

Constitutional and legal regulation of economic development in the countries of Central Asia

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Abstract. The problem of bringing the countries of Central Asia closer to socially oriented market economic relations is primarily connected with the need to create qualitatively new legal support for such relations. The aim of the article was to improve the existing theoretical provisions on constitutional and legal regulation of economic development within the Central Asian region. In the process of the research, the theoretical and methodological foundations of legal support of economic development in the countries of Central Asia were analysed. The main results of the research were the definition of the available approaches to the interpretation of the definitions of “constitutional-legal regulation”, “economic constitution”, “economic relations”, “foreign policy”. It was found that the factors influencing the development of economic relations in Central Asia are, in particular, the slow pace of legislative development, inadequate provision of socio-economic rights of citizens and low level of trust in Central Asian countries by the international community. A comparative analysis of the main provisions regulating economic relations in the constitutions of Central Asian countries revealed similarities in the constitutional norms related to economic values. The existing authoritarian governance mechanisms and the lack of a unified economic strategy directly influence constitutional changes in the field of economic development in Central Asia. The experience of legal support for economic relations and foreign policy in these countries

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highlights the risks that the economies of Central Asia face in terms of legal support. The main issues in constitutional and legal regulation in these countries include the limited legislative recognition of all possible economic rights and the absence of an effective system for implementing the economic foundations established in the Constitution. To address these issues, large-scale reforms, including constitutional reforms, are necessary in the countries of Central Asia. The findings of this study may be considered when determining the future strategy for the development of constitutional and legal support in these countries

Keywords: legitimate state; regional progress; social benefits; legislative regulation; geopolitical environment; pseudo-constitutionalism

Introduction

In the context of globalisation, the influence of the legal system of any state on its economy becomes evident, which is primarily manifested in the enshrinement in the Basic Law of the relevant economic principles and democratic values and ideas. The countries of Central Asia are no exception in this case, the development of constitutional legislation of which has seen some minor but important changes in this context. Non-observance, violation or neglect of the established socio-economic foundations or lack of proper legal regulation of the relevant relations lead to destabilisation of the social situation in the state and permanent economic crises. It is the measures of constitutional-legal regulation that become important here. Problematic issues of formation and development of the constitutional-legal foundation of the Central Asian states need careful analysis, and establishment of common features and differences on the verge of constitutional practice and theory, taking into account the experience of the formation of constitutionalism in different periods. The solution of the above issues necessitates scientific and practical argumentation of mechanisms of effective constitutional and legal regulation of economic development of the Central Asian countries in the conditions of destabilisation of the socio-economic sphere, which is associated, in particular, with both the consequences of COVID-19 and the war in Ukraine. At the same time, during the 2000s there were no systematic discussions in the sphere of legal regulation of economic development of the Central Asian countries, which indicates not only the need for action on the part of the legislator, but also the need for relevant scientific research.

Analysing the theory of constitutional norms, A. Ashraf (2022) noted that in practice the Constitution is always a constantly evolving legal project. This may hinder the functioning of constitutionalism and indicates the impossibility of permanence and stability. At the same time, proponents of pragmatism see the Constitution as one that is “designed to operate over many centuries and to be adaptable to different crises”. P.C. Caldwell (2022), in an analysis of the concept of economic constitution and its legal implications, emphasised the ongoing tension between the Constitution, democracy, and the economy. The Constitution establishes the framework and values of governance, ensuring freedom of choice that also influences economic conditions. At the same time, the prevailing economic system directly affects the political structure, making the polity effectively dependent on that system.

S.F.H. Ollick (2022), while examining constitutionalism and economics in Africa, pointed out that though the constitutional establishment of economic principles may indicate a strong belief in their validity and soundness, the questionable significance of such a position for economic development must be set against potential legal constraints in response to new world challenges. It should also be noted here that

Y. Tian (2022), while studying the constitutional division of labour, observed that economic reforms establish evolutionary positions in constitutional interpretation, and the practices and needs of such reforms form the basis for interpretation. Economic reforms introduce a market economy system, reconstruct the property structure and division of labour system, and change the constitutional space (Polishchuk, 2024). As M.A. Blackwood (2021) has pointed out in her study of historical issues in Central Asia, the Central Asian region is a challenging environment for democracy promotion because political elites retain significant control over the region's economy, Central Asian countries have varying degrees of market reform, and corruption remains widespread.

In examining the effects of globalisation on Central Asia, A.M. Figueroa García and T. Gélvez Rubio (2022) highlighted that after the Soviet Union's collapse, the five newly independent states of Central Asia began working on establishing the rule of law and enhancing state capacity. Despite the unique characteristics of each country, autocratic political systems have remained a unifying feature. As V. Ozawa *et al.* (2024) observed in their study of Central Asia's political economy of education, efforts by the region's countries to advance nationalist and neoliberal ideologies have been slow, mainly due to the ambiguous distribution of resources and power, which has led to the marginalisation of minorities and increased socio-economic disparities. K. Singha and M.A. Singh (2022), in their analysis of political stability and its economic implications, concluded that state development must be paired with effective governance and political stability to foster the rule of law.

The authors did not explore the issue of constitutional recognition of core, unchanging economic values. They also did not address the relationship between the Constitution and the country's economic framework. The constitutional limitations on rights that should be implemented in specific cases were not considered. Additionally, the role of the autocratic governance model in shaping constitutional and economic law remains unresolved. The influence of market economies and the necessity for societal democratisation on constitutional amendments in Central Asia also requires further investigation. Therefore, the objective of this study was to explore the nature, legal foundations, and unique aspects of constitutional and legal regulation of economic development and economic relations in the Central Asian countries, specifically focusing on Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, and Turkmenistan.

Materials and methods

The paper makes a transition from theoretical to practical research of the issue of improving constitutional and legal regulation of the economic development of Central Asian countries. The study began with the analysis of theoretical

and methodological foundations of law on the essence and meaning of constitutional-legal regulation of economic development in the countries of Central Asia, methods of legal understanding regarding the legal concept and meaning of public administration in the sphere of economic development, the dialectical method was used. Among other things, the conceptual and categorical apparatus of the research was revealed, and the legal nature and content of the concepts of “constitutional-legal regulation”, “economic constitution”, “economic relations”, “foreign policy” were established. It was also possible to identify the features of certain legal phenomena, their legal significance.

The study then examined the essence and scope of socio-economic values within the Constitution as a fundamental legal source. The development of constitutional-legal frameworks in Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, and Kyrgyzstan, particularly in the realm of economic relations, was explored. A general overview of the key constitutional principles governing socio-economic relations in these Central Asian countries was provided. The study also outlined the distinctive processes influencing constitutional changes related to economic development in the region over the past three decades. Furthermore, the legal support for economic relations and foreign policy in Central Asian nations was assessed. The research highlighted the main approaches for evaluating the legal significance of economic constitutions, conducted a comparative analysis of key provisions regulating economic relations in the Central Asian countries, and examined the experience of economic relations between them.

