

**THE CONCEPT FOR ENSURING FREEDOM OF CONSCIENCE OF THE  
CITIZENS AND STATE POLICY IN THE RELIGIOUS SPHERE IN THE  
CONTEXT OF REGULATING THE INSTITUTION OF THE FAMILY IN THE  
REPUBLIC OF UZBEKISTAN**

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**Abstract:** This article analyzes the Law of the Republic of Uzbekistan dated February 11, 2025, "On the Approval of the Concept of Ensuring Citizens' Freedom of Conscience and State Policy in the Religious Sphere". Particular attention is paid to the impact of this law on the institution of the family, especially on the legal regulation of marriage as both a social construct. The study is based on an interdisciplinary approach that combines legal, sociocultural, and political analysis and draws upon legal sources, expert opinions, and empirical data. The authors offer recommendations for maintaining a balance between secularism, human rights, and religious traditions.

**Keywords:** Uzbekistan, freedom of conscience, state policy, religion, family institution, marriage, legal regulation, secular state, religious minorities, legislation.

### **Introduction**

The Republic of Uzbekistan, with its multi-confessional population and rich religious traditions, pursues an active state policy in the religious sphere, aiming to ensure a balance between the secular nature of the state, citizens' rights, and the need to maintain public stability. The adoption of the Law of the Republic of Uzbekistan dated February 11, 2025, "On the Approval of the Concept for Ensuring Freedom of Conscience of Citizens and State Policy in the Religious Sphere" represents a significant stage in institutionalizing approaches to regulating religious life in the country. This normative legal act not only establishes the strategic guidelines of the state's religious policy but also directly influences other social institutions — primarily the family as the fundamental unit of society.

The relevance of the present research lies in the need for scholarly reflection on how the implementation of the 2025 Concept affects the regulation of the family institution, including the legal and sociocultural aspects of marriage, parenthood, and the socialization of all family members. Of particular importance in this context is the analysis of intersections between freedom of conscience as an individual right and family obligations, which are often shaped by religious beliefs.

The purpose of this article is to explore the content and implications of state policy in the religious sphere, as outlined in the 2025 Concept, through the lens of the family institution. The research objectives include:

Analyzing the legal framework for freedom of conscience and regulation of the religious sphere;

- Identifying historical and political contexts of state policy;
- Examining the influence of religious norms on the family institution;
- Reflecting on interdisciplinary approaches to the study of the outlined issue;
- Formulating practical recommendations for ensuring human rights and the resilience of the family institution in the context of a growing religious factor.

The research methodology relies on a combination of legal analysis of normative acts, sociological reflection on transformations in state policy, and a sociocultural approach to understanding the role of religion in the everyday lives of citizens. It incorporates data from comparative law, expert opinions, sociological research findings, and academic publications.

### **State Policy in the Religious Sphere: Historical and Political Context**

The state policy in the religious sphere of Uzbekistan has been shaped at the intersection of Soviet legacy, Islamic tradition, and the post-Soviet ideology of nation-building. After gaining independence in 1991, Uzbekistan faced the complex task of developing a secular model of interaction with religious institutions amid the revival of Islamic values and the growing religious activity of the population.

Freedom of conscience and religion is one of the fundamental human rights enshrined in the Constitution of the Republic of Uzbekistan. According to Article 31 of the Constitution, “Everyone shall have the right to freedom of conscience. The right to profess any religion or not to profess any religion at all shall be guaranteed. No one shall be forced to adopt a religion or to renounce it<sup>1</sup>.” This provision reflects the universal norms of international law, particularly Article 18 of the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966)<sup>2</sup>, to which Uzbekistan is a party, confirming its commitment to internationally recognized legal standards.

In the early years of independence, the main priority of the state was the establishment of secularism as the foundation of the public order. In this context, religion was simultaneously regarded as an element of cultural heritage. As scholars such as B. B. Safarov note, “against the backdrop of growing religious self-awareness, the state adopted a strategy of cautious recognition of the religious component while maintaining control over its institutional expressions<sup>3</sup>.”

The events of the late 1990s and early 2000s, including the threat of religious extremism, led to a tightening of the legislative and administrative framework. The 1998 Laws “On Freedom of Conscience and Religious Organizations” and “On Countering Extremism” established the boundaries of permissible religious activity. As part of the fight against radicalism, a system of monitoring and prevention was developed, particularly concerning Muslim groups operating outside the framework of the Muslim Board of Uzbekistan.

