

Legal Challenges in Protecting Uzbekistan's Cultural Heritage

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Article History:

Submitted:

25-03-2025

Received:

08-04-2025

Accepted:

21-05-2025

Keywords:

cultural heritage

protection; cultural

heritage law; historical

preservation

Abstract

The protection of historical and cultural heritage is a crucial aspect of preserving national identity and safeguarding a nation's historical values. Uzbekistan, as a country with a rich cultural heritage, has established various national regulations and holds membership in international conventions to protect its cultural assets. However, the implementation of these policies faces multiple challenges, including a lack of inter-agency coordination and resource constraints. This study aims to analyze the national and international legal frameworks for cultural heritage protection in Uzbekistan. It employs a normative legal research method with a descriptive-analytical approach. Data is obtained through document analysis of national regulations, such as the Law on the Protection and Use of Cultural Heritage Objects, as well as international agreements, including the 1972 UNESCO World Heritage Convention. The analysis is conducted through content analysis of legal texts and policies, along with a comparative approach to assess the effectiveness of national regulations against international standards. The study finds that although Uzbekistan has established a strong legal foundation for cultural heritage protection, policy implementation continues to face challenges, including regulatory inefficiencies, weak law enforcement, and limited public awareness of the importance of cultural heritage preservation. Furthermore, despite Uzbekistan's adoption of various international conventions, the harmonization of domestic laws with international standards remains inadequate. Therefore, more progressive legal reforms, enhanced law enforcement capacity, and the optimization of oversight mechanisms are necessary to ensure more effective cultural heritage protection.

1. Introduction

The Republic of Uzbekistan is a country where unique historical and cultural monuments of various eras, styles and trends are located. The Bronze Age, the Early Iron Age, the period of antiquity, the state of the Kushans, Tocharians, Eftalites, the Turkic Khaganate, the rule of the Karakhanids, Amir Temur, and so on.¹ All of them left outstanding monuments of spiritual and material culture. The historical and cultural heritage of Uzbekistan is an integral part of the universal culture, an effective lever for the formation and development of the intellect of a person, society, or ethnic group, and the most important repository of historical memory.² It includes that part of the multi-faceted historical experience of society that is necessary for a person in the turbulent conflicts of our time, and which allows us to trace the indissoluble connection of times - a guiding thread connecting the oldest layers of history with

¹ Oybek Alikulovich Ostonov et al., "The Recent Past and Present of the Protection of Historical and Cultural Monuments in Uzbekistan," *ACADEMICIA: An International Multidisciplinary Research Journal* 11, no. 4 (2021): 289-94, <https://doi.org/10.5958/2249-7137.2021.01057.0>.

² G'ayrat Pardaevich Rasulov, "The Concept of Historical and Cultural Heritage and Its Role in Social Development," *Theoretical & Applied Science* 87, no. 07 (July 30, 2020): 38-40, <https://doi.org/10.15863/TAS.2020.07.87.9>.

the present day. According to Amir Temur, they appeal to future generations: "If you want to judge our power, then look at the buildings we have built³."

Familiarizing ourselves with the historical and cultural heritage gives us not only an understanding of the past, but also a knowledge of the present in the light of the meaning that we see in the future. The past is a historical and cultural heritage. This is a storehouse of material and spiritual components, which has a personal, collective, state or other origin. The historical and cultural heritage is represented by many different types of evidence. These include archaeological finds (household items, ornaments, tools, etc.), natural and architectural landscapes, and other preserved objects of material culture (ancient machines, appliances, utensils, etc.), written sources (state acts, chronicles, books, diaries, letters, State and legal documentation).⁴ The protection of historical and cultural heritage has an instructive history, during which its means, forms and methods have evolved. In the process of state-legal protection of historical and cultural heritage, changes affected the system of subjects of protection and the nature of their exercise of their powers.⁵ In the field of protection of historical and cultural heritage, both the functional protection activities of the state (law-making, law enforcement, law enforcement) and the object-based, i.e. direct activities of state bodies aimed at maintaining public order, preserving components of historical and cultural heritage, ensuring the rights of citizens to free creativity and access to historical and cultural heritage were improved. The study of the protection of the Russian historical and cultural heritage seems very timely, taking into account the situation that has developed in our country with monuments of historical and cultural significance by the beginning of the XXI century. Meanwhile, the international community, of which sovereign Uzbekistan is a full member, is clearly aware of the need to take appropriate measures, including legal and administrative ones, to identify, protect, preserve, promote and restore cultural heritage. This provision is explicitly stated in article 5 (d) of the Convention for the Protection of the World Cultural and Natural Heritage, adopted at the seventeenth Assembly of the UNESCO General Conference on 16 November 1972." Today, the restoration of historical and cultural monuments associated with the revival of the Great Silk Road, the names of such prominent figures as Amir Temur, Mirzo Ulugbek, Muhammad Zahriddin Babur, Imam al Bukhari, Termezi, Bahouddin Naqshbandi and other great ancestors has noticeably intensified in modern Uzbekistan.⁶ Over the years of independence, a huge amount of work has been carried out to restore the names of many of our outstanding scientists, cultural figures, historical monuments, and revive the traditions of the sacred religion of our ancestors – Islam. It is necessary to emphasize the importance of the decisions of the President of the Republic of

³ Hakimali Azimov, "The Historical Heritage of Amir Temur - An Important Factor in the Development of Humanity," *Jurisprudence* 1, no. 5 (December 15, 2021): 190–95, <https://doi.org/10.51788/tsul.jurisprudence.1.5./XHIR2101>.