The study used a set of methods that allow for an in-depth analysis of the constitutional and legal regulation of economic processes in Central Asian countries and identifies the relationship between legal norms and economic development. The formal legal method provided an analysis of the text of constitutional norms that define the foundations of economic policy, their structure and relevance to modern challenges. The comparative legal method was used to compare economic rights and mechanisms for their realisation in different countries, which allowed to identify common features and peculiarities of legal regulation in the region. The method of legal hermeneutics contributed to a deeper understanding of the content of constitutional texts, their impact on economic policy and their significance in the context of regional peculiarities.

Content analysis was used to evaluate the texts of international organisations and key publications, which allowed us to study the frequency and intensity of the use of economic concepts in legal and social contexts. The GDP data of Central Asian countries in recent years were processed using descriptive statistics, which enabled the visualisation of economic indicators and the identification of trends. The use of case studies made it possible to analyse in detail successful examples of economic reforms and problematic cases that affect regional development.

The scientific basis of the study includes quantitative and qualitative approaches, which allowed us to combine the analysis of statistical data with the interpretation of legal norms. The sociological approach helped to reveal the impact of legal norms on social processes, including their role in ensuring social stability and trust in governments. The anthropological approach helped to study the cultural and social factors that influence the formation of economic rights and mechanisms for their realisation. The historical and

legal approach allowed us to take into account the specifics of the development of legal systems in the post-Soviet period, analysing their evolution in the context of modern challenges. This approach allowed for a comprehensive study of the relationship between legal regulation and economic development in the region.

The normative basis of the study is the current constitutions of the Central Asian countries (Constitution of the Republic of Kazakhstan (1995), Constitution of the Republic of Tajikistan (1994), Constitution of the Republic of Uzbekistan (1992), Constitution of Turkmenistan (1992), Constitution of the Kyrgyz Republic (2021), Law of the Republic of Kazakhstan No. 107 “On introducing amendments and additions to the Constitution of the Republic of Kazakhstan” (2022). Each of the studied issues is analysed separately. The study provides general recommendations to improve the understanding and mechanisms for improving the constitutional and legal regulation of economic development in the countries of Central Asia.

Results

Factors affecting the Central Asian economies, their status, and prospects. Central Asian countries play an important role in the geopolitical arena. After all, the political and economic processes taking place here extend to the entire Eurasian continent. Central Asia has been, remains, and will be a springboard for confrontation in the geopolitical context for a long time to come. The reason for this is that Central Asian countries have significant resources (human potential, raw materials), which are necessary for actively developing economies. The economic challenges faced by Central Asian countries during the transition from centralised planning were exacerbated by the collapse of the Soviet Union. This resulted in disruptions to international supply chains, hyperinflation, and the dissolution of the common currency area. Drawing lessons from East Germany and Central Europe, new companies emerged in Central Asia, although privatisation processes remained under tight control. In the second decade following independence, the resource boom, particularly in oil and gas, boosted incomes across the region. This surge in revenues reduced the immediate need for further economic reforms, as higher state income alleviated fiscal pressures. However, the third decade proved to be more complex, as the experiences of each Central Asian country varied. While economic output increased across all five countries, the gross domestic product (GDP) remained highly volatile from 2014 to 2019, primarily due to fluctuations in oil prices and exchange rates (Pomfret, 2021).

The COVID-19 pandemic of 2020-2021 significantly impacted Central Asia, prompting regional governments to reassess their governance structures. In Turkmenistan, Kazakhstan, and Uzbekistan, there has been a shift towards a new balance of power, emphasising greater accountability of the government and parliament in socio-economic reforms. Conversely, Tajikistan has experienced a centralisation of authority, reinforcing the president’s position. Kyrgyzstan, aiming to prevent authoritarian tendencies, has shown a commitment to developing parliamentarism (Toktogazieva, 2024). At the same time, socio-political stability is being affected by institutional changes, which creates challenges for the national development of Central Asian countries. It is important to review the trends in GDP levels across Central Asia in recent years (Table 1).

Table 1. GDP level in Central Asian countries in 2020-2024

Country	2020	2021	2022	2023	2024
Kazakhstan	-2.6%	4.1%	3.3%	4.6%	4.2%
Turkmenistan	-2.9%	4.6%	1.6%	2.5%	2.1%
Uzbekistan	2%	7.4%	5.7%	5.5%	5.5%
Tajikistan	4.4%	9.4%	8%	6.5%	5%
Kyrgyzstan	-7.1%	5.5%	6.3%	3.4%	4.3%

Source: Real GDP growth (2024)

Comparing Central Asia with countries in South and East Asia reveals that Central Asia has a smaller population and lower industrial development, especially when contrasted with the fast-growing economies of China and India. As a result, the cyclical development patterns in Central Asia have a relatively smaller impact on the global ecological scale (Tleuken *et al.*, 2022). Nevertheless, the region is becoming a target for international project finance agreements from large enterprises from Turkey, the United Arab Emirates, Saudi Arabia and Europe. Economic integration is still far from a reality, but timid attempts do exist (Rodríguez *et al.*, 2022). The EU's economic support for Central Asian countries is also strengthening its position in the region. The EU is successfully implementing its strategy within Central Asia despite the presence of other international counterparts. Central Asia and the EU are united by fruitful cooperation in trade in goods. Achieving energy security is the EU's goal, and its strategy works towards pragmatic co-operation with Central Asian countries.

Evidence shows that strong governance is associated with better economic performance – higher economic growth, lower inequality, higher public revenues, more efficient spending, private investment. In contrast, weak governance and corruption reduce public trust in government and institutions. For example, the EU has been actively supporting the modernisation of Kazakhstan's energy sector, including through investments in renewable energy sources, which contributes to the country's economic diversification and energy security (Salgado *et al.*, 2023). Uzbekistan is another example where good governance has contributed to significant economic achievements through cooperation with the EU. Initiatives such as the Sustainable Development Goals (SDGs) project have improved infrastructure and attracted private investment in the transportation system. At the same time, weak governance and corruption have negatively affected the economic development of other countries in the region. For example, in Tajikistan, high levels of corruption in government structures undermine trust in the government, which reduces foreign direct investment and hinders economic growth. Similarly, in Turkmenistan, where power is centralised and transparency of government decisions is low, economic performance remains poor despite its significant natural resources.

Central Asian states are not passive puppets of foreign partners. Since independence, in various gradations, governments in Central Asia have adopted authoritarian regimes. Therefore, in turn, the leaders of the states in Central Asia are increasingly less encouraging of the Western world's efforts to promote democratic principles, officially resentful, perceiving Western actions as blackmail through economic aid, "exchanging" it for improved legal status of citizens and democratic change (Peyrouse, 2022). Central Asian countries occupy an important strategic position on the planet

and possess rich natural resources. The constitutions of the Central Asian countries declare the goal of building democratic states. But, by all political signs, the current regimes of the Central Asian countries are not democratic.

The essence of the economic constitution and its importance for the economic development of the state.

Economic development and improved economic well-being is a consequence of the conscious application of the rule of law (Wa-Kyendo & Kemboi, 2021). The law has an unambiguous effect in creating clarity and expectation of economic activities. It follows that the development of the economy depends on the guarantee of legal security, for otherwise there is no proper support and no basis for the economy at all. If the Constitution does not protect social and economic rights, the legitimacy of the state will suffer. Representation of governing institutions, freedom of association and expression, primacy of law, independence of the judiciary, incorruptible law enforcement agencies, transparency of decisions, responsive government and public institutions, sustainable multifaceted human development, protection of the most vulnerable, effectiveness of institutions, accountability, and responsibility to the people are, among others, key elements of the concept of a constitution (Ollick, 2022).

