



The issue of improving the political and legal mechanisms for regulating religious policy in the context of countering extremism

Fariza RAMAZANOVA ¹

Institute of strategic and regional studies under the President of the Republic of Uzbekistan

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ABSTRACT

The article highlights the issues of improving the system of regulation of religious policy and countering extremism in this area, based on the analysis of national legislation. Moreover, measures are proposed to improve the religious policy in the Republic of Uzbekistan in terms of countering the spread of extremist ideology, taking into account modern challenges and threats.

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SUMMARY

The evolution of understanding of the freedom of conscience and religion during the 30-year period of independence, and the problems of law enforcement practice in the area of the rights of believers have been the most actual and widely discussed in Uzbekistan in the last 3-4 years. Lack of wider public discussion of problems in the past and limited discussions of accumulated contradictions in legislation and law enforcement practices in Uzbekistan encourage the political elite and experts to objectively and critically assess the forms of religious policy of the recent past and legislative acts of that time.

Here in this article, we offer an overview of the forms of religious policy before and after independence in Uzbekistan (late 1989s until 2016). The repressive religious policy of this period has been shaped by many reasons. The analysis of these reasons is necessary for us to understand the peculiarities of the conditions in which uncompromising forms of the policy and

¹ Independent Researcher of the Higher School of strategic analyze and foresight of the Republic of Uzbekistan Tashkent, Uzbekistan
E-mail: farizaxon@list.ru

laws have been formed, and to formulate solutions for conservative interpretations of religious freedoms. In addition, this review is very important for assessing the current state of problems that have their roots in the past.

Экстремизмга қарши курашиш шароитида диний сиёсатни тартибга солишнинг сиёсий-ҳуқуқий механизмларини такомиллаштириш масалалари

АННОТАЦИЯ

Калит сўзлар:

Диний сиёсат
Экстремизм
Экстремистик фаолият
Радикаллашув

Ушбу мақолада миллий қонунчилик таҳлили асосида диний сиёсатни тартибга солиш ва ушбу соҳада экстремизмга қарши курашиш тизимини такомиллаштириш масалалари ёритилган. Шу билан бирга, бугунги кундаги замонавий ҳавф ва таҳдидларни ҳисобга олган ҳолда, экстремистик мафкурасининг тарқалишига қарши курашиш нуқтаи назаридан Ўзбекистон Республикаси диний сиёсатини такомиллаштириш юзасидан амалга оширилиши лозим бўлган чора-тадбирлар таклиф этилган.

К вопросу совершенствования политико-правовых механизмов регулирования религиозной политики в контексте противодействия экстремизму

АННОТАЦИЯ

Ключевые слова:

Религиозная политика
Экстремизм
Экстремистская
деятельность
Радикализация.

В данной статье освещены вопросы совершенствования системы регулирования религиозной политики и противодействия экстремизму в данной сфере на основе анализа национального законодательства. Вместе с тем, предложены меры по совершенствованию религиозной политики в Республике Узбекистан в части противодействия распространению идеологии экстремизма с учетом современных вызовов и угроз.

METHODS

In terms of research methods, this research is based on a critical assessment and objectivity, including an assessment of the evolution of legal norms regarding apparent violations or limitations of believers' rights. However, a critical approach should not interfere with an objective assessment of the circumstances of the emergence of certain legal norms that, from the point of view of today's assessments, may (and should obviously) be perceived critically. At the same time, the reviews and analyses below will consider that legal norms are formed in a certain political, social, historical and cultural space, which cannot be the same in different countries. In other words, criticism and critical thinking should not exclude an objective review and assessment of the circumstances in which laws, including those that restrict religious rights, have emerged.

BACKGROUND

As a result of the long atheistic policy of the Soviet era, the collapse of Soviet ideology, under the influence of the war in Afghanistan (1979-89) and for a number of other reasons, Uzbekistan has seen a revival of Islam. At the same time, a radical movement of Islamists was formed. Taking advantage of the liberalization of politics at the end of the Gorbachev era, the Islamists hurriedly formed unauthorized groups that took over the functions of "Sharia watch dogs", organizing pogroms in bars and shops selling alcohol, insisting on separate education of boys and girls in schools, etc. The de facto question was about creating parallel power and parallel legislation, while de jure these actions fell under the classification of violation of elementary norms of existing laws.