⁴ Ostonov et al., "The Recent Past and Present of the Protection of Historical and Cultural Monuments in Uzbekistan."

⁵ Manzura Khasanova, "Protection of Historical and Cultural Heritage of the Southern Regions of Uzbekistan: Experience and Preservation," *International Journal of Multicultural and Multireligious Understanding* 10, no. 9 (October 3, 2023): 277, <https://doi.org/10.18415/ijmmu.v10i9.5160>.

⁶ Katerina Papaioannou, "The International Law on the Protection of Cultural Heritage," *IJASOS-International E-Journal of Advances in Social Sciences*, April 30, 2017, 257–257, <https://doi.org/10.18769/ijasos.309684>.

Uzbekistan Shavkat Mirziyoyev aimed at ensuring the revival of the spiritual and cultural heritage of our people: the improvement of the holy sites of Abu Muin Nasafiya in Kashkadarya, Abu Iso Muhammad at-Termiziya in Sherobad district, Bahouddin Naqshband in Bukhara, Imom Termiziya mosque and Suzukot mausoleum Tashkent, etc. A striking example of the special attention paid by the Head of State to the preservation of the historical, cultural and spiritual heritage of the people of Uzbekistan is the adoption of the Decree of the President of the Republic of Uzbekistan "On measures to further improve the management system in the field of culture and sports" dated August 15, 2017, and the Resolutions "On measures to further improve the system of storage, research and promotion of ancient written materials". sources "dated May 24, 2017," "On the establishment of the Center for Research of cultural values of Uzbekistan located abroad under the Cabinet of Ministers of the Republic of Uzbekistan" dated June 20, 2017, "On the organization of activities of the Public Council for Modern History of Uzbekistan under the Academy of Sciences of the Republic of Uzbekistan" dated June 30, 2017.⁷ These and other acts of the Head of State are important in organizing the restoration of the centuries-old history and rich culture of our people, comprehensive in-depth study and promotion of the scientific and spiritual heritage of our great ancestors, improvement of sacred sites, etc.⁸ This indicates the international recognition of Uzbekistan's contribution to the development of world civilization, but it also imposes a great responsibility on the republic. Thus, the protection of historical and cultural heritage is primarily the task of the State and its bodies. This is explicitly stated in article 4 of the aforementioned 1972 Convention, which states that each State party to the Convention recognizes that the obligation to ensure the identification, protection, preservation, promotion and transmission to future generations of cultural heritage located on its territory rests primarily on it. "To this end," article 4 goes on to say, "it (the State) seeks to act both through its own efforts, making maximum use of available resources, and, if necessary, through international assistance and cooperation, which it can benefit from, inter alia, in the financial, artistic, scientific and technical fields relationships".⁹

The leading role of the state in the protection of historical and cultural heritage is also enshrined in the Constitution of the Republic of Uzbekistan (Article 61), which states that "Citizens are obliged to protect the historical, spiritual, cultural, scientific and natural heritage of the people of Uzbekistan. Historical, spiritual, cultural, scientific and natural heritage is protected by the State." The State implements this function through an extensive system of its bodies, including through state administration bodies with the active participation of public associations. Cultural monuments and objects of intangible heritage of Uzbekistan are recognized by the world community as universal cultural heritage.¹⁰ The list of universal cultural heritage of mankind includes four historical cities of the Republic of Uzbekistan-

⁷ B. Rakhimov, "Scientific Study of the Historical and Cultural Heritage Over the Years of Independence (Surkhandarya Region)," *Bulletin of Science and Practice* 6, no. 12 (December 15, 2020): 477-82, <https://doi.org/10.33619/2414-2948/61/59>.

⁸ Rakhimov.

⁹ Papaioannou, "The International Law on the Protection of Cultural Heritage."

¹⁰ Yuriy Voloshin et al., "International Legal Standards in the Field of Protection of Cultural Heritage and Their Implementation in the National Legislation of the States," *National Academy of Managerial Staff of Culture and Arts Herald* 0, no. 2 (May 28, 2019), <https://doi.org/10.32461/2226-3209.2.2019.175371>.