Norms gain respect and loyalty because they are subject to political, social and intellectual conditions. They are arbitrary because they are only one of many possible ways to interpret constitutional texts and principles. At the same time, these norms are constitutional because they embody values that come directly from the constitution. It should be noted that fewer constitutional gaps and trust in the government contribute, in the absence of other circumstances, to better economic performance in the state, which is reflected in an increase in the GDP level of the country concerned (Ashraf, 2022). This is the case for low and below average economies. Such rules are in place in democratic states. At that time, an autocratic regime of governance has a high probability of negative consequences of legislative inaccuracies, while the level of economy in such countries can be high. From an economic efficiency perspective, it is not desirable for states to include in their constitutions economic guarantees that are difficult or even impossible to implement in practice, as it is not only necessary to provide constitutional rules that affect economic outcomes, but also to minimise the existence of potential gaps that may not be the best for the effectiveness of the constitutional commitment system (Kampourakis, 2021).

The issue of the debate around the economic constitution points to utilitarianism as the basis for the possibility of economic depoliticisation. The formation of a flexible and practical draft of this normative requires a similar practical application. International society actually speaks of three "generations" of rights. First generation rights are political and civil, negative rights. Second-generation rights involve

social and economic obligations of the government and are often positive rights. Finally, third-generation rights are illustrated by the right to a healthy and clean environment and are referred to as “green” rights of economic order in a democratic polity (Joerges, 2022). Constitutions, firstly, act as a condition for markets and the economy as a whole: they are, in most cases, critical preconditions for economic development through the presumptive laws they create and the protection they offer for property and capital. Second, constitutions act as market and economic enablers. They reduce transaction costs, for example. And third, constitutions act as a catalyst for economic relations, for example by increasing mutual trust. In 2020, the era of worn-out constitutional norms has begun (Voermans, 2023). To eliminate the threats, it is necessary to codify constitutional norms, that is, to realise their content in law. After all, norms can be protected indirectly rather than directly.

The complex evolution of constitutionality clarifies the truth about the level of economic development that can be expected when the legal foundations in a state are imperfect. A positive transformation of the rule of law is important to ensure a stable link between resource allocation and legal institutions. Constitutions can protect against discrimination and serve as a basis for achieving greater equality in social, economic, and political life. Most constitutions guarantee equal access to primary education (59%) and prohibit discrimination on this basis (58%). To a lesser extent, however, access to health care (20%), equal employment rights (15%), the right to hold a position in the legislature (4%), and the right to vote (4%) are guaranteed. Constitutions adopted after 1990 are much more likely to protect equal rights, and 25% of them restrict political participation based on socioeconomic characteristics (Cassola *et al.*, 2016).

The essence of constitutionalism stipulates the need for government restraint. Fundamental rights are based on positive obligations, and the latter cannot go beyond constitutionalism. Fairness is crucial in accessing the resources of the society, also called “social goods”. It is this indicator that determines the fairness of the entire state system. The stability of the economy is influenced by the sustainability of the environment, the availability of own production, the distribution of resources and their consumption. All rights must be seen as rights that give rise to a cluster of duties: to respect, to protect and to fulfil. The duty to fulfil is the most complex, especially when framed as a duty of progressive fulfilment while using the maximum available resources. The concept of “economic constitution” combines two socio-legal institutions – the market economy and the constitution. Economic activity is both controlled by the state and is its foundation (Caldwell, 2022). Unambiguously linked to the process of establishing the rule of law and constitutionalism are decisions about who and how to clarify the provisions of constitutions if disputes arise. The constitution is a basic element in the formation of a country. Because the interests and wishes of the people and the Basic Law are the highest form of law. The truth is that there is no unified Central Asia, and not only the Central Asian states – Uzbekistan, Kyrgyzstan, Turkmenistan Tajikistan and Kazakhstan – have significant differences, but each of them demonstrates important internal differences.

The Constitution of the Republic of Uzbekistan (1992) affirms the right of every individual to freely develop their personality (Article 21) and guarantees the right to work,

equal employment opportunities, and the right to form trade unions to defend citizens’ economic rights (Article 73). Overall, Uzbekistan’s legal framework emphasises social stability, with a more restricted approach to economic freedom, which in turn affects the growth of private enterprise. In contrast, the Constitution of the Kyrgyz Republic (2021) grants broader economic rights, such as the right to private property and its protection (Article 19), and ensures the freedom to engage in economic activity (Article 41). Additionally, it includes provisions for social security, including the right to free medical care (Article 39). These provisions reflect a focus on providing equal opportunities for all citizens through the expansion of social infrastructure and the public sector.

The Constitution of the Republic of Kazakhstan (1995) also proclaims the right of citizens to work and social security (Article 24), but its emphasis is more on stimulating economic activity through government initiatives and investment in infrastructure. In Constitution of Turkmenistan (1992) guarantees the right to housing (Article 22) and the protection of economic rights, but this right is limited by state control, which reduces opportunities for entrepreneurs and citizens to engage in private business. The Constitution of the Republic of Tajikistan (1994), while containing provisions on human rights and social security, does not provide clear mechanisms for the realisation of economic rights in a highly centralised government.

The mechanisms of nation development within Central Asia are hampered by the lack of significant movements towards real independence and, in some aspects, statehood. As a result, the political leaders of these countries have to take into account the complex interweaving of values that exist in Central Asia and have emerged historically and by borrowing from the West. Therefore, Central Asia is developing co-operation with the EU in particular. So far, the net economic returns from the EU in Central Asia have been small, but the EU remains one of Central Asia’s largest trading partners. Some counterparts with the EU have strong performance in selected Central Asian countries and outpace China’s economic presence in the region (Pomfret, 2022). Although the EU has not previously focused on developing economic relations with Central Asia, much of the EU’s strategy has been centred exclusively on Kazakhstan.

Although Central Asia’s relationship with the European Union has not led to substantial economic growth, it plays a crucial role in the region’s overall development. The EU remains one of Central Asia’s primary trading partners, aiding the region’s integration into global trade networks. For instance, the Enhanced Partnership and Co-operation Agreement between the European Union and the Republic of Kazakhstan (2020) has notably strengthened economic ties with Kazakhstan, providing access to European investment, technology, and expertise. Intensification of economic ties with the EU is gradually leading to changes in the legal sphere, especially in the context of implementing the principles of the rule of law. The European Union actively supports reforms in Central Asian countries related to democratisation, human rights and the rule of law, and promotes the development of institutions that ensure transparency and accountability of governments. In particular, countries such as Kazakhstan have seen changes in their constitutions and national legal systems that provide better protection of economic rights. Constitutional changes aimed at ensuring economic freedoms have resulted from this cooperation. For

example, the Constitution of Kazakhstan was amended to expand the rights of citizens to private property and freedom of entrepreneurship, which is a direct result of EU pressure to reform the economic and legal environment.