However, since 2016, following the change in political leadership, religious policy in Uzbekistan has entered a phase of liberalization. The new direction emphasized openness, tolerance, and respect for spiritual values. Registration procedures were simplified,

<sup>1</sup> Constitution of the Republic of Uzbekistan (as amended in 2023) // National Database of Legislation. — URL: <https://lex.uz> (last accessed: 29.04.2025).

<sup>2</sup> International Covenant on Civil and Political Rights. — Published on the website: <https://lex.uz/en/docs/2638212> (last accessed: 29.04.2025).

<sup>3</sup> Safarov, B. B. Religious Policy in Central Asia: Trajectories of Evolution // Journal of Comparative Politics. — 2020. — No. 3. — Pp. 45–59.

international contacts with Muslim and interfaith organizations were intensified, and the focus shifted from repressive measures to religious education and prevention.

A pivotal moment was the adoption of the “Uzbekistan Development Strategy – 2030”, within which freedom of conscience was given a significant role among the priorities of legal and social modernization. In this context, the adoption of the 2025 Concept became a logical continuation of efforts to renew the institutions of state religious policy, aimed at safeguarding citizens' rights and strengthening social harmony.

### **The Institution of the Family in Uzbekistan: traditions and transformations**

The family is a fundamental institution in any society. In Uzbekistan, the institution of the family represents a complex socio-cultural construct in which norms of secular legislation, Islamic prescriptions, customary practices (adat), and modern notions of human rights are intertwined. Since gaining independence in 1991, the legal regulation of family life has evolved toward the consolidation of universal norms of family law, while maintaining a degree of adaptability to the local cultural context.

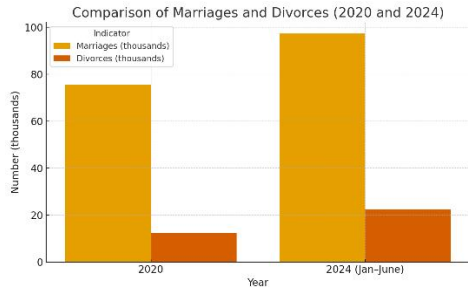
The legal foundation of the family institution is the Family Code of the Republic of Uzbekistan, adopted in 1998. The Code establishes the equality of spouses, the voluntariness of marriage, the requirement for official state registration of marriage, as well as legal guarantees for the protection of the rights of the child, mother, and father. It contains provisions that explicitly exclude legal recognition of polygamy and religious marriages if they are not registered in accordance with the law. This approach reflects a commitment to the secular nature of the legal system and the primacy of positive law.

However, in practice, family life in Uzbekistan is often also governed by informal religious and traditional norms, especially in rural areas and patriarchal communities. Studies show that marriages performed under Sharia (nikah), the practice of polygyny, and adherence to Islamic rituals remain widespread, despite their legal irrelevance. In some cases, this leads to conflicts between actual family relationships and their legal recognition by the state.

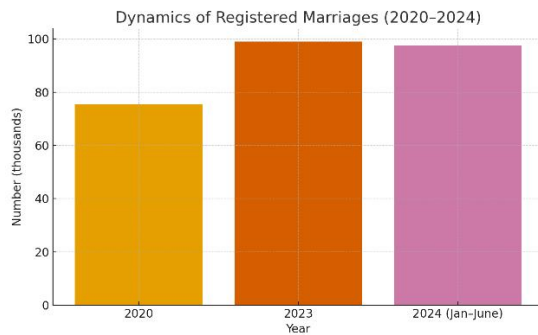
This results in a dual regulatory reality: formal law is based on secular norms, while everyday practice often follows religious-ritualistic canons. This gives rise to problems such as the lack of legal protection for women in religious marriages, difficulties with inheritance, child registration, and access to social benefits. From a legal-sociological perspective, this situation illustrates how religious norms continue to function as a parallel normative system.

Ensuring the sustainability of the family institution represents one of the key objectives of the state's social policy, as confirmed by statistical data published by official authorities. According to information available on the official website of the Agency for Statistics under the Ministry of Economy and Finance of the Republic of Uzbekistan, 97.4 thousand marriages were registered from January to June 2024. Although this figure reflects a slight decrease compared to the same period in 2023 (by 1.2 thousand), there is a steady long-term increase — 21.8 thousand more than in 2020. Of these marriages, 51.4% were registered in urban areas and 48.6% in rural areas. The average age at marriage was 22.9 years for women and 27.8 years for men, with 76.2% of brides being women under the age of 25.

