humanitarian agreements, and legal agreements, as well as documents regulating the OTS's cooperation with other international organizations.

For Uzbekistan- Türkiye contractual-legal cooperation within the OTS, harmonizing legislation is crucial, taking into account the existing legal systems of individual states and the characteristics of regional legal systems.

The third chapter of the dissertation, titled **“Improvement of Bilateral and Multilateral Treaty Relations Between the Republic of Uzbekistan and the Republic of Türkiye,”** analyzes the improvement of bilateral and multilateral treaty relations between Uzbekistan and Türkiye, as well as the prospects for enhancing the contractual-legal foundations of their cooperation within the framework of the OTS.

According to the information presented in this chapter, the diversity of international legal aspects in various fields and their close connection with political relations necessitate the regulation of these areas in the form of international legal documents. Therefore, the successful development of trade-economic and transport cooperation between Uzbekistan and Türkiye largely depends on the full and adequate legal regulation of international economic agreements. To further strengthen interstate trade relations and increase export-import indicators, it is necessary to improve the quality of trade-economic agreements. From this perspective, a systematic analysis of the effective implementation of international

treaty provisions and regular exchanges of views among legal scholars and experts on ways to enhance international treaties are of significant importance.

Developing effective implementation mechanisms for agreements outlined in intergovernmental documents allows for determining common legal standards in the field of law and legislative technology between Uzbekistan and Türkiye. This contributes to the development of effective legal norms and frameworks for drafting international economic agreements beneficial to both states and ensures their uniform application in the cooperation process.

Certain legal cooperation issues and their solutions are also addressed, highlighting the importance of developing legal cooperation, particularly in legal assistance, in accordance with the requirements and norms of international treaties. Legal assistance, as a standard of international obligations supported by norms from various branches of law, requires the continuous improvement of agreements in this field, aligning them with the volume and scope of interstate relations and legal assistance. (“Based on national legislation, states act as initiators in the development of international law, concluding new agreements and addressing all legal shortcomings”)

The role of the organization in international law, its main structures, and the necessity of establishing common standards within the contractual-legal framework of member states, as well as developing a unified approach to forming a security system among partner states, are also emphasized.

For Uzbekistan, Türkiye, and other member states, one of the priority areas is the formation of the legal foundations of economic activities within the OTS. It is essential to improve the contractual-legal framework for creating a more flexible structure for trade and investment relations and developing mechanisms to harmonize the political and legal regulation of foreign economic activities for member and observer states.

Uzbekistan’s participation in the OTS, based on agreements signed within the framework of transport-communication projects led by Türkiye, allows the country to leverage its advantages as a key transport corridor connecting Asia and Europe.

Another future direction of work within the OTS should not only focus on harmonizing domestic legislation but also on developing unified instruments with mandatory enforcement value to combat crime and address pressing issues requiring legal standardization.

CONCLUSION

Based on the study of the legal foundations of cooperation between Uzbekistan and Türkiye, the following scientific conclusions, proposals, and recommendations have been developed.

I. Scientific and theoretical conclusions:

1. The international legal foundations for the formation of legal cooperation between Uzbekistan and Türkiye have been analyzed, and the process of establishing and developing the treaty-legal framework between Uzbekistan and Türkiye has been periodized into two stages: 1991–2016 and the period after 2016. All of these stages are characterized by a progressive trend, which is manifested in the

continuous improvement and increasing effectiveness of treaty-legal documents.

2. The general and specific characteristics of Uzbekistan's international treaties with Türkiye, as well as the provisions of the Law of the Republic of Uzbekistan "On International Treaties," scientific-theoretical concepts, and international treaties regulating cooperation between the two countries, formed the basis for classifying the treaties into five groups: *political, economic, socio-humanitarian, legal treaties, as well as multilateral treaties involving both Uzbekistan and Türkiye.*

3. The analysis of international treaties governing various areas of cooperation between Uzbekistan and Türkiye revealed that the economic and investment sector represents the priority direction in their international legal relations. It was also established that maintaining cooperation in these spheres is of significant economic benefit.

4. When bilateral international treaties between Uzbekistan and Türkiye were analyzed according to Article 7 of the Law of the Republic of Uzbekistan "On International Treaties," which categorizes treaties based on whether they are concluded on behalf of the state, it was found that the majority of treaties (49 out of a total of 139) are intergovernmental. It is recommended to focus on the conclusion of interagency agreements to ensure the effective implementation and economic viability of these treaties.