Kyrgyzstan's constitution was amended after the country's partnership with the EU to provide for greater economic freedom, including the right to protect investments and economic activity. These changes have not only strengthened the economy, but also introduced more transparent governance mechanisms, which are important elements for the development of the rule of law. In other countries, however, such as Turkmenistan and Tajikistan, while the EU has also promoted some economic reforms, progress in strengthening democratic principles and human rights has been limited, suggesting that economic ties with Europe do not always translate directly into changes in political systems.

By rehabilitating their economic and political systems, Central Asian countries have managed to maintain relative stability, regional reconciliation and to begin to form new democratic societies despite persistent societal challenges.

However, economic contradictions and the suspension of democratisation have increased the existing unequal distribution of resources and power, which leads to a wide gradation of restrictions on citizens' opportunities and tensions between different segments of society in Central Asia (Ozawa et al., 2024). It follows that it is relevant for Central Asian countries to introduce global international economic integration in order to develop national legal and economic associations.

Economic rights comprise both the totality of constitutional and legal norms that ensure the relevant rights and real human rights, such as the right to entrepreneurial activity, the right to property. The system of economic rights includes a set of individual economic benefits guaranteed by the state. The effective realisation of economic rights depends on the proper activity of the state authorities, the economic state and the state of democracy, the culture of law and the general legal development of society. For this purpose, it is necessary to consider the following basic economic principles stipulated by the constitutions of Central Asian states (Table 2).

Table 2. Main economic rights and values enshrined in the constitutions of Central Asian states

No.	Country	Joint rights	Differences
1	Kyrgyzstan	<ul style="list-style-type: none"> ➤ The right to own property and the protection of property rights; ➤ Human rights and freedoms are held in high esteem, with a prohibition on restrictions of civil and human rights; ➤ The right to access information; ➤ The right to participate in public administration by voting and being elected; ➤ The right to receive an education; ➤ Equal rights for all individuals; ➤ The right to personal privacy; ➤ The prohibition of discrimination; ➤ The right to housing; ➤ The right to associate freely; 	<ol style="list-style-type: none"> 1. The State strives to foster peaceful coexistence and mutually beneficial cooperation with other countries, working towards resolving global and regional issues amicably (Art. 11). 2. The State ensures the protection of investments and the parties involved in investment activities (Article 16). 3. Every individual has the right to economic independence and freedom (Article 41). 4. The State is committed to implementing a youth policy that focuses on creating favorable conditions for the education and employment of young people, as well as supporting young families (Art. 47). 5. The State guarantees the adoption of laws and other legal instruments that safeguard human rights, freedoms, and responsibilities (Art. 62).
2	Tajikistan	<ul style="list-style-type: none"> ➤ The right to form political parties and public organisations; ➤ The right to judicial protection; ➤ The right to nationality and its protection; 	<p>No special provisions are envisaged</p> <ol style="list-style-type: none"> 1. Every individual is entitled to freely develop their personality (Art. 21). 2. Every person has the right, both individually and collectively, to submit requests, suggestions, and grievances (Article 40).
3	Uzbekistan	<ul style="list-style-type: none"> ➤ The right to personal freedom and the freedom to move; ➤ Freedom of expression; ➤ The right to engage in economic activities freely; 	<ol style="list-style-type: none"> 3. The work of teachers is acknowledged as fundamental to the development of society and the State (Article 52). 4. Trade unions represent and protect the social and economic rights and interests of workers (Art. 73).
4	Kazakhstan	<ul style="list-style-type: none"> ➤ The right to work, favourable working conditions, and the freedom to choose a profession; 	<p>No special provisions are envisaged</p>
5	Turkmenistan	<ul style="list-style-type: none"> ➤ The right to rest and leisure; ➤ The right to live in a safe environment; ➤ The right to land, natural resources, airspace, and water; ➤ Support for the advancement of science. 	<ol style="list-style-type: none"> 1. Voluntary social insurance, the establishment of complementary forms of social security and charity are encouraged (art. 28). 2. (2) Every citizen shall have the right to State support in obtaining comfortable housing and in the construction of individual housing (art. 22).

Source: compiled by the author based on Constitution of the Republic of Kazakhstan (1995), Constitution of the Republic of Tajikistan (1994), Constitution of the Republic of Uzbekistan (1992), Constitution of Turkmenistan (1992), Constitution of the Kyrgyz Republic (2021)

The table shows that, it is not enough to enshrine economic ideas and principles in the Basic Law, it is necessary to provide a mechanism for their implementation, and it is advisable to adopt independent constitutional laws. The analysed data

shows that the constitutions of Central Asian states do not include provisions clearly defining macro- and microeconomic processes. Therefore, appropriate legal measures should be taken to counteract the forthcoming economic crises.

Characteristics of peculiarities of constitutional-legal regulation of economic relations of Central Asian states. It should be noted that constitutional provisions should be recognised as binding. They stipulate all normative information confirming the essence of infra-constitutional law. However, economic dogmas are dependent on constitutional ones, since the implementation of economic law cannot stipulate solutions different from the guidelines provided by constitutional norms (Salgado *et al.*, 2023). Since 1991, due to independence, the Central Asian states (Tajikistan, Uzbekistan, Kyrgyzstan, Turkmenistan, and Kazakhstan) have gained importance as regional and international actors. They joined the United Nations (UN).

In Central Asian countries, with the exception of Uzbekistan, there is a tendency to amend constitutions to protect fundamental rights. In June 2022, a referendum was held in Kazakhstan, which approved 56 amendments to 33 articles of the Constitution. The amendments addressed such aspects as strengthening the role of parliament, limiting the powers of the president, and ensuring human rights. For example, Article 44 was amended to strengthen human rights protection mechanisms (Law of the Republic..., 2022). In 2016, Tajikistan held a referendum that approved constitutional amendments allowing the incumbent president to run for a new term without restrictions (Constitution of the..., 1994; Referendum in Tajikistan..., 2016). The amendments affected the articles regulating the term of office of the president and his rights. These examples demonstrate how constitutional changes in Central Asia affect the protection of fundamental rights and the political structure of states. The constitutional framework has shifted from monism to dualism in terms of the relationship between domestic and international law, which has hindered the protection of human rights through international bodies, including the United Nations Human Rights Committee (UNHRC) (Toktogazieva, 2024). Aligning constitutional reforms with the support of international organisations is crucial, as constitutional provisions influence all areas of state activity, including political processes, civil rights, and fundamental human freedoms. Violations in these areas can directly undermine economic performance and erode public trust in the government.

The constitutional order of the Central Asian countries combines traditional, Soviet and modernist features. The constitutions of Central Asian countries combine traditional Soviet elements with modern democratic features. In Constitution of the Republic of Kazakhstan (1995) grants significant powers to the President, reflecting Soviet centralisation, while also ensuring citizens' rights to participate in elections (Article 41). Constitution of the Republic of Uzbekistan (1992) guarantees the right to work (Article 48) and provides broad presidential powers (Article 95), showing Soviet-era influence alongside modern rights. Constitution of the Republic of Tajikistan (1994) ensures the right to work (Article 19) but strengthens presidential authority (Article 65), reflecting authoritarian tendencies. These constitutions maintain centralised power while incorporating democratic principles.