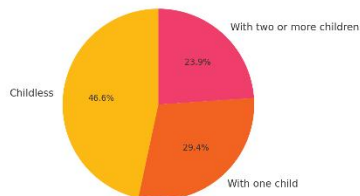
Divorce statistics also point to a number of social challenges: in the first half of 2024, 22.5 thousand divorces were registered, of which 61.6% occurred in urban areas and 38.4% in rural areas. Particularly alarming is the high rate of divorce among young women, with 64.1% of all divorces involving women under the age of 35. Below is a graphical representation of marriage and divorce rates in Uzbekistan for the years 2020–2024:



Сравнение количества браков и разводов (2020 и 2024) — демонстрирует рост по обоим направлениям, особенно по числу разводов.



Divorces by Number of Children (January–June 2024)



The diagram above illustrates the distribution of divorces based on the presence of children for the period of January–June 2024. According to the data provided by the Agency for Statistics of the Republic of Uzbekistan, 22.5 thousand divorces were officially registered during this period, with the largest share — 10,479 cases (46.6%) — accounted for by childless marriages. This trend warrants particular attention from the perspective of legal regulation of marital and family relations, as well as the potential influence of traditional-religious norms on spousal behavior.

According to Article 42 of the Family Code of the Republic of Uzbekistan<sup>4</sup>, a marriage may be dissolved either by mutual consent of the spouses or in the event of the impossibility of further cohabitation and preservation of the family. The law does not limit the grounds for divorce to purely social or economic causes — the key criterion is an “irreconcilable breakdown” in the relationship.

<sup>4</sup> Family Code of the Republic of Uzbekistan, adopted on April 30, 1998, No. 607-I (as amended in 2023) // National Database of Legislation. URL: <https://lex.uz/ru/docs/104165>

In the case of childless marriages, the divorce process may be comparatively less burdensome: there are no issues related to parental rights, custody, or child support, which often simplifies both the formal and emotional aspects of separation. This may be one of the reasons for the high percentage of divorces among couples without children.

However, beyond legal factors, religious and cultural attitudes can also exert significant pressure on spouses, particularly regarding fertility. In traditional Uzbek society, where the continuity of lineage and childbirth remain core functions of the family, childlessness may be perceived as a deficiency in the union, potentially prompting divorce — either at the initiative of one spouse or under the influence of extended family members.

Although the legislation of Uzbekistan does not differentiate between childless and parental marriages with regard to divorce procedures, societal attitudes and unwritten norms rooted in religious and cultural views may exert considerable pressure on decisions to dissolve a marriage. This is particularly relevant in rural areas, where social control by the community and extended family networks tends to be more pronounced than in urban environments.

#### **Academic Debate: Scholarly Assessments**

The academic analysis of state policy in the religious sphere and its interaction with the institution of the family in the Republic of Uzbekistan continues to attract sustained interest from scholars across various disciplines — including legal studies, religious studies, sociology, and political science.

According to the viewpoint of academician A. Kh. Saidov, the relationship between the state and religious organizations in Uzbekistan is fundamentally legal in nature. First, the state defines the legal norms that determine the status and role of religious organizations within the state and society; second, it creates the necessary conditions for their normal functioning; and third, it monitors the implementation of legislation on freedom of conscience and religious organizations<sup>5</sup>.

At the same time, Professor of Law N. Zh. Yusupova, in her article “Fundamental Principles of Islamic Law in Strengthening Family Relations”, presents a comprehensive perspective on the coexistence of secular and religious norms in family legal relations in the context of Uzbekistan. In her view, the ultimate goal of Uzbekistan’s family policy is the spiritual elevation of the nation, and the promotion of the country’s socio-economic development through moral values and ethical standards. She writes: “In shaping and elevating the unique spirituality of any nation, the role and influence of the family are incomparable. This is because the purest and most crystalline human emotions, as well as one’s first ideas and perceptions of life, are primarily formed within the family environment. The foundation of such sacred notions as kindness and nobility, love, honor, and shame — which define a child’s character, nature, and worldview — is undoubtedly laid within the family”<sup>6</sup>.

In his article “Religious Tolerance as a Key Feature of Public Life in Uzbekistan”, Islamic studies scholar Muhammadolima Muhammadsidikov analyzes the conditions for the development of Uzbekistan’s ethno-confessional environment, outlines the key directions of

<sup>5</sup> Speech by Akmal Kholmatovich Saidov, Director of the National Center of the Republic of Uzbekistan for Human Rights, at the OSCE Human Dimension Implementation Meeting (September 22 – October 3, 2014, Warsaw). The Right to Freedom of Thought, Conscience, Religion and Belief. Available at: <https://www.osce.org/files/f/documents/a/4/124819.pdf>

<sup>6</sup> Yusupova, N. Zh. Fundamental Principles of Islamic Law in Strengthening Family Relations. Published in the bulletin Russia and the Muslim World, 2018, Issues No. 1 (307) – No. 4 (310).

state policy toward this phenomenon, and defines the significance of tolerance toward existing religious denominations for fostering a constructive space for dialogue.