Islamists have initiated violent seizures of mosques, driving away Muslims loyal to the regime (in Kokand, Andijan, Margilan, Karshi and other cities). Further, groups of Islamic radicals made themselves known in clashes with Meskhetian Turks in May-August of 1989. They called for beating and driving away Meskhetian Turks as "bad Muslims"². The new madrasas started by Islamists have ostentatiously abandoned legal registration and completely rejected secular sciences in their curricula. Specialists recorded manuals on "jihad against infidels" and other literature of radical content among the textbooks used in these madrasas. These actions looked like a spontaneous attempt of historical and cultural revenge for atheistic policy in the former Soviet Union³ initiated by some theologians. However, it caused serious conflicts, especially in Ferghana Valley, and threatened with further escalation of tension in other areas. Such actions, unheard of in the Soviet period, seriously frightened politicians and the majority of the population.

Since gaining independence (September 1, 1991), the active members of the Muslim elite have been insisting on the "full revival of Islam" (as they expressed it) and restoration of the Islamic state. They insisted on the abolition of secular laws and secular education and establishment of Sharia administration

The Islamists attempted to forcibly seize power in one region (e.g. Namangan region, December, 1991). The Islamic police " and "Adolat" group" seized the building of the regional mayor's office (khokimiyat), declared Namangan as "Islamic region" and demanded to declare Uzbekistan an Islamic republic. The parallel spontaneous mass rally, which took place in Namangan at the same time refused to accept the "coup". Their demands were exclusively of an economic nature, as the country was experiencing hyperinflation, food shortages, etc⁴.

Relying on the opinion of the majority, the government has stopped these attempts to establish a "Sharia state" and "Sharia rule" within the Namangan region. In response, supporters of the Islamic state idea (Islamists) have also intensified radical measures of struggle (explosions in public places, killings of law enforcement officials, local rebellions), while trying to justify their actions with Islamic dogmas.

² Babadzanov B. *Le Jihad - ideologie "l'Autre" et de "l'Exile" a travers l'étude de documents du Mouvement Islamique d'Ouzbékistan* // Cahiers d'Asie centrale, No 15-16 (2007) – Les Islamistes d'Asie centrale. (ed. H. Fathi), pp. 140-159.

³ Babadjanov B. *Islam in Uzbekistan: From the Struggle for "Religious Purity" to Political Activism* – In: B. Rummer (ed.) *Central Asia – a Gathering Storm?* Part IV. New-York, London, 2002, 299-332 (reprinted in Tokyo in 2003); Ibid. *The Economic and Religion History of a Kolkhoz Village: Khojawot from Soviet Modernization to the Aftermath of the Islamic Revival*. In: St. Douduanion and Kr. Noac "Allah's Kolkhozes. Migration, De-Stalinization, Privatization and the New Muslim Congregations in the Soviet Realm (1950-2000s)" (Islamkundliche Untersuchungen, Band 314). Berlin: Klaus W.S., 2014. P. 202-264.

⁴ Babadzanov B. *Le Jihad*.

As a result of tough measures in the early 1990s (mass arrests, abolishing of unauthorized religious institutions, etc.), Islamic radicals mostly left the country, taking part in global jihad (initially in Afghanistan and later in the Middle East). Some of them went underground, sometimes declaring themselves through loud terrorist attacks (explosions in Tashkent in February 1999, terrorist attacks in 2004-2005).

Such a tension provoked a response from the political elites in Uzbekistan and directly contributed to the tightening of some laws concerning the registration of religious organizations, responsibility for religiously motivated extremism and terrorism, etc. At the same time, norms and guarantees of freedom of religion were also legitimized in the Constitution (articles 31 and others), although there were problems with their observance.

The assessment of the rather rigid religious policy of the first 20 years of independence and the specifics of the formation of religious freedoms norms in Uzbekistan raises a number of questions for experts and scholars of Islam and leads to different assessments. These ideas and attitudes are also important in the sense that the government's response to some aggressive forms of revival of Islam should be assessed as impartially and objectively as possible. Within the framework of this research objectives, the "legislative response" of legal institutions is particularly interesting, meaning, how the described situation affected the forms of legislative norms concerning religious freedoms or their limitations.