Samarkand itself, Bukhara, Khiva, and Shakhrisabz. The corresponding UNESCO list also includes unique manuscripts located at the Abu Rayhan Beruni Center for Oriental Manuscripts the Tashkent State Institute of Oriental Studies of the Republic of Uzbekistan, the Navruz holiday, Katta Ashula, "Shashmakom", Askia and traditions related to Uzbek pilaf. Today, more than 100 thousand handwritten works are stored in the book collections of Uzbekistan.¹¹ Manuscripts of scientists and thinkers of the East who worked in the Middle Ages make up the "golden fund" of libraries in Europe and Asia, in particular, Great Britain, Germany, Spain, Russia, France, Egypt, India, Iran and other countries. Uzbekistan joined (signed) to more than 10 international acts in the field of cultural heritage preservation. These instruments include: the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954, The Hague), the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970, Paris), and the Convention for the Protection of the World Cultural and Natural Heritage (1972, Paris) International Convention for the Protection of the Intangible Cultural Heritage (2003, Paris) and others. The provisions of the second part of article 61, which establishes that historical, spiritual, cultural, scientific and natural heritage is protected by the State, have been consistently developed in national legislation. On the basis of this norm, a complete system of legal, organizational, financial, informational, material and technical requirements has been created.¹² and other measures in the field of protection and use of cultural heritage objects as the national heritage of the people of Uzbekistan.¹³

Among them are measures: development of scientific and scientific; technical research of cultural heritage objects; carrying out historical and cultural expertise of cultural heritage objects; development of projects for zones of protection of tangible cultural heritage objects; issuing permits for work on the preservation of tangible cultural heritage objects, as well as for conducting scientific and technical research on tangible cultural heritage objects. cultural heritage.¹⁴ And I spent all my scientific activity studying the political and legal teachings of thinkers of the East such as Abu Nasr Farabi and SGO ideas about the virtuous city, Ibn Sina, Abu Reyhan Biruni, Koshifi, Nizam al-Mulk, Amir Timur, Alisher Nawai, Babur and Jadids, etc. So I want to give an example as Amir Timur Sahibkiran-the creator of a multicultural system that supports not only sedentary, nomadic, but also various national factions of the empire. The reign of Amir Temur was marked by integration with European countries. The fact that a small part of Europe (Constantinople and others) pays tribute to the great strategist after appearing in Ankara and becomes his vassal, the presence of elements and European culture.

Sahibkiran thought globally, recognizing the universal right to life, seeing the peoples of the world in a single geopolitical space. He was the first to establish relations with Europe on

¹¹ Мухаммади Усмонов, "Конституционное Регулирование Охраны Исторического, Духовного и Культурного Наследия Народа Узбекистана," *Общество и Инновации* 2, no. 8/S (September 15, 2021): 143-48, <https://doi.org/10.47689/2181-1415-vol2-iss8/S-pp143-148>.

¹² Khasanova, "Protection of Historical and Cultural Heritage of the Southern Regions of Uzbekistan: Experience and Preservation."

¹³ Khasanova.

¹⁴ Voloshin et al., "International Legal Standards in the Field of Protection of Cultural Heritage and Their Implementation in the National Legislation of the States."

the basis of friendship and cooperation. In their letters, the representatives of Europe welcome the mutually beneficial bilateral relations.

The family members 'messagessay: " You send your merchants to my country. We will welcome them warmly, give them all the honors. We will also send our merchants to your country. For the world prospers because of the merchant people." Monuments from the time of Amir Temur are unique.¹⁵ They seem to appeal to future generations: "If you want to judge our power, then look at the buildings we have built."¹⁶ Today there are several picturesque monuments built under the direct supervision of Amir Temur: Ak-saray, mausoleums of Gur-Emir, Ahmad Yassavi, Bibi-Khanim Mosque and Shahi Zinda complex. Despite the fact that construction began earlier, the main design of the ensemble is being completed in Temur. It is also worth noting that later the iks of Sahibkiran-Shahrukh, Ulugbek, Huseyn Baykara, Babur, Kamran Mirzo, Akbarshah, Shah Jahan and other representatives of their time made a great contribution to world science and culture.¹⁷ Speaking at the international conference today, I would like to conclude by noting that every year on April 18, the whole world celebrates the International Day for the Protection of Monuments and Historical Sites (World Heritage Day). This date was established in 1983 by the Assembly of the International Council for the Protection of Monuments and Sites (ICOMOS), established under UNESCO. For the first time, at the interstate level, the day of monuments and historical sites was celebrated on April 18, 1984.