According to the scholar, the state, in its relationship with religious organizations, adheres to a secular model and follows the following principles:

First, respect for the religious sentiments of believers, recognizing religious beliefs as a private matter for individuals or their legitimate associations;

Second, the guarantee of equal rights and the inadmissibility of persecution of citizens — whether they profess religious views or not;

Third, the necessity of engaging in dialogue with various religious groups in order to utilize their potential in the processes of spiritual renewal and the affirmation of universal moral values.<sup>7</sup>

There is also a notable interest in the situation in Uzbekistan within foreign academic literature. For instance, international researcher Dr. Laura Yerekesheva characterizes the country's religious policy as an example of a unique socio-cultural phenomenon. In her article, she briefly addresses the issue of the cultural identity of the region's nomadic populations, which is based on a blend of various religious beliefs (such as shamanism, the cult of Tengri, Islam, etc.), many of which continue to exert influence on contemporary life and consciousness.

The role of religion is critically examined through the lens of systemic functionalism theory, which posits that religion, as the foundation and core characteristic of a cultural system, transmits its key features into other systems, including the social one. It can be argued that there is no culture without religion, and no religion without culture — a notion that remains relevant even in modern times. Although secularization, the evolving perception of religion, and the tendency toward spirituality rather than strict religious dogmas have introduced a new dimension, religion's cultural function persists.

In this respect, broad cultural identity cannot be fully understood without considering the historical role of religion(s) in the development of a given culture. Today, even as religion is pushed to the margins of the cultural system and public life in secular societies, it still retains the potential to influence consciousness — whether through enduring religious traditions, newly constructed salvific religious frameworks, or under the guise of spirituality and mythological thinking, where a distinct religious dimension can also be discerned<sup>8</sup>.

### **Recommendations and Pathways for Harmonization**

An analysis of the legal and socio-cultural interaction between freedom of conscience and the institution of the family in Uzbekistan reveals not only normative challenges but also deep-rooted ideological and cultural divergences that necessitate a flexible and balanced legal policy. Based on the findings of this study, the following recommendations are proposed:

1) Improving the Legal Framework for Marriage and Family Relations with Consideration of the Religious Factor. Development of interpretive mechanisms for the

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<sup>7</sup> M. Muhammadsidikov. Religious Tolerance as a Key Feature of Public Life in Uzbekistan // Bulletin of Chelyabinsk State University. 2009. No. 40. Available at: <https://cyberleninka.ru/article/n/religioznaya-tolerantnost-kak-glavnaya-cherta-obschestvennoy-zhizni-uzbekistana> (accessed: April 29, 2025).

<sup>8</sup> Dr. Laura Yerekesheva. Religious Pluralism and Syncretism in the History of Central Asia: an overview. Oregon University (Eugene, USA) 8 May 2009/ [www.academi.edu](http://www.academi.edu). 2025.

application of family legislation in cases where daily practices are shaped by citizens' religious beliefs (e.g., nikah marriages).

2) Introduction of legal norms that allow for the voluntary coordination of religious rites with state law, without granting them legal force outside of formal registration, but permitting their consideration during judicial proceedings. Strengthening Guarantees of Freedom of Conscience in the Family Sphere.

3) Enshrining in legislation the principle of non-discrimination based on religion within the family, including in interpersonal relations between spouses, property division, and decisions regarding child visitation following divorce. Developing Educational and Awareness Mechanisms

4) Integration of legal education elements into school and university curricula on both secular and religious approaches to the family, with an emphasis on mutual respect and legal pluralism. Support for research projects and academic publications focused on the comprehensive study of family transformation amid rising religiosity.

5) Developing Indicators to Assess the Effectiveness of Religious Policy in the Family Context. Conducting monitoring and empirical research reflecting the impact of state religious policy on marital stability, the protection of women's and children's rights, and the prevalence of alternative forms of marriage.

Achieving a sustainable balance between freedom of conscience, secular legal principles, and socio-cultural traditions requires comprehensive and adaptive mechanisms. Harmonization of these domains is possible only through dialogue, mutual respect, and institutional sensitivity on the part of the state toward the religious and family realities of contemporary Uzbekistan.

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