Law enforcement and especially law enforcement agencies were totally frustrated. Attempts by the prosecutor of the city of Namangan (Ferghana Valley) to bring criminal cases against public order violators ended with Islamists breaking into his office. They took these documents of criminal cases and burned them in the yard of the prosecutor's office (shouting "Allah Akbar"). The prosecutor himself was beaten and stayed in the hospital for a month (the events of June-November 1991).

Fearing that spontaneous demonstrations would turn into mass civil unrest, Uzbekistan was the first Soviet republic to adopt the Law "On freedom of conscience and religious organizations" (14 June 1991). For the first time this Law defined the basic provisions on freedom of religion and religious belief in accordance with international standards, and stated the renunciation of atheist policy. At the same time, the Law introduced provisions on mandatory registration of religious associations and organizations and expert examination of religious literature and religious items. The State Committee on Religious Affairs (SCRA) became responsible for regulating relations between the state and religious organizations, supervising religious education, especially for children (in order to avoid radical Islam training), compulsory registration of religious institutions, etc. Thus, the Law officially declared the renunciation of atheistic policies and recognized the rights of believers to freedom of conscience (Articles 1,2). At the same time, it seriously relaxed the rules of registration of religious institutions (Articles 6,7) and liberalized the laws on religious freedom (Articles 1,3), allowed free opening of mosques, temples and institutions of other confessions, religious educational institutions (Articles 8,9), while observing the rules of registration (Article 10).

The difficult situation associated with the spontaneous revival of Islam, including its aggressive forms, prompted politicians to retain the former institutions of control, which at the time seemed to be a reasonable choice. Moreover, no one - neither politicians nor law enforcement agencies - had any experience of non-violent forms in religious policy. The same was true for the Islamists, who also had no experience of peaceful political activity and wanted to restore the Islamic state "here and now". In any case, the new Law did not meet the

expectations of Islamists, who hoped to get full freedom to establish their organizations openly expressing their claims to power and the establishment of Sharia.

At the same time, the Law explicitly prohibits religious organizations from establishing their political and security forces, establishing and operating any religious political party, as well as branches, departments, branches of religious parties established outside the Republic, etc. (art. 5,7 as well as art. 57 of the Constitution of the RU). Such political restrictions are explained by the fact that in those difficult conditions "politicization" could mean unhindered preparation for the continuation of violent actions by the most active Islamists (see below).

Thus, the Law accumulated all the contradictions of the period of perestroika and the beginning of the restless era of the revival of Islam.

However, the advocates of return of political status to Islam themselves had a very vague idea of the form of government they were declaring to be "under Sharia", without offering any political or economic program. The overwhelming majority of the population did not and still does not support such forms of Islamic revival and the replacement of existing laws with Sharia. Similarly, the majority of Muslims reject the revival of the political status of Islam⁵, considering it sufficient to renounce atheistic politics, open mosques and provide the opportunity to obtain religious education, freely perform religious rituals and celebrate holidays. In other words, from the point of view of the majority of the population, Islam is seen only as a regulator of personal, family, and public ethics.

Thus, there are diverse scholars' assessments of religious policy in Central Asian countries, including Uzbekistan (sometimes they come up with completely opposite assessments). One group of observers and experts came out with a conclusion that religious policy in Uzbekistan, and in Central Asian countries in general, was overly rigid during the first two decades of independence⁶. It is partly justified by the existing conditions in which politicians feared a resurgence of violent actions by Islamic radicals, as was the case at the beginning of independence. Other experts believe that the post-Soviet radicalization of some Muslims is a myth of local regimes that want to justify the form of authoritarian rule and persecution of political opponents⁷. Moreover, the authors of the second point of view are either unaware of the tense situation associated with the obvious increase in violent forms of extremism among some Islamists, or deliberately ignore these facts in order to put forward their own "original" point of view.

We will leave aside the arguments of advocates of both opinions, as this is beyond our objectives here. We are interested in the form of "legislative response" given the complexity of the situation at that time. This reaction was expected to manifest itself in extreme forms (including religious policy). The constant references to radical manifestations of the revival of

⁵ Violent Extremism in Central Asia, 2018: An overview of terrorist groups, legislation in Central Asian countries and law enforcement practices to counter violent extremism online, p. 21 (https://internews.kg/wp-content/uploads/2019/07/Violent-extremism-online_public_rus.pdf).