On the occasion of the International Day for the Protection of Monuments and Historical Sites, thematic conferences and other various events are held in the republic. Some museums can be visited free of charge, and closed architectural complexes and historical buildings open their doors. Yes, this confirms that in our country more attention is paid to the protection of ancient objects. Thus, the new draft Constitution of the Republic of Uzbekistan now defines in 61article 61 that " Citizens are obliged to protect the historical, spiritual, cultural, scientific and natural heritage of the people of Uzbekistan. Historical, spiritual, cultural, scientific and natural heritage is protected by the State." The Laws "On the protection and Use of Cultural Heritage Objects", "On Museums", "On the export and import of Cultural Heritage" and "On the Protection and Use of Archaeological Heritage Objects", as well as the Resolution of the Cabinet of Ministers "On Measures for Further Improvement and Development of the protection and use of cultural heritage objects "and other regulatory documents. On the basis of the above-mentioned legal acts, the procedure for state protection, preservation and use of cultural heritage objects, of which there are currently more than 7,000 in our country, is established. Among them are Ichan-Kala in Khiva, the historical center of Bukhara, architectural monuments of the Temurid era of Shakhrisabz and Samarkand, as well as other unique architectural creations that are included in the UNESCO World Cultural Heritage List.

¹⁵ Mukhabbat Khamidova, "Sources on the Architectural Monuments of Amir Temur and Temurid's Era," *Reconstructing the Past: Journal of Historical Studies*, 2023, <https://doi.org/10.54414/MLBB4368>.

¹⁶ Kilicheva Karomat, "The Teachings of Amir Temur about Justice and Its Consequences in the XXI Century," *Asian Journal of Multidimensional Research* 11, no. 11 (2022): 374-77, <https://doi.org/10.5958/2278-4853.2022.00352.4>.

¹⁷ Axmedova O'G'Iloy Ismoil Qizi, "The Role of Amir Temur in the History of Uzbekistan and the World," *International Journal of History and Political Sciences* 03, no. 06 (June 1, 2023): 59-61, <https://doi.org/10.37547/ijhps/Volume03Issue06-11>.

But citizens should not forget about their responsibilities as the protection of natural and historical heritage. Since the law establishes administrative and criminal liability for violating the rules of protection and use of objects of historical, spiritual and cultural heritage. Thus, according to Article 64 of the Code of Administrative Responsibility of the Republic of Uzbekistan, violation by citizens of the rules for the protection and use of historical or cultural monuments entails the imposition of a fine. According to Article 132 of the Criminal Code, the penalty for deliberate destruction, destruction, or damage to historical or cultural monuments taken under State protection, committed after the application of an administrative penalty, can be provided for correctional labor for up to three years. For the commission of such actions that caused major damage, a penalty may be imposed in the form of restriction of freedom from one to three years or imprisonment for up to three years. Objects of historical, spiritual and cultural heritage are an invaluable treasury and wealth of the people of Uzbekistan. This wealth belongs not only to the present, but also to future generations. Therefore, their careful maintenance is a constitutional duty of all citizens of the Republic of Uzbekistan.

2. Methods

This study employs a normative legal research method with a descriptive-analytical approach to examine the regulatory framework for cultural heritage protection in Uzbekistan. Data is obtained through document analysis, including national legislation such as the Law on the Protection and Use of Cultural Heritage Objects, the Constitution of Uzbekistan, and international conventions such as the 1972 UNESCO World Heritage Convention. The analysis is conducted using content analysis of legal texts and policies, as well as a comparative approach to assess national regulations against international standards. This study aims to evaluate the effectiveness of legal protection and identify policy solutions to enhance cultural heritage conservation in Uzbekistan.

3. Results and Discussion

3.1. Legal Protection of Historical and Cultural Heritage in the Republic of Uzbekistan: A Legal and Policy Analysis

The protection of historical and cultural heritage in the Republic of Uzbekistan is an integral part of the constitutional guarantees that bind the state to the promotion, preservation, and safeguarding of objects with high historical and cultural value. These constitutional provisions are not merely declarative but constitute imperative legal norms that must be realized through concrete legislation and effective implementation mechanisms. The Constitution of the Republic of Uzbekistan explicitly regulates the state's obligation to preserve historical and cultural heritage as an inseparable part of national interests and identity.¹⁸ Article 61 of the Uzbek Constitution affirms that the state is responsible for protecting historical and cultural heritage, while every citizen is also obligated to preserve and refrain from damaging such historical legacies. Normatively, this provision establishes a general legal framework (*lex generalis*) for the protection of historical and cultural heritage in Uzbekistan. However, in practice, such protection requires more detailed subsidiary legal instruments that provide a more rigid and effective mechanism to prevent degradation,

¹⁸ Voloshin et al., "International Legal Standards in the Field of Protection of Cultural Heritage and Their Implementation in the National Legislation of the States."

exploitation, or destruction of cultural heritage, whether directly or as a result of state negligence in fulfilling its obligations.

Uzbekistan has adopted various laws governing the protection of cultural heritage, including the Law on the Protection and Use of Cultural Heritage Objects, which serves as a *lex specialis* within the national legal framework for managing and protecting historical heritage.¹⁹ This law regulates the classification of cultural heritage objects, conservation and restoration mechanisms, as well as restrictions on ownership transfers, exports, and imports of objects categorized as cultural heritage. One of the crucial aspects of this law is the enforcement mechanism, which includes administrative and criminal sanctions for violations of cultural heritage protection.²⁰ However, the effectiveness of these legal sanctions remains debatable, particularly regarding their implementation at the regional level, which often lacks alignment with national policies.