The elites of Central Asian countries in the conditions of democratic transit have increasingly started to use informal political institutions. Analysis and constitutional commentary in Central Asia remain uncritical and doctrinaire. Constitutional discourse in Central Asia is a story of “a rejection of the Soviet past and a simultaneous push from it

and a pull towards the embrace of the globalised present”. At the same time, there are signs of pseudo-constitutionalism in the Central Asian countries. In Central Asia, constitutionalist discourse reflects both a rejection of the Soviet past and an attempt to embrace modernity, but with signs of pseudo-constitutionalism. For example, In Constitution of the Republic of Kazakhstan (1995) granted significant presidential powers, which have been used to centralise authority, undermining democratic institutions despite the formal inclusion of rights and freedoms. In Constitution of the Republic of Uzbekistan (1992) amendments aimed to introduce reforms but maintained the centralisation of power in the hands of the president, limiting real political pluralism.

Internationally, the region is presented as one where the population has real political participation. However, to a greater extent, pseudo-constitutionalism turns out to be a consequence of international pressure on democratisation processes. A prime example is Kazakhstan, where international calls for democratic reforms influenced the 2017 constitutional amendments. These amendments aimed to reduce the concentration of power in the hands of the president and strengthen the role of the parliament, ostensibly in response to the international community's concerns. However, in practice, these changes did little to challenge the entrenched presidential power. As stated in the 2017 amendment, “The powers of the President shall be transferred to the Government, Parliament, and the Constitutional Court, but the President remains the head of state and the main force in the system of government” (Law of the Republic..., 2022). This position, although it is connected with the need to convince the international community of the truthfulness of the commitments of the Central Asian states in order to attract investments and receive financial grants, is dangerous in its autocratic character. In reality, there are repeated cases of violation of economic rights of citizens and legal entities in Central Asian countries (Pistan, 2019).

Since independence, Kazakhstan has pursued a diverse foreign policy. Kazakhstan has attracted foreign investment and created positive diplomatic relations while maintaining its isolation (Vanderhill *et al.*, 2020). Kazakhstan is focused on the globalising world economy and its own participation, state-owned natural resources and tactics to develop innovative industries. Kazakhstan's foreign policy has been shaped by its Constitution, which emphasises peace, cooperation, and mutual respect in Article 6, guiding the country toward positive diplomatic relations. Article 44, which states that “The President shall promote and support economic reforms, attract foreign investments, and ensure the country's economic development”, reflects the country's focus on attracting foreign investment and utilising its natural resources for economic growth (Constitution of the..., 1995). These constitutional changes enabled Kazakhstan to modernise its economy while strengthening global partnerships.

Turkmenistan aims to foster a conducive environment for foreign investment by establishing plans and programmes for the country's future socio-economic development, along with investments in its legal framework. As a developing nation with a growing economy and legal infrastructure, Turkmenistan faces heightened risks (Kepbanov *et al.*, 2022). For example, Article 6 of the Constitution of Turkmenistan (1992) states: “The Republic of Turkmenistan shall pursue a policy of promoting economic development, enhancing the living standards of its people, and attracting

foreign investments for the socio-economic development of the country". This provision highlights the commitment to attracting foreign investment as a key factor in the country's economic strategy.

Turkmenistan's Constitution enshrines the protection of private property and guarantees the rights of investors. According to Article 29, "The property rights of individuals and legal entities, including foreign investors, shall be protected by the state," providing legal assurances to foreign investors and facilitating their confidence in the country's legal framework.

Tajikistan is one of the Central Asian states sharing common ethnic and cultural values with Iran. Tajikistan's economy is mainly dependent on remittances, metal processing, agriculture and minerals. Since the end of the civil war, the country has struggled to implement reforms and build a privatised economy. Economic growth in Tajikistan is low, but it is heavily dependent on the drug trade and remittances (Karimi and Odlu, 2022). Article 2 of the Constitution of the Republic of Tajikistan (1994) states: "The Republic of Tajikistan is a democratic, law-governed, secular, and social state, where the highest goal is the establishment of a free, just, and legal society". This provision underpins the state's commitment to building an economy based on legal principles and governance, which, in theory, should promote the development of private enterprise and reduce dependence on illicit activities like the drug trade. Article 14 emphasises the importance of economic development: "The state encourages the creation of favorable conditions for private ownership, free economic activity, and entrepreneurship". This provision suggests a constitutional commitment to privatisation and creating an environment that supports private business, although the implementation of these policies has faced challenges, especially in the context of post-civil war reconstruction.

Uzbekistan is also pursuing an active foreign policy, trying to strengthen, firstly, relations with the states within Central Asia, which have been in tension for almost twenty years. Due to industrialisation and the inflow of foreign direct investment, Uzbekistan's position in international indices has grown. The structure of Uzbekistan's foreign trade turnover can have a favourable impact on export performance (in particular exports of finished goods) and the competitiveness of the country's economy (Talipova *et al.*, 2022). The Constitution of the Republic of Uzbekistan (1992) emphasises the importance of both internal economic development and external relations. Article 6 of the Constitution states: "The Republic of Uzbekistan ensures the freedom of economic activity and guarantees the protection of the rights of citizens to engage in entrepreneurship and other economic activities". This provision creates a legal foundation for promoting investment and foreign trade by ensuring that private ownership and entrepreneurial activities are protected and encouraged. Moreover, Article 10 highlights the significance of foreign relations, noting: "The Republic of Uzbekistan conducts a peaceful foreign policy, aimed at strengthening friendship and cooperation with all countries, ensuring the country's security, and contributing to the establishment of peace and stability in the world". This Article has allowed Uzbekistan to focus on regional cooperation, particularly in Central Asia, and actively seek partnerships with other nations, improving its economic competitiveness and trade performance.

Kyrgyzstan, in turn, in all spheres of the national economy, seeks cooperation. Kyrgyzstan's foreign policy is characterised by multidimensionality or multi-vectorality, focusing on consolidating flexible and multifaceted external relations with neighbouring states and regional players (Tobakalov, 2020). After all, after the collapse of the former Soviet Union, like other transition economies, Kyrgyzstan experienced great economic turmoil. It is still felt that Kyrgyzstan is heading towards a slow recovery. In addition, there is a high level of corruption in each of the countries. However, the concept of the rule of law does not include corruption risks. Article 3 of Constitution of the Republic of Kazakhstan (1995) establishes the country's sovereignty, laying the foundation for a multi-vector foreign policy focused on flexible external relations. Article 15 emphasises the rule of law, requiring that all laws and acts comply with the Constitution. While these provisions promote cooperation and legal governance, Kyrgyzstan continues to struggle with corruption and weak institutions, hindering effective implementation of reforms and limiting the country's economic recovery.

Discussion

The internal order of the Central Asian states is noticeably reflected in their policies. The region needs not only the expansion of international cooperation, but also the unification of efforts, approaches, and vectors of development among the Central Asian countries. Central Asia is on the threshold of transformations, and it is difficult to predict the vector of development. The development of modern technologies, new forms of government and legal institutions cannot but be accompanied by economic development of any state. However, Y.S. Lee (2019) believes that economic development is associated with less developed countries, although he notes that the concept of economic development can also be relevant for assessing economic problems in developed countries. Economic relations give rise to the need for their constitutional and legal regulation in order to preserve the stability of the economy and avoid conflicts between the subjects of these relations. I. Kampourakis (2021), who noted that the development of democratic structures has a direct impact on social power within economic relations. In any case, the basis of state governance should be people's power. This guarantees the real social and economic interests of citizens and companies. Therefore, almost all constitutions contain a provision that all state resources belong to the people. Meanwhile, E. Dávid-Barrett (2023) pointed out that in case of seizure of power by a narrow circle of individuals, the weighty resources of the economy will secure the interests of these individuals and not the public. In order to avoid such cases, there should be appropriate autonomous state institutions that will protect the country from the seizure of power.