⁶ Babadjanov, [*Who are Beyond the Barricades? About Sect of Akramiya and the Others*] // Races and Peoples, 2006, issue #32. Moscow: Science, p. 42-106; Adeeb Khalid. *Islam after Communism: Religion and Politics in Central Asia*. Berkeley: University of California Press, 2007;

⁷ John Heathershaw and David W. Montgomery. *The Myth of Post-Soviet Muslim Radicalization in the Central Asian Republics*. In: Russia and Eurasia Programme. November, 2014. https://www.chathamhouse.org/sites/default/files/field/field_document/2014-11_14%20Myth%20summary%20v2b.pdf

Islam in the late Soviet period and at the beginning of Independence⁸ served in a way as justification.

Meanwhile, by the end of the 1990s the situation had already settled to some extent. It was expected that the laws and concepts of religious policy adopted at a time of extreme instability would have to be revised, for example through the development of a state strategy for religious policy and liberalization. However, the bombings in Tashkent in February 1999 by Islamic terrorists, terrorist attacks in neighboring Kyrgyzstan, and the terrorist attack on Southern Uzbekistan from the so-called Islamic Movement of Uzbekistan⁹ once again pushed back efforts of liberalizing policies and laws on religion. New terrorist attacks in 2004-2005 aggravated the situation and once again provided arguments in favor of those strata of the political establishment who defended the policy of "hard power" in the religious sphere. There was no place to discuss full observance of religious freedoms. The usual paradox for such situations was that the current legislation, if fully implemented, could have successfully provided all religious freedoms. The actual implementation of the laws remained the problem. The crisis of such an approach became obvious in the early 2010s. The situation required new approaches both in religious policy and its legislative enforcement.

Thus, the new approach to drafting legislation and ensuring religious freedom in Uzbekistan has been seriously delayed and only now has it become relevant because of reforms, although it still remains mostly in the stage of discussion.

As for the second approach in assessing the religious situation in Uzbekistan at the beginning of independence, they do not recognize the real radicalization of some Muslims. This view (voiced mainly by the younger generation of experts) is not based on a detailed study of the religious situation in Uzbekistan. It is mainly based on statistical data according to which there are few supporters of radical Islam¹⁰. Leaving aside the calculation method (which is doubtful by itself), we note the main message here is to unveil the regime that seemingly manipulates data on the scale of terrorist threats and is trying to use the situation to tighten the regime and suppress civil and religious rights. This view is also open to criticism. It is formulated a priori and takes little account of a number of contradictory domestic circumstances of which the authors are poorly aware. Below we will present specific legal data that show that the number of religious institutions opened has increased, even during periods that are assessed as "limiting religious freedoms". There were and still are 16 denominations in the country, open access to religious education and so on. In addition, religion has been and remains a factor in official ideology and is studied in educational institutions¹¹. At least, without taking into account these circumstances and without having specific data on the complex evolution of the religious situation inside the country and the open aggression of the bearers of the ideology of VE, it was not worth making an unequivocal conclusion about the suppression of religious freedoms in Uzbekistan. This issue is much more complex and goes beyond the scope of propaganda assessments, as some experts who have never conducted research inside the country do¹².

⁸ Babadjanov, [*Who are Beyond the Barricades? About Sect of Akramiya and the Others*] // Races and Peoples, 2006, issue #32. Moscow: Science, p. 42-106; Adeeb Khalid. *Islam after Communism: Religion and Politics in Central Asia*. Berkeley: University of California Press, 2007;

⁹ <https://ria.ru/20090526/172345801.html>

¹⁰ Edward Lemon. *On the threats posed by terrorism in Central Asia and beyond (Russia, Turkey, Europe and the United States)* Report (<https://caa-network.org/archives/14501>).

¹¹ However, some experts are critical of such "flirting with the religion" of official authorities (B. M. Babadjanov).

¹² John Heathershaw and David W. Montgomery. *The Myth*. W.S., 2016. p. 252-264.