Another significant legal aspect in the protection of cultural heritage pertains to regulations on the protection of archaeological sites, as outlined in the Law on the Protection and Use of Archaeological Heritage Objects. This law imposes strict regulations on the management of archaeological sites by establishing stringent rules on exploration and excavation of historically significant artifacts. Additionally, Uzbekistan has enacted legislation on museums (Law on Museums), which governs museum administration as part of cultural conservation instruments.²¹ However, in practice, several challenges persist, particularly in funding and the management of cultural assets in various regions, which still face inadequate legal infrastructure.

From an international legal perspective, Uzbekistan is a party to several international legal instruments related to the protection of cultural heritage.²² One of the most significant conventions influencing Uzbekistan's legal framework is the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention). This convention binds Uzbekistan to an international legal obligation to identify, protect, and preserve cultural heritage within its jurisdiction. Ratification of this convention is not merely a normative recognition but also carries legal consequences, requiring the state to adopt domestic regulations aligned with UNESCO's international standards. Furthermore, Uzbekistan has adopted the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which emphasizes the importance of recovering cultural objects acquired through illegal means. This convention places Uzbekistan within a stricter international legal regime regarding the export and import of cultural heritage objects, directly impacting national policies aimed at preventing the illicit trade of historical artifacts. However, the implementation of these convention provisions within Uzbekistan's legal system still faces

¹⁹ Khasanova, "Protection of Historical and Cultural Heritage of the Southern Regions of Uzbekistan: Experience and Preservation."

²⁰ A. K. Polyamina, "Cultural Heritage, Values and Cultural Values as Political and Legal Categories and Objects State Protection," *Culture in the Eurasian Space* 1, no. 7 (2023): 16-19, <https://doi.org/10.32340/2514-772X-2023-1-16-19>.

²¹ Kuryazova Darmonjon, "The Archeological Objects in Uzbekistan and the Issues of Preserving Them by Museumification," *International Journal of Socio-Economic and Environmental Outlook* 8, no. 3 (2021): 5-8, https://ejournals.com/jpanel/upload/1145pm_2.EPRA%20JOURNALS%20-6533.pdf.

²² Papaioannou, "The International Law on the Protection of Cultural Heritage."

various challenges, particularly in strengthening legal mechanisms related to the recovery of illegally transferred cultural assets. In the context of national legal implementation and compliance with international legal instruments, Uzbekistan faces several key challenges. First, there is an overlap of domestic regulations, leading to inefficiencies in the implementation of cultural heritage protection policies. Existing regulations often contain inconsistencies in the technical governance and preservation of cultural heritage, creating confusion in administrative execution. Second, there are challenges in law enforcement against violations related to cultural heritage management. Although Uzbekistan has established regulations imposing sanctions for violations of cultural heritage protection, the enforcement of these sanctions remains ineffective due to weak monitoring mechanisms and low compliance levels at the local level. This situation creates legal loopholes that irresponsible parties can exploit to engage in the unauthorized exploitation of historical artifacts. Third, reliance on international mechanisms in cultural heritage protection also presents a unique challenge. While Uzbekistan has committed to various international conventions, their national implementation faces obstacles, including resource limitations and difficulties in harmonizing domestic regulations with international norms.

Uzbekistan's responsibility in protecting cultural heritage also involves the establishment of specialized agencies tasked with overseeing and managing cultural sites designated as part of both national and international heritage.²³ The Uzbek government has formed a cultural heritage supervisory body under the Ministry of Culture, responsible for ensuring the implementation of legislation related to cultural conservation and management.²⁴ However, the effectiveness of this agency in enforcing the law remains a matter of debate, particularly concerning its independence and capacity to address violations involving economic and political interests.

Considering the legal aspects discussed, although Uzbekistan has established a relatively strong legal foundation for the protection of historical and cultural heritage, the effectiveness of legal policy implementation remains a major challenge. Strengthening the harmonization between national and international law is essential to ensure that cultural heritage protection is not merely a written regulation but can be concretely applied within the prevailing legal reality. Progressive legal reforms, enhanced law enforcement capacity, and the optimization of supervisory mechanisms are necessary steps to ensure that Uzbekistan's cultural heritage protection system functions effectively under applicable legal standards.

3.2. Legal Framework and Challenges in the Protection of Cultural Heritage in Uzbekistan

The protection and preservation of historical and cultural heritage in the Republic of Uzbekistan constitute an integral part of the state's constitutional obligations aimed at safeguarding national identity, strengthening cultural resilience, and preventing the degradation of historical values that serve as pillars in the formation of the nation's civilization. The legal framework governing the management and supervision of historical and cultural

²³ Laura L. Adams, "Ethnicity and the Politics of Heritage in Uzbekistan," *Central Asian Survey* 32, no. 2 (June 2013): 115–33, <https://doi.org/10.1080/02634937.2013.807580>.