A constitution that favours a particular economic system based on a plan or market removes the sovereignty of the government (Shkuratenko *et al.*, 2023). According to P.C. Caldwell (2022) the tension between the constitution and the economy grows deeper every year, for each can pose threats to the other, not just a premise. In terms of economics as a dynamic system – the constitution can threaten to interfere with economic activity. Economic rules are affected by limiting the right of democracy. At the same time, the author did not take into account that the constitution by itself without the existence of economic relations in the

state does not have such legal significance. Since the constitution should enshrine the existing economic order and not the probable one. In the matter of respect for human and civil rights, the constitution should provide for freedom and choice of labour. Such a concept allows for a multi-directional economy in the state and the generation of revenue from sources of different origins. Although Y. Tian (2022) believed that division of labour is one of the economic values that should be enshrined in constitutions. The norm of division of labour should pursue three objectives: sharing, innovation and efficiency.

As R. Pomfret (2021) rightly pointed out, the absence of substantial reforms in Central Asia during the 1990s, along with the rise of autocratic regimes and the concentration of wealth among a small elite, created major obstacles to the establishment of a viable market economy. While the availability of resources and rising income have provided some benefits, these factors have also made systemic reforms challenging. However, a new generation of leaders, more familiar with market economies and the globalised world, may help facilitate necessary reforms. Additionally, the development of Central Asian economies will benefit not only from supporting market relations, particularly with the EU, but also from aligning with EU legal values as outlined in relevant regulations. M. Shankar Bharti (2023) highlighted the substantial influence of trade with the EU on Central Asian economies, noting that all countries in the region are involved in EU export and import activities. The EU relies heavily on imports of oil and gas from Central Asia to fulfill its energy demands.

Regarding the implementation of international norms, there are still several unresolved problems (rule of law, recognition of corruption, real freedom of the press, gender inequality, independence of the judiciary), despite the fact that Central Asian countries have acceded to all major international legal mechanisms. Most of these problems are at least partly related to the Soviet past. The above-mentioned problems come precisely because of the imperfection of constitutional and legal provision, which is the basis of all legislation of the states. E. Garbuzarova (2021) argued that in 1991, with the beginning of independence, the Central Asian countries started state-building, in the process of which the Central Asian countries paid much attention to constitutions, in particular, to the consolidation of the separation of powers between the branches of government. To support and strengthen their own legitimacy, the presidents of the Central Asian countries have been amending the basic laws. It is worth noting that the Central Asian countries, as young independent countries, have not yet gained enough experience in both state and economic governance (Otar *et al.*, 2024). That is why it is important to gradually and purposefully consolidate new legal institutions, which will lead to the building of a new statehood.

Partner countries need to see not only Central Asia's willingness to cooperate, but also relevant, including legal and regulatory changes aimed at economic development. M. Rodríguez *et al.* (2022) found that after recent economic obstacles related to the crisis caused by the war in Ukraine and the 2020 coronavirus, Central Asia is striving to become a logistics centre connecting Asia with Europe. Mere references to international norms cannot ensure constitutional integrity in any state, for constitutional norms must be real for implementation. S. Toktogazieva (2024) noted the

relevant observation that, considering recent changes in Central Asia that impact the role of international law in national constitutional frameworks, there is a limited likelihood that referencing international law will bring about a renewal of the constitutional system.

Constitutions, as the main source of law, should not contain economic restrictions, but, on the contrary, contain a wide range of legal mechanisms for the development of the economy (Baturin & Moroz, 2024). N. Webb Williams and M. Hanson (2022) assumed that legislative restrictive mechanisms are no less effective than administrative regulations. This implies that normative specificity is the main mechanism linking the development of formal regulatory norms to better economic outcomes. Central Asian countries have inherited patriarchal culture and norms, socio-economic situation, limited access to justice, legally uncertain timeframes which have led to a discriminatory legal framework, so no government is able to enforce laws properly. Here, M. Satorova (2018) highlighted one common feature of all Central Asian constitutions – a remnant of their Soviet past. It is important that completely the countries have not abandoned the position of a strong government.

Central Asia encountered a unique set of challenges that required substantial social, economic, political, and constitutional changes, which were swiftly enacted. This rapid response offers valuable insights into the political-legal frameworks of post-Soviet countries. However, a preliminary comparative analysis of the constitutional provisions in these countries suggests that while they have embarked on a path toward positive state reforms, challenges remain. According to V. Ozawa *et al.* (2024), the political landscape in Central Asia is shaped by the ideology of dominant groups, which often reinforce social inequality. The effectiveness of government is largely determined by how well its activities are regulated and the strength of the rule of law. Since the government makes decisions through its agencies, it plays a crucial role in influencing the region's economic conditions. In turn, V. Alfano (2022) pointed out that supranational institutions try to support investments and political reforms.

Central Asia is important in terms of energy security for many states, which has created the preconditions for transformations in the economic and political dynamics of international relations (Hamidova & Samedova, 2024). Despite the fact that authoritarian regimes in Central Asia create a kind of stability, but create inappropriate socio-economic performance for a long time. As follows from the considerations of A.M. Figueroa García and T. Gélvez Rubio (2022), the permanence of authoritarian regimes in Central Asian countries is also influenced by external factors. States here define their independence and make decisions based on their interactions with other economic actors beyond their borders. In addition, economic changes accompany Central Asian countries, including in emergency situations, as the region is obliged to respond not only to external factors, but also to internal ones. Thus, economic growth in Central Asian countries has stalled quite dramatically since the end of the resource surge in 2014 and during the coronavirus pandemic in 2019, as noted by R. Pomfret (2022). These circumstances led to the need for export distribution.

At the same time, the level of confidence of the international community in the legal regimes and governance in the Central Asian countries also affects the Central Asian economy. After all, regulatory factors, particularly those related to

policies and laws, determine a high probability of risks in the territory of Central Asia. Consequently, H. Ma *et al.* (2020) pointed out that governance institutions and mechanisms in Central Asia remain opaque and uncertain, which becomes a prerequisite for investors' doubts about the fairness of legislation and stability in Central Asian countries. Central Asia is represented by rather determined leaders who use external and internal means of governance to influence international relations. In order to gain political and other preferences from strengthening state legitimacy, the leading figures of Central Asian countries resort to expanding the circle of partners in order to reduce security and economic risks for the region (Kaparbekov *et al.*, 2024). For example, Central Asian countries have started to use hedging instruments to engage with China. This is the view of L.C. Sim and F. Aminjonov (2022).