Current status in liberalization of religious policy and legislation on freedom of religion

By 2016-2017, it became clear that the laws adopted at the beginning of independence no longer met the new conditions and modern requirements. Since President Sh. Mirziyoyev came to power, he openly voiced a number of problems related to legislative acts and law enforcement practice, including the actual implementation of religious freedom standards. In September of 2017, during his speech at the 72nd session of the UN General Assembly, the President of Uzbekistan Sh. Mirziyoyev proposed the adoption of a special resolution "Education and Religious Tolerance", which is designed to promote tolerance and mutual respect, religious freedom, protection of the rights of believers and prevention of discrimination against them. The President also stated the need to promote the humanistic essence of Islam and stressed that the fight against religious extremism by force alone does not justify itself and that most crimes related to extremist activities and violence are committed by people under 30. Therefore, the President proposed to educate young people and create conditions for their self-realization as an alternative, which could create a barrier to the spread of the "virus" of violent ideology¹³.

In his first pre-election and post-election speeches, the President drew attention to the need to improve legislation, to reform the legal framework and law enforcement (investigation and judicial) practice in this area, while liberalizing both legislation and its application. The logical sequence of these reforms was the manifestation of the political will of the President in the real implementation of liberalization in this area. Thus, according to the Ministry of Foreign Affairs, in the past three years more than 20,000 people convicted on religious grounds have been pardoned and removed from the so-called "black lists"¹⁴.

The existing method of political governance and the principle of decision-making dictated this method of reforms "from above", since the crisis of the legal system and outdated approaches in this area were obvious. At the same time, the legal system itself (including investigative and judicial practices) worked on the basis of outdated laws and old approaches, and therefore, due to its inertia, was not able to initiate changes. This is the main feature of the reforms of the legal system in Uzbekistan, including with regard to improvements in ensuring real religious freedoms.

It is important that in the period of reforms (2016 - to the present day), there is a real positive dynamic in the process of ensuring freedom of conscience and religion. Wide-ranging reforms are carried out to strengthen inter-ethnic and inter-confessional peace and harmony in the country, to ensure conditions for the realization of the rights of citizens and religious organizations. To date, the conditions have been created for citizens who profess Islam (up to 94 per cent of the population) to freely fulfil the five pillars of Muslim obligations. In other words, believers can perform their rituals in temples without hindrance, and Muslims can perform the Hajj pilgrimage in mosques and outside. For the convenience of foreign pilgrims, the State Committee for Tourism Development has obliged all hotels in the republic to make Quran, Bible and Torah available free of charge. Uzbekistan Airways has opened a 24-hour prayer room at Tashkent airport. At the same time, the government launched a program worth 3 billion UZS (\$367,000) to reconstruct mosques, cemeteries and places of worship. "Uzstandart" introduced the Halal certification system for the first time. This system sets out requirements for the production, storage, transportation and sale of food products according

¹³ <http://uza.uz/ru/society/uzbekistan-na-novom-etape-svobody-religii-i-ubezhdeniy-06-08-2018>

¹⁴ <http://muslim.uz/index.php/rus/novosti-2018/item/15945-shavkat-mirziyoev-vzyalsya-za-peresmotr-zakonodatelstva-o-religii>

to Islamic canons. The same conditions have been created for representatives of other confessions and missionary churches¹⁵.

To improve the status of religion, the Muslim Spiritual Board organized a national contest of Koranic readers. It turned out to be quite popular - five thousand people applied for participation. The first Islamic online radio appeared in Uzbekistan. Training courses on Koran and Arabic language were opened. All other prescribed rituals are freely performed. At the same time, the issue of teenagers visiting mosques was positively resolved, which was the subject of long discussions within the country¹⁶, including among Muslim theologians themselves, some of whom (including the Muslim Board of Uzbekistan) were against teenagers attending midday and Friday prayers.

At the same time, there are some problems of a legal nature, related to the actual exercise of religious freedoms one way or another. For example, with regard to the wearing of hijabs in educational institutions. According to the charters of all educational institutions in the country, clothing and attributes emphasizing religious affiliation is prohibited in their buildings. As known so far, this provision is borrowed from the French legal system, and it also causes the same problems in neighboring countries of the region (for example, Kazakhstan or Kyrgyzstan), as well as in European countries (primarily France).

In case of Uzbekistan, it cannot be said that the ban on wearing the hijab was in direct contradiction with the provisions of the Law on Freedom of Conscience and Religion, (The Law of Republic of Uzbekistan "On freedom of conscience and religious organizations", of May 1, 1998, №618-I)¹⁷. Formally, educational institutions followed their Charter. At the same time, the Laws do not prescribe a religious dress code with clear formulas, which also leads to legal uncertainty.

