

**THE ROLE OF FOREIGN EXPERIENCE IN ENSURING RELIGIOUS
TOLERANCE: WORLD AND NATIONAL APPROACH**
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Abstract: *at the end of the twentieth century, the process of multi-ethnic awakening became vital all over the world. Especially in international socio-political processes, the importance of the national factor is increasing, and the interest of all peoples in their history and traditional culture is changing. In particular, in the East and the West, the issues of religious affiliation and freedom remain a topical issue of today. Peaceful states can be built in these societies, only if the reform process is widely supported by all the peoples living in their multinational states. We can be achieve to the development of norms of freedom of conscience and interreligious tolerance and intercultural solidarity, through the positive cooperation of social groups with different values, religions and political goals, the elimination of extremism. Prevention of conflicts, educating the entire population in the spirit of tolerance remain the main tasks of national and cultural policy in the country..*

For abovementioned reasons we intend to reveal in this article, the practical expression of the most relevant factors of human freedom today and the principle of interreligious tolerance and it's reflection in the generally recognized norms of international law and the attitude to religious tolerance in the Basic Laws of a number of developed countries.

Keywords: *freedom of conscious and freedom of religion, inter-religious tolerance, confessions, norms and principles of international law, international constitutions and bills.*

**РОЛЬ ЗАРУБЕЖНОГО ОПЫТА В ОБЕСПЕЧЕНИИ РЕЛИГИОЗНОЙ
ТОЛЕРАНТНОСТИ: МИРОВОЙ И НАЦИОНАЛЬНЫЙ ПОДХОД**
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Аннотация: *в конце XX века процесс многоэтнического пробуждения стал жизненно важным во всем мире. Особенно в международных общественно-политических процессах возрастает значение национального фактора, меняется интерес всех народов к своей истории и традиционной культуре. В частности, на Востоке и Западе вопросы религиозной принадлежности и свободы остаются актуальными и сегодня. Мирные государства могут быть построены в этих обществах только в том случае, если процесс реформ будет широко поддержан всеми народами, живущими в их многонациональных государствах. Мы можем добиться развития норм свободы совести, межрелигиозной толерантности и межкультурной солидарности через позитивное сотрудничество социальных групп с различными ценностями, религиями и политическими целями, ликвидацию экстремизма. Предотвращение конфликтов, воспитание всего населения в духе толерантности остаются главными задачами национально-культурной политики в стране..*

В связи с вышеизложенным мы намерены раскрыть в данной статье практическое выражение наиболее актуальных сегодня факторов свободы человека и принципа межрелигиозной толерантности и его отражение в общепризнанных нормах международного права, а также отношение к религиозной толерантности в Основных законах ряда развитых стран.

Ключевые слова: *свобода совести и свобода вероисповедания, межрелигиозная толерантность, конфессии, нормы и принципы международного права, международные Конституции и законопроекты.*

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World constitutions usually regulate the relations between religion and state power. In the political-legal system, some constitutions establish the relation between the state and a certain religion or confession, or grant privileges to religious laws or institutions. Others declare the state secular or look for ways to protect the neutrality of the state from any religious affiliation.

For many people around the world, belonging to a particular religion is their collective and national and inseparable identity, and some also express constitutional recognition of these rights through the above-mentioned

rights. The desire to recognise and protect religious diversity requires that constitutionalists in society pay attention to particular or different religious groups. Religious recognition or institutional organisation, religious privilege can be detrimental to the religious rights of minorities, dissidents and non-believers. It can also exacerbate tensions between "in-group" and "out-group".

What is the problem with the relationship between religion and the state? Research shows that constitutional lawmakers often have to consider the following processes as a problem in the relationship between religion and the state [2]:

1. a muslim-majority country;
2. a multi-ethnic and multi-confessional society;
3. societies where there has historically been a tension between religious affiliation and secularism.

So what is the problem? The regulation of relations between the state and religion, civil and religious institutions has historically existed, has been and continues to be one of the main objectives of the Constitution.

Article 1 of the French Constitution states that the spirituality (sentiment) of the French is decisive in the state [3].

The First Amendment to the US Constitution not only removes the ban on the existence of state churches in the country, but also gives a broader path to the associations that would emerge later.

Article 140 of the German constitution takes up some of the provisions of the Weimar Republic constitution: on the one hand it prohibits the establishment of state churches, but on the other hand it states that religious denominations can be recognised by the state.

In England, the Church of England is the state church. (The Presbyterian Church in Scotland is a state boundary, there are no state churches in Wales and Northern Ireland).

In the Netherlands, separation of church and state is considered an unwritten principle of constitutional law, as the basic law is silent on this. [4].

Practical laws define the relationship between the state and religion. Another important task of the constitution is to ensure peace and justice among all members of society, even in societies with deep religious divisions.

Nevertheless, in many parts of the world, the relationship between the state and religion remains one of the most difficult issues for constitutional drafters. Some problems are specific to each situation, but there are certain commonalities. A particular religion may be linked to national identity or to the core values of a society.

Combined with universal inter-religious freedom, it is clear that religion is really a matter of conscience and the best condition is to maintain neutrality in religious matters and to protect against discrimination by the state. The Human Rights Council of the UN General Assembly stated in 2011 that "... the use of the official term 'state religion' should not adversely affect any religion, religious minorities or their members" [5].

In fact, the framers of the Constitution can choose from a wide range of the following versions:

- Religion before the emergence of a state (with the introduction of the moral standards of religion into law or the recognition of religious courts in certain jurisdictions and courts through state-sponsored churches or religious institutions);

- prior to the proclamation of secular (non-religious) foundations of the state (symbolic recognition of the role of one or more religions in public and cultural life).

When drafting a Constitutional text, issues can be difficult to reach agreement or compromise on in practice, as they involve personalities and deep principles that are not easy to accept. Therefore, the question of which religious views should be included and the question of how this should be, or conversely, the need for secularism to take precedence in the state, i.e. in the political, historical and cultural context, should also be considered in an orderly manner.

The historical recognition of freedom of religion as well as the recognition of other rights such as freedom of expression as well as freedom from discrimination set out certain foundations for the constitutional relationship between the state and religion.

A liberal democratic state cannot prohibit:

(a) *Rituals in a peaceful religious spirit which do not violate public order or the rights of others;*

(b) *Ensuring unity or adherence to religious beliefs and rituals;*

(c) *Not to punish or discriminate against persons on the basis of their religious belief or identity.*

For example, no organisation or group in the United States needs religious control. Congress does not prevent the establishment of religion or the free exercise of prayer [6].

Some constitutions (e.g. Germany, India, South Africa) aim to protect the religious neutrality of the state by denying or approving any religious support (e.g. religion-state neutrality), but also to treat religions equally and without discrimination. For example, the Basic Law of the Federal Republic of Germany states: "Religious organisations (persons of any religion) have the right to join the army, hospitals, prisons or other state institutions for religious purposes, if necessary arranging public prayers or prayers in religious institutions, but any form of coercion should be avoided" [7-10].

Today, freedom of religion and freedom from religious coercion are among the universally recognised principles of liberal democracy. No state today is considered to violate legal norms enshrined in international norms if it does not guarantee freedom of religion and worship, and reference to any religion does not impede understanding. We see that maintaining inter-religious tolerance in states has played a crucial role in ensuring inter-ethnic harmony and

peace, as evidenced by historical and progressive events. The issue of promoting and developing the right attitude towards tolerance in the minds of citizens remains relevant.

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