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# THE PRESS AND PUBLIC OVERSIGHT IN THE FIRST QUARTER-CENTURY OF UZBEKISTAN'S INDEPENDENT DEVELOPMENT: EVOLUTION AND PRACTICE

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### Abstract

This article examines, from a historical-analytical perspective, the formation of the press system and the evolution of the institutional foundations of public oversight during the first quarter-century of Uzbekistan's period of independent development (1991–2016). The legal-historical content of the original “Law on Mass Media” adopted in 1991, the revisions of 1997 and 2007, as well as the 2014 “Law on the Openness of Activity of the Bodies of State Power and Administration” is subjected to detailed analysis. The article likewise discusses the divergence between de jure (legislation) and de facto (practice), the indicators produced by international organizations such as Reporters Without Borders and Freedom House, and the manner in which the legacy of this first quarter-century is being reinterpreted within the post-2017 reform stage.

**Keywords:** Press, public oversight, mass media, independence, censorship, openness of information, civil society, Constitution, informatization, digital press.

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### Introduction

The political-legal nature of any society is, first and foremost, diagnosed through its relation to the press. The first quarter-century of independent Uzbekistan — the period extending from 1991 to 2016 — constituted the formative stage of a new type of information environment in the country. Renouncing the Soviet system of censorship, placing mass media on a legal foundation, and elaborating the institutional preconditions for public oversight were the central tasks of this era. Yet the process unfolded in a non-linear fashion: the principles of freedom proclaimed within the legal sphere often failed to find their full expression in actual practice.

In approaching this question as a historian, two methodological criteria must be borne in mind. First, the press is not merely an instrument of information but, as M. Maccaye has formulated it, “an institutional mechanism of transparency in the dialogue between the state and the citizen” [1]. Second, public oversight — understood as a concrete form of the functions of civil society — is realized through the openness of information. It follows that the analysis of press history simultaneously reflects the history of democratic institutionalization. As the Freedom House report “Nations in Transit” records, freedom of the press is the most sensitive indicator by which the democratic level of state governance in the post-Soviet region may be measured [2]. This approach is significant for the present study for several reasons: first, it interprets press history as an inseparable part of political-legal history; second, it provides an analytical instrument with which the gap between the legal and the practical levels can be opened up.

The aim of the present study is to investigate, on the basis of a historical-analytical approach, the evolution of the press in Uzbekistan and of the institution of public oversight during the years 1991–2016. The investigation seeks answers to the following questions. First, in what direction did the legislative acts adopted during this period evolve? Second, on what historical causes was the divergence between law and practice contingent? Third, in what manner is the legacy of the

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first quarter-century being reinterpreted within the reform stage that began in 2017? In addressing these three questions, we evaluate not only the past but also seek to delineate the strategic prospects of future information policy.

### Materials and Methods

**Research methodology:** The article employs methods of historical-legal analysis grounded in the principles of historicity, objectivity, and logical consistency, together with comparative jurisprudence, document analysis, and a systematic literature review. As primary sources, the legislative acts of the Republic of Uzbekistan (Lex.uz portal) were analyzed; as secondary sources, reports issued by international organizations (RSF, Freedom House, IWPR) and the scholarly contributions of Uzbek and foreign researchers were studied.

**Literature review.** Wide use was made of sources published from 2020 onward: Reporters Without Borders (World Press Freedom Index 2024 and 2025), Freedom House (Nations in Transit 2024, Freedom on the Net 2024), Institute for War and Peace Reporting (IWPR), Caspian Post, and Times of Central Asia investigations. In addition, the principal acts in the national legislative corpus — Law No. 283-XII of 14 June 1991, Law No. 542-I of 26 December 1997, Law No. ORQ-78 of 15 January 2007, and Law No. ORQ-369 of 5 May 2014 — were examined as first-hand sources.

### Discussion and Results

**Stage one: 1991–1997 and the initial legalization.** The legal status of the press during the first years of independence was established by Law No. 283-XII “On Mass Media” adopted on 14 June 1991. This was the first document in the country’s history to formally prohibit censorship and to provide an institutional guarantee of the citizen’s freedom of speech: “censorship of mass media in the Republic of Uzbekistan shall not be permitted” [3]. This principle was further

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consolidated in Article 67 of the Constitution of the Republic of Uzbekistan adopted on 8 December 1992, by which freedom of the press attained constitutional status. The practical implementation of the law, however, proceeded in a non-linear manner.