However, this conflict was resolved through long discussions, based on the wishes of some believers who insisted on wearing the hijab in schools, colleges and universities. The compromise form of the hijab in the form of a national shawl was suggested by President Sh.Mirziyoev himself¹⁸. The fears of many politicians and the secular part of society were in vain - there was no complete spread of Hijabs in schools or higher education institutions.

This precedent and its positive resolution without special legislative or bureaucratic procedures (e.g., in the form of special government decrees) is important in the sense that, firstly, it showed that the legal system is not ready to adequately respond to such legal conflicts in the area of religious freedom. It should be borne in mind that the legal system consists not only of laws (not always ideal), but also of a whole system of law enforcement agencies, in turn, consisting of specific people, some of whom are not always inclined to change, corrupted and do not perceive reforms, which has been repeatedly stated from the high tribunes of the political Olympus of Uzbekistan¹⁹.

Secondly, complex social changes and internal discussions in society one way or another affect the real promotion of a more liberal understanding of religious and other freedoms in the legal and political spheres of Uzbekistan. In other words, the problem is not

¹⁵ <https://www.standart.uz/ru/news/view?id=465>

¹⁶ <https://www.fergananews.com/articles/9456>

¹⁷ Another case – two incidents (Tashkent and Namangan) of forced shaving. Prosecutorial office had a rapid and adequate response to the incident: the initiators and perpetrators of these actions were punished or removed from office.

¹⁸ <https://www.fergananews.com/articles/9456>

¹⁹ Our main goal is to strengthen people's trust in the judicial system by protecting the rights and freedoms of citizens, turning the court into a true "Abode of Justice", said President Shavkat Mirziyoyev. (<https://podrobno.uz/cat/politic/esli-nado-izmenim-konstitutsiyu-kak-mirziyev-otchital-sudey/>)

only and not so much in the formulas of the law. Rather the problem is in actual implementation of these laws in society and especially in the law enforcement system, which also needs to be reformed and overcome the former inertia of working methods and legal control.

Thirdly, in the process of incidents of this kind, it became obvious that changes in legislative and especially in law enforcement practice are related to many circumstances of social nature, in particular, the perception of the law, legal culture of the population and so on. This generally explains the difficulties in promoting reforms in the sphere of compliance with the whole complex of legislation and freedom of believers in particular. Especially considering that the existing rights in the religious sphere are perceived differently by believers.

Moreover, even the perception of Islam, from the point of view of existing laws, is not uniform either. A recent Ijtimoi fikr/public opinion poll showed that the number of people who consider their family's way of life to be secular has decreased by 14% among Uzbeks. More than half of the respondents (52%) expressed a desire to make a hadj (pilgrimage to Mecca). At the same time, a significant proportion of the population (78.5%) is familiar only with certain Islamic requirements. In general, the overwhelming majority of believing Muslims positively assess the work of the authorities in the field of religion (90%) and believe that they fully enjoy their religious freedoms. However, there are also respondents (7.3%) who believe that increasing religiosity may threaten the secular nature of the state. Only a small number of respondents (0.8%²⁰) believe that it is necessary to establish an Islamic state with Sharia rule in order to fully observe religious freedoms²¹.

RESULTS. REFORMS, NEW METHODS AND TOOLS FOR RESOLVING LEGAL CONFLICTS.

A particular difficulty in law enforcement practice, both for government agencies and ordinary citizens, is the fresh memories of terrorist actions in Uzbekistan, which helps to maintain a suspicion (as in many countries of the Central Asian region) of the manifestations of the religious particularities of a part of the population. Accordingly, lawmakers and law enforcement agencies often face the problem of choosing between preserving security for the sake of preventing manifestations of religiously motivated extremism and terrorism on the one hand, and ensuring freedom of religion on the other.

The existing imperfections in the legal and regulatory framework and law enforcement practice in Uzbekistan are also due to the fact that it is necessary to take into account the current religious situation in the country. In particular, there is a need to correlate the reforms with the features of the revival of religion, sometimes very aggressive. In addition, it is necessary to bear in mind the excessive conservative nature of Islam among the population of Uzbekistan. This complicates law enforcement on the one hand and creates conditions where the norms of secular law are poorly perceived or hardly perceived among believers on the other. This is evidenced by the huge amount of religious literature, the authors of which do not operate with notions of the legal provisions of the existing legal system of the state as secular in origin. In other words, the existing legislation in religious discourse is practically ignored.