Constitutional development within Central Asia is influenced by international organisations and institutions, as most Central Asian states regularly participate in various international associations related to constitutional law. Kazakhstan and Kyrgyzstan frequently seek advice from the Venice Commission and the UN Special Rapporteurs on Human Rights, and have amended their constitutions and statutes in response to the views of the Commission and the UN Rapporteurs. After all, if governments lose economic oversight of social consumption, it will definitely have a critical impact on society, therefore, a system of the following procedures should be used in the state: business support, public policy, quality of regulation and rule of law (Munkhuu *et al.*, 2021). The concept of Central Asia as a region should change and provide an order not burdensome normatively and easier than regionalism. In this respect, F.C. Buraneli (2021) observed that in such a case, it is not a matter of completely eliminating the concept of regionalism, but only avoiding the formality observed in the European space. Such a concept can eliminate illiberal models of government and ensure the levelling of fictitious constitutionalism. To this end, T. Li-Ann (2021) drew attention to the diversity of interpretations of constitutionalism based on the wide range of constitutional transformations in Central Asia, which is related to the peculiarities of the levels of economic development, cultures and religions, and political ideologies.

The main direction of constitutional reforms in Central Asia can be considered to be the change of the form of government to presidential, while the system of checks and balances and separation of powers in the states is still far from perfect. According to K. Diyarbakirlioglu (2020) most of the countries that come from the Soviet Union have recognised the advantage in the powers of the president over the parliament, at the same time, these issues have not been clearly regulated constitutionally. Governance reforms should be adapted to the country and circumstances and their success depends on strong leadership, well-designed laws and regulations, a skilled civil service and better use of technology. Such considerations have been echoed by M. Loughlin (2019). At the same time, both parliament and the president are in one way or another related to the division of social benefits in the state. Such division should proceed primarily from the principles of justice and equality. Defining the essence of these categories, D.T. Mollenkamp (2024), pointed out that equality includes giving all individuals or groups the same access to opportunities, and through fairness the imbalance of the social system is interpreted. Such arguments should be accepted. Meanwhile, the

lack of investment and resources leads to a disadvantageous situation in society that limits the legal opportunities of citizens and increases the likelihood of social problems (Gobel & Carvacho, 2023). Socio-economic rights are essentially separated from political and civil rights due to the different subjects, defensibility, ideology, and consequences. This is why S. Fredman (2018) suggested that the distinction should instead establish the legal consequences of all rights through duties: fulfil, protect and respect.

Central Asian states should recognise the need to comply with the requirements of international law, which will contribute to improving their position in relevant indices and rankings and strengthening the region's authority in the international arena. Central Asian countries should also focus on the digitalisation of administrative procedures and other public services related to economic relations, which will reduce corruption. Central Asian governments should expand the economic rights of citizens, companies, and opportunities for investment, business development and entrepreneurship within the framework of the constitutional framework. The likelihood of a single scenario of economic development for all states in the region is not very realistic, as the countries differ both in the degree of stability of regimes and the specifics of political culture. The ongoing global crisis and the presence of strong neighbours slow down and dilute the progressive development and modernisation of the Central Asian countries. Thus, Central Asia is entering a new geostrategic and historical phase, where new risks and challenges for the economy of the states will be manifested, which will clearly affect their constitutional and legal support.

Conclusions

The study's findings indicate that the regulation of economic relations largely hinges on the effective incorporation of fundamental socio-economic values into a nation's constitution. It was observed that the constitutional frameworks of Central Asian countries have been significantly shaped by the Soviet legacy. Additionally, it was established that the Central Asian region holds a strategically important position globally and is endowed with abundant natural resources. The economic support provided by EU countries further enhances the region's standing. Furthermore, Central Asia is increasingly becoming a focal point for international project financing from major companies in Turkey, the United Arab Emirates, Saudi Arabia, and Europe.

It is determined that, at the same time, the current regimes of Central Asian countries are not democratic by all political features. Constitutions are political and economic documents. Constitutions act as a condition for markets and economy, are critical prerequisites for economic development, and act as a catalyst for economic relations. However, it is not enough to enshrine economic ideas and principles in the Basic Law, it is necessary to provide a mechanism for their implementation, and it is advisable to adopt independent constitutional laws. It has been determined that Central Asian countries must acknowledge the importance of adhering to international law standards, as this will help improve their standings in various indices and ratings, while also enhancing the region's influence on the global stage. In addition, the economic rights of citizens, companies, and opportunities for investment, business development and entrepreneurship should be expanded within the constitutional framework. Central Asia needs to unify development

vectors, approaches, and efforts among Central Asian countries, not only to increase international cooperation. Governance reforms must be tailored to the country and circumstances, and their success depends on strong leadership, well-designed laws and regulations, a skilled civil service, and better use of technology. Central Asian economic policy should be based on Central Asian countries' adherence to the criteria of integration of a common economic direction and a common economic and legal stabilisation plan. The necessity of adjusting the existing national constitutions of Central Asia to the real needs of the economy and society is considered.

The findings of study can be utilised in formulating additions and revisions to the constitutions and national laws of Central Asian countries, as well as in shaping state strategies and concepts. However, the scope of the research is confined

to examining the economic development of Central Asian nations within the context of constitutional regulation, excluding social and political factors. In the process of the research, new issues have emerged that need to be addressed. It is necessary to continue the study of constitutionalism and constitutional-legal regulation of economic development in the Central Asian countries and to identify the prospects for improving the legislative and practical aspects of economic relations within Central Asia, their problems and solutions.

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Conflict of interest

None.