II. Proposals and recommendations for improving international treaties and existing legislation between the Republics of Uzbekistan and Türkiye:

1. To improve contractual-legal relations between both countries, it is necessary *to establish a monitoring mechanism* for the implementation of international trade agreements. Additionally, *a quality assessment system* harmonized with international standards should be introduced to enhance trade agreements. This system should be implemented through an electronic data exchange system between the customs and sanitary authorities of both states while ensuring the introduction of mechanisms that enhance efficiency. The quality assessment system must be developed based on international standards and reflected in regulatory-legal documents aimed at eliminating trade and technical barriers. These documents should be developed in accordance with the rules of the World Trade Organization (WTO) and other international organizations.

2. *To strengthen cooperation in science, education, culture, and tourism, appropriate agreements* should be concluded to facilitate information exchange between the two countries. This will address the lack of mutual knowledge regarding cooperation opportunities, culture, and history while strengthening economic relations and humanitarian cooperation between Uzbekistan and Türkiye.

3. Due to the emergence of new directions in international cooperation in legal assistance, relevant provisions should be introduced into the **Agreement on mutual legal assistance in trade, civil, and criminal matters** between Uzbekistan and Türkiye. In particular, Article 25² of the agreement should be expanded to specify the scope of assistance, including concepts such as international search, asset confiscation, seizure, and freezing of assets.

4. A legal assistance mechanism should be incorporated into **the Agreement on mutual legal assistance in trade, civil, and criminal matters** to ensure compensation for **environmental damage and compliance with ecological**

requirements in international trade and civil relations. The United Nations Sustainable Development Goals (SDGs) require addressing environmental issues in international trade and civil cases. This principle will ensure that agreements comply with international standards.

5. Considering the increasing types, forms, and scale of crime, it is essential to expand legal assistance in international criminal matters between Türkiye and Uzbekistan. To achieve this, **a cooperation and experience-sharing platform should be established alongside an agreement on legal assistance in criminal cases.** This platform should cover combating transnational crime, extradition of criminals, legal assistance in investigations, rapid information exchange, and capacity building for specialists. The system should be developed in compliance with international conventions and UN requirements.

6. **Under the extradition agreement** between Türkiye and Uzbekistan, a joint information system should be developed **for prompt verification of wanted persons and their legal status.** This system would allow both countries to exchange passport and visa data efficiently. That is, in implementing the provisions of the extradition agreement and related detention procedures, it is necessary to establish a consent requirement for courts to authorize detention orders. Therefore, when a person is declared wanted or planned for detention, it is necessary to verify their citizenship and other relevant information by obtaining a report from the passport and visa service and attaching it to the case.

7. According to Article 35 of the Uzbekistan- Türkiye Extradition Agreement, “If the requested party refuses extradition on the grounds that the person to be extradited is its citizen, it shall initiate criminal prosecution at the request of the requesting party.” Consequently, the authorized bodies of the requesting state must request the initiation of criminal proceedings. In connection with this provision, it is proposed to amend the Criminal Procedure Code of Uzbekistan to recognize **orders from foreign judicial institutions as grounds for initiating criminal proceedings.**

8. In accordance with Article 5(c) of the Extradition Agreement between Türkiye and Uzbekistan, the concept of “**personal status**” should be elaborated further, and specific factors should be listed separately to strengthen humanitarian protection. The personal status category should include factors such as *health conditions (physical or mental illness, disability), age (minority or old age), and family circumstances (care responsibilities, pregnancy, or nursing obligations).*

9. To expedite the process of accepting evidence from foreign states, regulatory norms should be introduced to streamline international evidence exchange based on international standards. Additionally, existing evidence verification systems should be harmonized. Furthermore, **the Criminal Procedure Code should be amended by adding a provision to Article 594 stating that evidence obtained from foreign sources should be assessed based on the legal framework in effect at the time of its collection.**

10. A specialized **expert commission** should be established to regularly review and evaluate the compliance of Uzbekistan’s international treaties in legal cooperation with Türkiye and other foreign states, as well as Uzbekistan’s international obligations with national legislation. This commission should consist of international and national law experts, representatives of law enforcement agencies, parliament members, and specialists from relevant ministries and agencies.

The commission should monitor changes in the legislation of both countries and develop recommendations for aligning national laws with international standards.

11. The General Prosecutor's Office and Ministry of Justice of Uzbekistan should implement **monitoring mechanisms for fulfilling international obligations in combating crime and providing mutual legal assistance**. This will help eliminate discrepancies in the enforcement of international legal norms and improve institutional mechanisms for fulfilling obligations adopted by other states. This framework should be reflected in the Law on International Treaties, the Criminal Procedure Code, as well as Uzbekistan's national programs and strategic documents on international legal cooperation.