Law No. 542-I, adopted on 26 December 1997, defined still more precisely the legal boundaries of the institution of mass media: the rights of founders, the editorial charter, the responsibility of the journalist, and the activity of foreign mass media were each set out in distinct articles [4]. In the same year, on 24 April, Law No. 402-I “On the Protection of Journalistic Activity” was also adopted, providing the legal foundation for the protection of the professional activity of journalists [5]. Assessed from a comparative perspective, this rapid process of legalization stood on a par with that of other post-Soviet states in the region, and in some respects constituted an advanced indicator: at that time, many states of Central Asia were still in the process of revising their press legislation. Thus, in its first five years, the country erected the basic architecture of press law and laid down a firm legal foundation for further institutional development.

**Stage two: 2002–2007 and institutional expansion.** Substantive amendments to the 1997 law were introduced by Law No. 405-II adopted on 30 August 2002, by which the limits of the founder’s interference in the creative activity of the editorial office were precisely defined. Law No. 560-II of 11 December 2003 “On Informatization” rendered legally binding the use of information resources and established the status of electronic information systems [6]. During this period, the level of Internet connectivity in the country expanded rapidly, and the ground was prepared for the emergence of electronic mass media. This system of acts was brought to its conclusion by Law No. ORQ-78 of 15 January 2007: this new revision incorporated websites and publications on the Internet into the official concept of mass media, thereby aligning the country’s jurisprudence with the demands of the digital age [4]. This represented an important culmination of the

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legal evolution of the first quarter-century. At the same time, this expansion possessed a dual character: on the one hand, digital media acquired official status and protection; on the other, the state secured the capacity to monitor and to block them.

**Stage three: 2014–2016 and the openness of information.** The most significant document of the late stage of the period was Law No. ORQ-369 of 5 May 2014 “On the Openness of Activity of the Bodies of State Power and Administration” [7]. This act provided a legal foundation for public oversight over the decisions, deliberations, and reports of state bodies and recognized mass media as “a subject of public oversight” [8]. From a theoretical standpoint, this was a revolutionary step: for the first time, the state was legally obliged to render account of its activity to the public. The act fixed standard response periods of fifteen and seven days, and made it incumbent upon state bodies to publish on their websites information regarding the budget, procurement, personnel policy, and other matters. This approach constitutes the legal articulation of the principle of “transparency by default” and accords with the standards of advanced democracies in international practice.

**The divergence between law and practice.** The analysis indicates that the depth and scope of this legal corpus must be acknowledged as conforming to international standards. Yet its practical implementation differed from stage to stage. According to the World Press Freedom Index reports of Reporters Without Borders, by 2016 the country occupied 165th place out of 180 states, situated immediately above Turkmenistan among the lowest-ranked countries [9]. As Nadezhda Ataeva, an expert at the Institute for War and Peace Reporting (IWPR), has observed, in this period “only the development of civil society could boost independent journalism, but the authorities of Uzbekistan are still unreasonably

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cautious of activists and critics of the regime” [9]. A significant gap therefore existed between the letter of the law and everyday practice.

The historical causes of this divergence are explicable on three levels of analysis. First, the inertia of the Soviet legacy: notwithstanding the new laws, the long-standing tradition of centralized administration was preserved within institutional culture. Although the formal organ of censorship in the form of “Glavlit” had been abolished, in its place the phenomenon of self-censorship became widely diffused: editorial offices and journalists, in the interest of their own safety, preferred not to approach sensitive subjects at all. Second, the security conditions of the period: the regional instability of the late 1990s and early 2000s (the civil war in Tajikistan, the Andijan events, terrorist threats) compelled the authorities to maintain rigid control over the information sphere. Third, the level of maturity of civil society institutions: in Uzbekistan during the years 1990–2010, the financial and organizational ecosystem necessary to sustain independent mass media had not yet fully formed. The advertising market was small, mass subscriptions were insufficient as a source of revenue, and the activity of international grant funds was constrained.