²⁴ Zhanna B. Ivanova, "Prosecutor's Supervision over Enforcement of Laws on Protection of Objects of Cultural Heritage," *Culture: Management, Economics and Law* 1 (February 29, 2024): 23–27, <https://doi.org/10.18572/2070-2159-2024-1-23-27>.

heritage in Uzbekistan is based on imperative principles enshrined in the Constitution of Uzbekistan, as well as sectoral legislation that specifically establishes substantive and procedural provisions for the protection of cultural assets.

The Constitution of Uzbekistan affirms that the state is responsible for ensuring the conservation and management of historical heritage as a matter of national interest protected by law. Article 61 of the Constitution explicitly stipulates that the state must preserve historical and cultural heritage and strive for its conservation as an inalienable constitutional responsibility. This provision underscores that the protection of cultural heritage is not merely a state policy within political and social contexts but also a legal norm with juridical consequences for the state in the implementation of more technical legislative regulations. As a *lex specialis* in the field of cultural heritage protection, the Law on the Protection and Use of Cultural Heritage Objects provides the legal foundation for managing cultural assets, encompassing classification, conservation, supervision, and sanction mechanisms for violations. Article 4 of this law asserts that cultural heritage objects, whether tangible or intangible, are part of the national assets that must be managed under the principle of sustainable conservation. Articles 10 and 12 stipulate that any modifications or utilization of cultural objects must obtain approval from the competent state authorities and ensure that such actions do not contravene the principles of historical protection as established in national and international regulations. The Law on the Protection and Use of Archaeological Heritage Objects, in Article 7, grants the Ministry of Culture the authority to conduct regular inspections of archaeological sites and impose administrative or criminal sanctions against violations that may damage historical sites. Uzbekistan, as a party to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, is also bound by international obligations to adopt legal measures to prevent degradation or illegal exploitation of sites included in UNESCO's World Heritage List.

The Law on the Protection and Use of Archaeological Heritage Objects serves as a fundamental legal instrument in the management of archaeological sites in Uzbekistan, stipulating that such sites hold the status of national assets that cannot be transferred except under strictly regulated legal conditions. Article 5 of this law classifies archaeological sites as protected objects with a special legal status, whereby their utilization or alteration must undergo a stringent authorization process and be subject to the supervision of relevant authorities. Article 7 grants the Ministry of Culture the authority to establish conservation zones, set restrictions on economic activities surrounding the sites, and conduct inspections to ensure compliance with conservation regulations. Article 14 stipulates that destruction or illegal exploitation of archaeological sites may be subject to administrative or criminal sanctions, ranging from heavy fines to imprisonment for individuals or entities found guilty of violating conservation regulations. Additionally, Article 16 reinforces oversight measures by mandating the reporting of any archaeological discoveries to state authorities and prohibiting illegal transactions involving artifacts originating from historical sites.

The oversight mechanism for cultural heritage preservation in Uzbekistan is implemented through a regulatory approach based on both national and international legal

instruments.²⁵ The government of Uzbekistan, through the Ministry of Culture, holds the authority to conduct inspections, establish conservation policies, and enforce administrative and criminal sanctions against violations related to cultural heritage. This supervisory function includes monitoring the compliance of site owners or managers with the provisions stipulated in national law, including prohibitions on structural modifications, improper exploitation, or actions that may compromise the historical value of protected objects.²⁶ As part of the legal instruments supporting oversight, Uzbekistan has also ratified the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, which legally binds the country to international obligations for the protection of cultural heritage within its jurisdiction. The ratification of this convention not only impacts domestic policy but also entails legal consequences in the form of harmonization of national regulations with international norms established by UNESCO. As part of the oversight mechanism, Uzbekistan is required to submit periodic reports on the status of its registered World Heritage sites and implement mitigation measures if threats to their preservation are identified.²⁷

Beyond state authorities, the role of society in implementing cultural heritage preservation policies is also an indispensable element in Uzbekistan's legal framework. The Constitution of Uzbekistan affirms that every citizen has a duty to protect and respect cultural heritage as part of a national identity that must be preserved. The Law on Public Participation in the Protection of Cultural Heritage provides a legal foundation for public involvement in heritage management through participatory monitoring, reporting potential violations, and engaging in conservation programs organized by the government. However, in the implementation of this policy, challenges remain in optimizing public participation in cultural heritage preservation. One major obstacle is the limited legal awareness at the local level regarding rights and obligations in heritage conservation. Although the law provides room for public participation, in practice, community involvement remains relatively low due to the lack of legal education and limited access to reporting and complaint mechanisms related to the exploitation or destruction of cultural assets. Moreover, challenges persist in the effectiveness of law enforcement concerning cultural heritage violations. Although the Law on the Protection and Use of Cultural Heritage Objects prescribes sanctions against actions that damage or illegally trade historical artifacts, in practice, law enforcement faces various obstacles. One primary challenge is the lack of coordination between law enforcement institutions and cultural heritage management authorities, resulting in weak investigative processes and a low resolution rate for cases related to crimes against cultural assets.