12. Within the OTS framework, it is necessary to establish common approaches in the contractual-legal framework of member states, unify legislation while considering regional characteristics, and develop harmonized approaches to shaping a security system in Central Asia. Additionally, mechanisms should be created for strengthening regional integration, implementing transport-communication, water-energy, environmental, and other projects, and advancing cooperation mechanisms in these areas.

III. Proposals for improving international legal cooperation between the Republics of Uzbekistan and Türkiye

1. To minimize non-tariff barriers in export-import processes and ensure the effective protection of intellectual property rights, experts from Uzbekistan, Türkiye, and OTS member states should develop an indicative list of goods eligible for the most favorable trade regime and draft an agreement facilitating the cross-border dissemination of innovations. This agreement should regulate customs procedures, intellectual property protection, innovation exchange, and certification processes.

2. It is necessary to focus on developing mandatory legal documents aimed at enhancing the fight against transnational crime and establishing harmonized legal norms in this field. This includes creating **international investigation teams within OTS member states, defining their formation and operational procedures, specifying the content and execution of international investigative requests, and outlining rules for case consolidation and the exchange of criminal cases involving multiple member states**.

3. Within the framework of modernizing the legal foundations of economic activities and the organizational structure of trade and economic cooperation within the OTS, it is crucial to adopt legal documents addressing **trade, investment, energy, transport-communication, and agro-industry cooperation** issues. These documents should also facilitate direct business-to-business relations among entrepreneurs from Uzbekistan, Türkiye, and other OTS countries.

4. *The international legal framework for environmental protection and the use of transboundary rivers* should become a fundamental principle of cooperation among OTS member states, contributing to the formation of an effective legal system in this area. This system should fully support and implement international conventions on water use while incorporating bilateral and multilateral legal mechanisms that ensure environmental protection while balancing the interests of all water-consuming states.

5. Considering the contractual-legal framework of Uzbekistan- Türkiye cooperation within the OTS, it is advisable to establish **a monitoring mechanism to oversee the implementation of agreements, determine future priorities for legislation and treaty enforcement**, and identify potential challenges in cooperation areas. Additionally, this mechanism should propose optimal legal solutions. If international legal institutions significantly influence national legal systems, this mechanism should accelerate legal harmonization and regulatory adjustments.

6. Taking into account *the development of national environmental law* in Uzbekistan and Türkiye, as well as the interaction and interdependence of the legal systems of other OTS member states, it is necessary to adopt a legal document establishing comparative legal environmental research as a scientific method and a comprehensive research direction. This mechanism will help align national legislation, identify unique legal norms, and determine optimal regulatory approaches for specific sectors of society.

7. A continuous monitoring system should be implemented to ensure legislation and law enforcement practices comply with international legal norms. This process should be regarded as a key mechanism for enforcing international standards in the fight against law violations and crime.

**НАУЧНЫЙ СОВЕТ DSc.07/27.02.2020.Yu.108.01 ПО ПРИСУЖДЕНИЮ
УЧЁНЫХ СТЕПЕНЕЙ ПРИ ИНСТИТУТЕ ПЕРЕПОДГОТОВКИ И
ПОВЫШЕНИЯ КВАЛИФИКАЦИИ ЮРИДИЧЕСКИХ КАДРОВ ПРИ
МИНИСТЕРСТВЕ ЮСТИЦИИ РЕСПУБЛИКИ УЗБЕКИСТАН**

**НАЦИОНАЛЬНЫЙ ЦЕНТР РЕСПУБЛИКИ УЗБЕКИСТАН ПО
ПРАВАМ ЧЕЛОВЕКА**

ХУДАЙБЕРДИЕВА ШОХИСТА АКМАЛ КИЗИ

**ПРАВОВЫЕ ОСНОВЫ СОТРУДНИЧЕСТВА МЕЖДУ
РЕСПУБЛИКОЙ УЗБЕКИСТАН И ТУРЦИЕЙ**

12.00.10 – Международное право

АВТОРЕФЕРАТ

**диссертации на соискание ученой степени доктора философии (PhD) по
юридическим наукам**

Ташкент – 2025

Тема диссертации на соискание ученой степени доктора философии (PhD) зарегистрирована Высшей аттестационной комиссией при Министерстве высшего образования, науки и инноваций Республики Узбекистан за № B2022.4.PhD/Yu901.

Диссертация выполнена в Национальном центре Республики Узбекистан по правам человека.