²⁰ It can be assumed that not all respondents wanted to answer such a delicate question related to the establishment of an Islamic state and the restoration of Sharia. That is, this figure (0.8%) may be higher according to our observations and has an upward trend.

²¹ <http://www.ijtimoiy-fikr.uz/>

On the other hand, a significant number of Muslims in Uzbekistan at times prefer the so-called "parallel" rules of law, rooted in Sharia. This applies, for example, to the norms of inheritance distribution, certain norms of marital relations (e.g., the actual precedents of polygamy), forced early marriages, restrictions on women in social life, the use of violence against them, polygamy, forced wearing hijabs in religious families, etc.

I. Procedure for registration, re-registration and termination of religious organizations (including missionary organizations)

According to the definition, religious organizations in Uzbekistan are voluntary associations of Uzbek citizens formed for the joint practice of faith and the performance of religious services, rites and rituals (religious societies, religious schools, mosques, churches, synagogues, monasteries and others). Current legislation provides that the establishment of a religious organization is initiated by at least 50 Uzbek citizens who have reached the age of 18 and are permanently resident in the country. It is assumed that a community seeking for registration must have the consent of the local civil authorities, the mahalla. In addition, the registration of the central governing bodies of religious organizations is carried out by the Ministry of Justice in consultation with the SCRA under the Cabinet of Ministers. This provision in itself proves that the government continues to interfere and control the activities of religious organizations.

II. Ensuring freedom of religious education for children by their parents, as well as children's attendance of temples

Secular and religious education, religious education institutions.

Under the Constitution, everyone has the right to education (art. 41). Under the Education Act, everyone is guaranteed equal rights to education, irrespective of sex, language, age, race, ethnic background, beliefs, attitude towards religion, social origin, occupation, social status, place of residence or length of residence (art. 4).

As it is in all secular and democratic countries, according to international standards, the main principles of state education policy are: consistency and continuity of education, the obligatory general secondary education, etc.

At the same time according to the Law on Freedom of Religion and Religious Organizations (art. 7) the education system in Uzbekistan is separate from religion. It is prohibited to include religious subjects in the curricula of the education institutions. The right to secular education is guaranteed to Uzbek citizens regardless of their attitude towards religion. This does not apply to the study of the history of religion or religious studies.

Under article 9 of the Law on Freedom of Conscience and Religious Organizations, religious education must be provided after secondary education (except for Sunday schools) and providing religious teaching in private is prohibited. Teaching is the prerogative of registered religious organizations, which must be licensed.

The largest changes due to the reforms have been introduced in the sphere of religious education. Its liberalization is obvious and has removed almost all previous restrictions, with the exception of remote monitoring of the educational process in order to prevent the teaching of religious intolerance, inter-ethnic hatred or other subjects with the propaganda of the VE ideology. At least this is the reason why the Ministry of Justice justifies keeping the requirement of obtaining licenses as a tool of control. The procedure for obtaining a license for religious education is established in the Resolution of the Cabinet of Ministers "On approval of the regulation on licensing the activity of religious educational institutions" (March 1, 2004, No. 99). Only legal entities may apply for a license. Standard (simple) licenses

are issued for the right to carry out activities in the sphere of religious education. The license for the right to carry out activities in the sphere of religious education is issued without any limitation of its duration (Quote from the above-mentioned law: "It is not permitted to teach minors religious education against their will, against the will of their parents or persons in place of parentis (guardians), as well as to include propaganda of war, violence in the process of education...").

At the same time, in recent years, many registered (licensed) training courses were reactivated or started. Teenagers can safely attend these courses outside of school hours to learn languages, the basics of religion, etc. However, the liberalization of laws in the field of religious education has not kept pace with fast growing interest in it.

CONCLUSION

Thus, there are a number of problems in the legislation and in the real implementation of religious freedoms. They are related not only to the wording of the legislation, but also to the existence of a serious "burden of the past", meaning long-established laws that need to be revised in the spirit of the time and Uzbekistan's international obligations.