The government of Uzbekistan faces challenges in optimizing cultural heritage protection policies, particularly in the aspects of licensing and private sector management of cultural assets. The Law on the Protection and Use of Cultural Heritage Objects mandates that the management of cultural heritage sites by private entities must obtain special permits from competent authorities, as stipulated in Article 12. However, the implementation of this

²⁵ Papaioannou, "The International Law on the Protection of Cultural Heritage."

²⁶ Omid Boodaghi, Zohreh Fanni, and Asma Mehan, "Regulation and Policy-Making for Urban Cultural Heritage Preservation: A Comparison between Iran and Italy," *Journal of Cultural Heritage Management and Sustainable Development*, December 12, 2022, <https://doi.org/10.1108/JCHMSD-08-2021-0138>.

²⁷ Papaioannou, "The International Law on the Protection of Cultural Heritage."

regulation still faces difficulties in ensuring a balance between economic utilization and conservation interests. The development of heritage-based tourism areas often leads to legal conflicts concerning the limitations of commercial exploitation that may endanger the historical integrity of cultural sites. Therefore, harmonization between investment policies and conservation principles, as mandated in Article 15 of the law, is necessary. Additionally, Uzbekistan faces the threat of illegal trade in historical objects, necessitating the strengthening of national legal mechanisms. As a party to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, Uzbekistan is obliged to ensure that its domestic regulations align with international standards in preventing the illegal export and circulation of cultural objects. Article 20 of the Law on the Export and Import of Cultural Property stipulates that the export of cultural objects must undergo a rigorous procedure, including official certification from the state, to prevent smuggling and illegal trade that could jeopardize the integrity of Uzbekistan's cultural heritage.

The legal mechanisms for managing and overseeing cultural heritage in Uzbekistan have a robust legal foundation; however, their implementation still faces numerous challenges. Legal policy reforms, enhancement of supervisory capacities, and optimization of public participation are essential steps that must be strengthened to ensure the effective protection of cultural heritage in Uzbekistan under applicable national and international legal standards.

3.3. Legal Integration of Cultural Heritage in Uzbekistan

The integration of historical and cultural heritage into Uzbekistan's national legal system reflects the state's commitment to preserving historical assets as part of its national identity and broader legal interests. Article 61 of the Uzbek Constitution affirms the state's responsibility for the protection of historical and cultural heritage, signifying a normative recognition of the inherent legal interest in safeguarding historical values.²⁸ This constitutional provision is reinforced by the Law on the Protection and Use of Cultural Heritage Objects, which outlines in detail the mechanisms for conservation, utilization, and legal oversight of cultural assets.²⁹ This integration demonstrates that the state not only bears a moral obligation but also a legal duty to protect cultural heritage from degradation caused by both internal and external factors.

Uzbekistan has ratified several legal instruments that strengthen the domestic legal framework for cultural heritage protection. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property serves as a normative foundation for addressing the illicit trade of historical artifacts. The harmonization of national regulations with international provisions is evident in the Law on the Export and Import of Cultural Property, which explicitly prohibits, under Article 8, the export of cultural objects without official certification from state authorities. This regulation aligns with the principles set forth in the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which mandates that state parties implement legal procedures to combat the trade of illegally acquired cultural objects. Consequently, Uzbekistan's legal

²⁸ Khasanova, "Protection of Historical and Cultural Heritage of the Southern Regions of Uzbekistan: Experience and Preservation."

²⁹ Voloshin et al., "International Legal Standards in the Field of Protection of Cultural Heritage and Their Implementation in the National Legislation of the States."

integration into the international legal system provides a robust foundation for cultural heritage protection, despite the legal and administrative challenges in its implementation.

At the same time, the state faces a legal dilemma in balancing cultural heritage protection with the interests of development and modernization.³⁰ Infrastructure projects and investment initiatives in historically significant areas often provoke legal debates regarding the acceptable limits of economic exploitation without compromising cultural integrity. Article 17 of the Law on the Protection and Use of Cultural Heritage Objects stipulates that any development project potentially affecting cultural sites must obtain special authorization and undergo rigorous evaluation by the competent authorities. However, in practice, economic interests frequently conflict with conservation principles, necessitating a more adaptive legal mechanism to ensure a balance between preservation and development.³¹