**The formation of the institutional foundations of public oversight.** Public oversight constitutes the most delicate stage of democratic institutionalization, since it is contingent not only upon the legal base but also upon the level of trust and transparency within society itself. As the researchers write, “in Uzbekistan, mass media constitute the unique medium that regulates and binds the social relations between political power and citizens, and that secures transparency between them” [8]. Yet this status of “the fourth power” remained largely declarative throughout the greater part of the first quarter-century. Although Article 29 of the Constitution accords every citizen the right to obtain and disseminate information [8], in practice access to state information resources was conducted through complex bureaucratic procedures. The number of independent

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mass media and websites was limited, and since the standing of state-controlled mass media was monopolistic in character, public oversight became a means not for the control of power but rather for the shaping of public opinion by power. This represented a deviation from the Habermasian tradition of the public sphere within democratic theory — a path distinct from the practice of the post-socialist countries of Eastern Europe.

### **The legacy of the first quarter-century and its reinterpretation after 2017.**

Following the death of I. Karimov in 2016, with the transition to the era of the new president Sh. Mirziyoyev, considerable changes were also initiated in the press sphere. In May 2017, access was restored to a number of foreign information resources — BBC Uzbek, Voice of America, Deutsche Welle, Eurasianet, and the Fergana News Agency [9]. By Presidential Decree No. PQ-3737 of 24 May 2018, the University of Journalism and Mass Communications of Uzbekistan was established, setting forth a plan for strengthening the personnel base of the field [10]. Law No. ORQ-683, adopted on 21 April 2021, then expanded the definition of mass media so as to encompass electronic and Internet websites in a broad fashion [4].

The assessments of international organizations, however, indicate that this reform process possesses a non-linear character. According to the 2024 RSF report, Uzbekistan fell to 148th place out of 180 countries in the Press Freedom Index, and its press-freedom status was downgraded from “difficult” to “very serious” [11]. In 2025, the country retained the same 148th position [12]. As recorded by Freedom House in its “Nations in Transit 2024” report, in his February 2023 address President Sh. Mirziyoyev declared that “press freedom complicates the work of the government... But I will not shut it down. Let them speak, but let them speak fairly. Let them criticize, but let them criticize correctly” [2]. These words may be read as the expression of a complex dialogue between freedom of the press and state administration: the state is not prepared to grant the press

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complete freedom, yet neither does it wish to silence its voice altogether. This model of “controlled openness” may be interpreted as a direct continuation of the tendency of the first quarter-century, in which liberal norms within legal documents and the instinct of control within practice continue to coexist.

### Conclusion

The present analysis has shown that the first quarter-century of Uzbekistan’s independent development (1991–2016) was a complex and multilayered period from the standpoint of the press and public oversight. From a legal perspective, the state created a relatively modern legislative corpus on the prohibition of censorship at the constitutional level, on the regulation of the activity of mass media, on the protection of journalists, and on the openness of state authority. At the level of practice, however, the full implementation of these documents proceeded slowly on account of the inertia of the Soviet legacy, the security conditions of the region, and the level of maturity of civil society institutions. It is for this very reason that the country was retained in low positions on international rankings and was situated, by 2016, among the bottom fifteen states of the RSF index.

In a philosophical and historical sense, this period yields a significant conclusion: freedom of the press is a question not merely of legal documents but of institutional culture. However perfect the text of a law may be, if there is no institutional ecosystem capable of supporting it — an independent judiciary, a robust civil society, professionally accomplished journalistic personnel, and independent financial sources — the document remains at the level of declaration. The changes initiated in the post-2017 reform stage place precisely the construction of this institutional ecosystem at the center of their agenda. The final conclusion to be drawn is that the legal legacy of the first quarter-century continues to serve as a firm foundation for the new period as well; yet its genuine vitality is contingent upon the consistent narrowing of the gap between law and

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practice, the normative reception of the new possibilities of the digital press, and — most importantly — the consistent continuation of the transition of the country’s civic culture toward a democratic ethos.

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