The continuing complexity of the religious situation and both, latent and open conflicts of religious norms (mainly Muslim) on the one hand, and the existing legislation on the other, impact the nature of implementation of religious freedoms in Uzbekistan. Added to this are the dangers of radicalization (primarily of young people), challenges in the sphere of cyber-security (open and mass recruitment to radical groups through cyber networks), lack of experience in building communication strategies in cyberspace, and the use of "soft power" in stabilizing the religious situation, etc.

At present, there is no unified understanding of the essence of extremism and extremist crimes. Lack of clear definitions and differentiation of extremist crimes create difficulties in law enforcement practice. It is important not only to determine the illegality of certain extremist acts and their punishment, but also to form a clear conceptual apparatus, hierarchy of principles and subjects of counteraction to this phenomenon. To date, legal practice does not stipulate exact distinctions between the concepts of terrorism, religious extremism, separatism, fundamentalism, etc., which does provide right approach to law enforcement agencies in their work on prevention and suppression of such activities. It also does not allow to properly identify if a socially dangerous act took place or not, to what extent the perpetrator is guilty, and other circumstances that are important for the correct resolution of the case.

The composition and quality of the Muslim community in Uzbekistan is very diverse. Believers (primarily Muslims) have their own - most often mutually exclusive - views on religious freedoms, dress codes, norms and rules of relations between the state and religion and other issues. The Muslim community in Uzbekistan is characterized by intense internal discussions (sometimes reaching into conflicts) on all the issues mentioned in the research. Thus, the regulation of complex relations within the Muslim community also falls on the shoulders of law enforcement agencies, the authorities and society itself. All this complicates the situation and makes one extremely cautious in choosing strategies for religious policy and legal regulation of religious freedom, as well as in seriously discussing with society the norms of legislation.

All these circumstances require a very well-thought approach to initiation and implementation of legal norms when it comes to religious communities, some of which do not always take a positive view of the dominance of law. Therefore, not only law enforcement and

regulatory bodies, but also the believers themselves, at least the most active part of them, should undergo their own journey to recognition of laws as the only tool for regulating religious-state relations.

Unfortunately, external evaluations do not take these complexities into account and offer a one-sided and extremely limited view of the problems or rely on outdated data. These conditions, associated with the serious dispersion of opinions within society and among legal scholars in relation to the "Law on Freedom of Conscience and Religious Organizations" revised in 2018, seriously delay the necessary consensus among the public and legal scholars. This has led to a delay in the adoption of this document. In addition, international experience suggests that such documents should be oriented not only to the declarations on freedom of religion adopted in other countries, but also to the peculiarities of their own domestic situation. The adoption of such an instrument without achieving the necessary public and legal consensus, without taking into account one's own cultural and historical traditions, as well as international experience, can lead to unpredictable consequences.

Reforms are transforming old rigid religious situation control patterns and activity of religious organizations. Reforms have also touched upon the scope of legislative initiatives and law enforcement. The easing of restrictions and liberalization in these areas are evident.

At the same time, a number of problems of a legal nature that hamper the liberalization of religious freedoms remain. These problems are solvable and cannot be justified by references to a difficult situation. In particular, the existing laws use some terms (e.g. "fundamentalism") which are not formulated as legal terms containing a clear definition of their social danger or as a form of encroachment on the constitutional order. Other terms ("extremism", "radicalism") have not essentially changed their definitions since the pre-reform era, nor differentiated them (e.g. as violent and non-violent forms, in the case of extremism). This leads to the fact that in sentencing/giving judicial verdict, judges do not have the possibility to differentiate the punishment according to the seriousness of the act.

The positive impact of the reforms should also be assessed by the fact that government agencies start to realize that problems in the religious sphere cannot be solved by means of only one-time administrative and legal acts (for example, in the form of presidential decrees and decisions). In addition, for a number of reasons, Uzbekistan tries to respond to external criticism regarding the implementation of religious freedoms, which is associated with the obligation to implement signed international treaties and declarations, improve the investment climate, increase stability as a guarantor of tourism development, etc.

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14. Our main goal is to strengthen people's trust in the judicial system by protecting the rights and freedoms of citizens, turning the court into a true "Abode of Justice", said President Shavkat Mirziyoyev. (<https://podrobno.uz/cat/politic/esli-nado-izmenim-konstitutsiyu-kak-mirziyeev-otchital-sudey/>)
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