The state's role in maintaining this balance extends beyond regulation to strict legal oversight and enforcement. Uzbekistan's Ministry of Culture serves as the primary authority overseeing the implementation of cultural heritage protection policies, including imposing sanctions on legal violations related to the destruction or unauthorized exploitation of cultural sites. Article 25 of the Law on Administrative Responsibility states that any violation of cultural heritage protection provisions may result in administrative or criminal penalties, depending on the severity of the offense. Additionally, Article 45 of the Criminal Code of Uzbekistan stipulates that the destruction of cultural sites of national or international significance may lead to more severe criminal penalties, including fines and imprisonment. However, the greatest challenge in implementing these laws lies in the gap between existing regulations and effective enforcement mechanisms.³² One major issue is the lack of inter-agency coordination in handling cultural heritage violations, as well as limited resources for comprehensive monitoring. Therefore, progressive legal reforms are needed, including strengthening institutional capacity for law enforcement and enhancing cooperation with international organizations in combating the illicit trade of cultural artifacts.

Beyond formal legal aspects, the role of society in cultural heritage protection must also be reinforced. Public participation in conservation efforts is accommodated within the Law on the Protection and Use of Cultural Heritage Objects, which grants local communities the right to engage in the management of cultural sites. Article 21 of this law states that the public has the right to contribute to the supervision and preservation of cultural heritage, either through local initiatives or in collaboration with state authorities. This provision highlights that cultural heritage protection is not solely the government's responsibility but also involves society as legal actors with a direct interest in preserving historical values.

³⁰ Niccolò Lanzoni, "Cultural Heritage Protection versus Social and Economic Development: Where Does Customary International Law Stand?," *International Journal of Cultural Property*, January 10, 2025, 1-17, <https://doi.org/10.1017/S0940739124000316>; Shreya Roka, "Balancing Development and Heritage Conservation in Nepal: An Analysis With Reference to Legal and Policy Framework," *Unity Journal* 5, no. 1 (March 25, 2024): 207-22, <https://doi.org/10.3126/unityj.v5i1.63177>.

³¹ Lanzoni, "Cultural Heritage Protection versus Social and Economic Development: Where Does Customary International Law Stand?"

³² Igor Martynenko, "Legal Instruments for Improving the Role of Civil Society Institutions as Subjects of Cultural Policy in the Field of Historical and Cultural Heritage," *Teise* 112 (September 23, 2019): 230-36, <https://doi.org/10.15388/Teise.2019.112.13>.

In the context of development and modernization, the legal approach must be more flexible in accommodating both economic interests and cultural conservation. A legal model based on the concept of sustainable cultural heritage management could provide a solution to bridging these often competing interests. The Law on Tourism Development in Uzbekistan allows for investment in cultural heritage-based tourism while maintaining legal boundaries defined by conservation policies.³³ Thus, the state can promote economic growth through the tourism sector without compromising the legal protection of cultural heritage.³⁴

The integration of cultural heritage into Uzbekistan's national and international legal systems reflects the state's efforts to ensure the preservation of historical assets as part of a legally binding national identity. However, the challenge of balancing legal protection for cultural heritage with the interests of development and modernization remains a critical issue requiring a more dynamic legal approach that is responsive to social and economic changes. By strengthening regulations, oversight mechanisms, and public participation, Uzbekistan can achieve an optimal balance between conservation and development, ensuring that cultural heritage is preserved without hindering sustainable economic growth and modernization.

4. Conclusions

The protection of historical and cultural heritage in Uzbekistan is a crucial aspect of national identity and a constitutional responsibility of the state. The government is obligated to safeguard, preserve, and maintain culturally significant assets with high historical value. Various laws have been enacted to regulate this protection, including legislation on heritage management, conservation, and sanctions for violations. However, the implementation of these policies continues to face challenges, such as a lack of institutional coordination, limited resources, and the effectiveness of law enforcement at the regional level. Uzbekistan is a signatory to several international conventions governing cultural heritage protection, including the 1972 UNESCO Convention. Nevertheless, the harmonization of national laws with international standards remains an area requiring further development. One of the primary challenges is balancing conservation efforts with economic development. Infrastructure projects often conflict with heritage preservation initiatives, necessitating more adaptive policy frameworks. Public participation plays a vital role in safeguarding cultural heritage. While Uzbekistan's legal framework recognizes the right of communities to contribute to conservation efforts, public awareness and engagement still need to be enhanced. Strengthening institutional coordination, improving law enforcement, and adopting a more flexible legal approach will enable Uzbekistan to protect its cultural heritage while ensuring sustainable economic development.

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³³ Ji Young Jeong et al., "Evaluating Culturalization Strategies for Sustainable Tourism Development in Uzbekistan," *Sustainability* 15, no. 9 (May 8, 2023): 7727, <https://doi.org/10.3390/su15097727>.

³⁴ Hamid Turaev and Ian Patterson, "Priority Directions for Tourism Development in Uzbekistan," *Indonesian Journal of Law and Economics Review* 8 (August 31, 2020), <https://doi.org/10.21070/ijler.2020.V8.635>.

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