Автореферат диссертации размещен на трёх языках (узбекский, русский, английский (резюме)) на веб-сайт Научного совета (<https://uzmarkaz.uz/>) и Информационно-образовательном портале «Ziyonet» (www.ziyonet.uz).

Научный руководитель:

Тошкуллов Журабой

доктор юридических наук, профессор

Официальные оппоненты:

Саидова Лола Абдувохидовна

доктор юридических наук, профессор

Гафурова Севара Алишеровна

доктор юридических наук, доцент

Ведущая организация:

Университет мировой экономики и дипломатии

Защита диссертации состоится 14 мая 2025 года в 14:30 на заседании Научного совета DSc.07/27.02.2020.Yu.108.01 по присуждению ученых степеней при Институте переподготовки и повышения квалификации юридических кадров при Министерстве юстиции Республики Узбекистан (Адрес: 100052, г. Ташкент, ул. Катта Дархон, 6. Тел.: +99871 234-56-02; e-mail: yurmarkaz@adliya.uz).

С диссертацией можно ознакомиться в Информационно-ресурсном центре Института переподготовки и повышения квалификации юридических кадров при Министерстве юстиции Республики Узбекистан (зарегистрирована № 24). (Адрес: 100052, г. Ташкент, ул. Катта Дархон, 6. Тел.: +99871 234-56-02; e-mail: yurmarkaz@adliya.uz).

Автореферат диссертация разослан 25 апреля 2025 года.

(Протокол реестра № 8 от 25 апреля 2025 года).

Б.Н. Тошев

Председатель Научного совета по присуждению ученых степеней, доктор юридических наук, профессор

Ш.Н.Рахманов

Секретарь Научного совета по присуждению ученой степени, кандидат юридических наук, доцент

М.А.Тиллабаев

Председатель Научного семинара при Научном совете по присуждению ученых степеней, доктор юридических наук (DSc), профессор

ВВЕДЕНИЕ (Аннотация диссертации доктора философии (PhD))

Цель исследования состоит в изучении юридической природы международно-правовых аспектов развития сотрудничества между Узбекистаном и Турцией, теоретического изучения общих и специфических свойств международных договоров, а также в разработке научно обоснованных предложений и рекомендаций по повышению эффективности международных договоров.

Объектом исследования является система международно-правовых отношений, возникающих в результате сотрудничества между Узбекистаном и Турцией.

Предметом исследования являются международные договоры, нормативно-правовые акты, правоприменительная практика, законодательство зарубежных стран, научно-теоретические взгляды и подходы, направленные на правовое регулирование сотрудничества Узбекистана и Турции.

Методы исследования. В исследовании использованы методы исторического, системно-структурного, сравнительно-правового, логического, индукционно-дедуктивного, комплексного изучения научных источников, а также анализа статистических данных.

Научная новизна исследования заключается в следующем:

обоснована необходимость разработки предложений по дальнейшему совершенствованию ратификации, реализации и имплементации в национальное законодательство международных договоров в целях дальнейшего совершенствования правовой базы взаимоотношений Республики Узбекистан во внешнеполитической и внешнеэкономической деятельности по международному сотрудничеству в её основных сферах;

обоснована необходимость организации сотрудничества с парламентами иностранных государств и международными парламентскими организациями по созданию межпарламентских групп, комиссий, рабочих групп и других структур, включая механизмы повышения их эффективности, в целях формирования и совершенствования законодательной базы межпарламентского сотрудничества;

обоснована необходимость совершенствования приоритетных направлений сотрудничества между прокуратурами двух стран, включая совершенствование процедуры обмена информацией при расследовании преступлений и борьбе с преступностью в целях обеспечения четкого правового определения условий передачи осужденных между двумя государствами;

обоснована эффективность организации порядка проведения регулярных двусторонних консультаций между институтами гражданского общества двух стран по защите прав человека в целях оказания помощи двум государствам по исполнению ими международных обязательств в сфере прав человека.

Внедрение результатов исследования. На основе научных результатов, полученных в ходе исследования правовых основ сотрудничества между

Узбекистаном и Турцией:

Предложения по совершенствованию правовой базы внешнеполитической и внешнеэкономической деятельности Республики Узбекистан, развитию межпарламентского сотрудничества, созданию и повышению эффективности деятельности межпарламентских структур, а также укреплению сотрудничества с международными парламентскими организациями, в том числе с Парламентской ассамблеей ОТГ, были использованы при разработке Концепции парламентской дипломатии Республики Узбекистан, утвержденной Совместным постановлением Совета Законодательной палаты и Сената Олий Мажлиса Республики Узбекистан от 25 сентября 2020 года № 481-IV/KQ-132-IV. Внедрение данного предложения способствует укреплению межпарламентского сотрудничества и совершенствованию его правовой базы. Также использовано при разработке пунктов 3.1.1, 4.1.1, 5.8, 5.10 «Концепции парламентской дипломатии Республики Узбекистан», разработанной в соответствии с Совместным постановлением Кенгаша Законодательной палаты Олий Мажлиса Республики Узбекистан и Кенгаша Сената Олий Мажлиса Республики Узбекистан (Протокол Комитета по международным делам и межпарламентским связям Законодательной палаты Олий Мажлиса Республики Узбекистан от 23 сентября 2024 года № 04/6-10-2404).

разработаны и внедрены юридические критерии передачи осужденных между двумя государствами, а именно: а) если лицо является гражданином государства для исполнения наказания или, в случае отсутствия гражданства, имеет устойчивые социальные связи с данным государством; б) если судебное решение вступило в законную силу; в) если на момент поступления запроса о передаче оставшаяся часть срока наказания составляет не менее девяти месяцев; г) если осужденный дал согласие на передачу, либо в случае его несовершеннолетия или недееспособности, согласие выражено законным представителем; д) если деяние, послужившее основанием для вынесения приговора, признается преступлением в соответствии с законодательством государства исполнения наказания; е) если как государство вынесения приговора, так и государство исполнения наказания согласны на передачу осужденного.

Данные условия были учтены при разработке статьи 4 «Соглашения между Правительством Республики Узбекистан и Правительством Турецкой Республики о передаче осужденных лиц», подписанного 29 марта 2022 года (Протокол Международно-правового управления Генеральной прокуратуры Республики Узбекистан от 26 сентября 2024 года № 26/2-112674/24). Введение данных норм способствует четкому правовому регулированию процесса передачи осужденных, защите прав человека, развитию международного сотрудничества в правовой сфере и совершенствованию механизмов исполнения уголовных наказаний.

Предложения по приоритетным направлениям сотрудничества между прокуратурами двух государств, в том числе по обмену информацией при расследовании преступлений и борьбе с преступностью, были использованы

при разработке параграфов 3 и 4 Меморандума о взаимопонимании между Генеральной прокуратурой Республики Узбекистан и Главной прокуратурой Верховного кассационного суда Турецкой Республики, подписанного 23 мая 2022 года (Протокол Международно-правового управления Генеральной прокуратуры Республики Узбекистан от 26 сентября 2024 года № 26/2-112674/24). Внедрение данного предложения способствует укреплению сотрудничества между прокуратурами двух стран и совершенствованию его правовой базы.

В целях содействия выполнению международных обязательств двух государств в области прав человека, развития и расширения двусторонних отношений, а также регулярных консультаций по вопросам защиты прав человека между институтами гражданского общества, были разработаны и использованы в статьях 2-3 Меморандума о взаимопонимании между Национальным центром Республики Узбекистан по правам человека и Институтом прав человека и равноправия Турецкой Республики, подписанного 7 июня 2022 года (Протокол Национального центра Республики Узбекистан по правам человека от 17 сентября 2024 года № 11/920). Внедрение данного предложения способствует укреплению сотрудничества в области прав человека и совершенствованию его правовой базы.

Апробация результатов исследования. Результаты исследований обсуждались на 6 научно-практических конференциях, в том числе на 3 международных и 3 республиканских научно-практических конференциях.

Опубликование результатов исследования. По результатам исследования опубликовано 19 научных работ, в том числе 12 статей в научных изданиях, рекомендованных для публикации основных научных результатов диссертации, из них 8 статей опубликованы в зарубежных журналах.

Структура и объем диссертации. Диссертация состоит из введения, 3 глав, заключения, списка литературы. Общий объем диссертации составляет 156 страниц.

E'LON QILINGAN ILMİY ISHLAR RO'YXATI
СПИСОК ОПУБЛИКОВАННЫХ НАУЧНЫХ РАБОТ
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Avtoreferat YMOM “Yurist Axborotnomasi” jurnali tahririyatida tahrirdan o‘tkazilib, o‘zbek, rus va ingliz tillaridagi matnlar o‘zaro muvofiqlashtirildi.

Bosishga ruxsat etildi 25.04.2025.
Bichimi: 60x84^{1/16}. “Times New Roman”
garniturada 14 raqamli bosma usulida bosildi.
Shartli bosma tabog‘i 3.3. Adadi:100. Buyurtma: № 50

100060, Toshkent sh., Ya.G‘ulomov ko‘chasi, 74.
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