References

- [1] Alfano, V. (2022). COVID-19 in Central Asia: Exploring the relationship between governance and non-pharmaceutical interventions. *Health Policy and Planning*, 37(8), 952-962. doi: 10.1093/heapol/czac023.
- [2] Ashraf, A. (2022). A theory of constitutional norms. *Michigan Law Review*, 120(7), 1361-1418. doi: 10.36644/mlr.120.7.theory.
- [3] Baturin, M., & Moroz, S. (2024). AIFC Court: Theory and practice. *Revista Juridica Portucalense*, 35, 602-618. doi: 10.34625/issn.2183-2705(35)2024.ic-28.
- [4] Blackwood, M.A. (2021). [Central Asia: Background and U.S. relations](#). *Congressional Research Service*, article number R46924.
- [5] Buranelli, F.C. (2021). Central Asian regionalism or Central Asian order? Some reflections. *Central Asian Affairs*, 8(1), 1-26. doi: 10.30965/22142290-bja10015.
- [6] Caldwell, P.C. (2022). Discussion of the concept and politics of the economic constitution. In *The idea of economic constitution in Europe* (pp. 119-154). Leiden: Brill. doi: 10.1163/9789004519350_006.
- [7] Cassola, A., Raub, A., & Heymann, J. (2016). Do constitutions guarantee equal rights across socioeconomic status? A half century of change in the world's constitutions. *Journal of International and Comparative Social Policy*, 32(3), 235-263. doi: 10.1080/21699763.2016.1237373.
- [8] Constitution of the Kyrgyz Republic. (2021, May). Retrieved from <https://surl.li/nxnwjn>.
- [9] Constitution of the Republic of Kazakhstan. (1995, August). Retrieved from <https://surl.li/cgatwo>.
- [10] Constitution of the Republic of Tajikistan. (1994, November). Retrieved from <https://www.refworld.org/legal/legislation/natlegbod/1994/en/32040>.
- [11] Constitution of the Republic of Uzbekistan. (1992, December). Retrieved from <https://constitution.uz/en/#>.
- [12] Constitution of Turkmenistan. (1992, May). Retrieved from <https://surl.li/byzgdg>.
- [13] Dávid-Barrett, E. (2023). State capture and development: A conceptual framework. *Journal of International Relations & Development*, 26(2), 224-244. doi: 10.1057/s41268-023-00290-6.
- [14] Diyarbakirlioglu, K. (2020). [Institutional reforms within the framework of Central Asian political consolidation](#). *Journal of International Relations and Diplomacy*, 3(1), 24-43.
- [15] Enhanced Partnership and Co-operation Agreement between the European Union and the Republic of Kazakhstan. (2020, March). Retrieved from https://www.eeas.europa.eu/sites/default/files/spravocnaya_informaciya_srps.pdf.
- [16] Figueroa García, A.M., & Gélvez Rubio, T. (2022). Political configuration and geostrategy: An analysis of the global context influence in Central Asia. *Oasis*, 36, 109-134. doi: 10.18601/16577558.n36.08.
- [17] Fredman, S. (2018). Challenging the divide: Socio-economic rights as human rights. In *Comparative human rights law* (pp. 59-78). Oxford: Oxford University Press. doi: 10.1093/oso/9780199689408.003.0003.
- [18] Garbuzarova, E. (2021). Role of constitutional reforms in the development of Central Asian countries. *Central Asia and the Caucasus*, 22(3), 24. doi: 10.37178/ca-c.21.3.03.
- [19] Gobel, M.S., & Carvacho, H. (2023). The dynamic socioecological model of economic inequality and psychological tendencies: A cycle of mutual constitution. *Social and Personality Psychology Compass*, 18(1), article number e12875. doi: 10.1111/spc3.12875.
- [20] Hamidova, L., & Samedova, E. (2024). Opportunities and prospects for hydrogen production in Azerbaijan: Steps towards the transition to a hydrogen economy. *International Journal of Energy Economics and Policy*, 14(4), 501-508. doi: 10.32479/ijee.16380.
- [21] Joerges, C. (2022). Economic constitutionalism and “the political” of “the economic”. In *The idea of economic constitution in Europe* (pp. 789-820). Leiden: Brill. doi: 10.1163/9789004519350_027.
- [22] Kampourakis, I. (2021). Bound by the economic constitution: Notes for “Law and political economy” in Europe. *Journal of Law and Political Economy*, 1(2), 301-332. doi: 10.5070/lp61251589.
- [23] Kaparbekov, A., Kambur, O., Rakytska, S., & Yevdokimova, O. (2024). Public finance management reform in the Kyrgyz Republic and Ukraine: Ways to increase transparency and efficiency in the use of budget funds. *Scientific Bulletin of Mukachevo State University. Series “Economics”*, 11(3), 73-85. doi: 10.52566/msu-econ3.2024.73.
- [24] Karimi, M., & Odlu, Q.O. (2022). Iran's foreign policy towards Tajikistan: Exploring the effective factors. *Journal of Eurasian Studies*, 14(2), 194-204. doi: 10.1177/18793665221136879.

- [25] Kepbanov, Y., Horák, S., & Ovezmyradov, B. (2022). *The investment climate in Turkmenistan: Challenges and possible ways of attracting foreign investment*. Lund: Lund University.
- [26] Law of the Republic of Kazakhstan No. 107 “On Introducing Amendments and Additions to the Constitution of the Republic of Kazakhstan”. (2022, June). Retrieved from https://adilet.zan.kz/rus/docs/Z220000001K?utm_source=chatgpt.com.
- [27] Lee, Y.S. (2019). *Law and economic development in the United States: Toward a new paradigm*. *Catholic University Law Review*, 68(2), article number 6.
- [28] Li-Ann, T. (2021). Varieties of constitutionalism in Asia. *Asian Journal of Comparative Law*, 16(2), 285-310. doi: [10.1017/asjcl.2021.23](https://doi.org/10.1017/asjcl.2021.23)
- [29] Loughlin, M. (2019). The contemporary crisis of constitutional democracy. *Oxford Journal of Legal Studies*, 39(2), 435-454. doi: [10.1093/ojls/gqz005](https://doi.org/10.1093/ojls/gqz005).
- [30] Ma, H., Sun, Z., & Fang, C. (2020). Risk assessment of transnational oil investment in Central Asia using a fuzzy comprehensive evaluation method. *Regional Sustainability*, 1(1), 11-19. doi: [10.1016/j.regsus.2020.06.002](https://doi.org/10.1016/j.regsus.2020.06.002).
- [31] Mollenkamp, D.T. (2024). *Social justice meaning and main principles explained*. Retrieved from <https://surl.li/ptuadw>.
- [32] Munkhuu, B., Sukhragchaa, A., Regzendorj, N., & Batbold, K. (2021). Tourism law reform: Experiences of Central Asian countries. *Journal of Mongolian History and Culture*, 1(1), 75-100. doi: [10.1515/modi-2021-010107](https://doi.org/10.1515/modi-2021-010107).
- [33] Ollick, S.F.H. (2022). Constitutional law and the economy. In *Constitutionalism and the economy in Africa* (pp. 73-134). Oxford: Oxford University Press. doi: [10.1093/oso/9780192886439.003.0005](https://doi.org/10.1093/oso/9780192886439.003.0005).
- [34] Otar, E., Salikzhanov, R., Akhmetova, A., Issakhanova, A., & Mukhambetova, K. (2024). Former Soviet Union middle class: How entrepreneurs are shaping a new stratum and pattern of socio-economic behavior. *Journal of Innovation and Entrepreneurship*, 13(1), article number 6. doi: [10.1186/s13731-023-00356-2](https://doi.org/10.1186/s13731-023-00356-2).
- [35] Ozawa, V., Durrani, N., & Thibault, H. (2024). The political economy of education in Central Asia: Exploring the fault lines of social cohesion. *Globalisation, Societies and Education*, 1-14. doi: [10.1080/14767724.2024.2330361](https://doi.org/10.1080/14767724.2024.2330361).
- [36] Peyrouse, S. (2022). China's impact on democracy and human rights in Central Asia. *Security and Human Rights*, 32(1-4), 53-68. doi: [10.1163/18750230-bja10012](https://doi.org/10.1163/18750230-bja10012).
- [37] Pistan, C. (2019). *Pseudo constitutionalism in Central Asia: Curse or cure?* Retrieved from <https://surl.li/rxhoeb>.
- [38] Polishchuk, A. (2024). Consideration of intellectual property law in the context of European Union practice. *Law. Human. Environment*, 15(1), 70-84. doi: [10.31548/law/1.2024.70](https://doi.org/10.31548/law/1.2024.70).
- [39] Pomfret, R. (2021). Central Asian economies: Thirty years after dissolution of the Soviet Union. *Comparative Economic Studies*, 63, 537-556. doi: [10.1057/s41294-021-00166-z](https://doi.org/10.1057/s41294-021-00166-z).
- [40] Pomfret, R. (2022). The European Union and Central Asia: Economic development and trade. *Australian and New Zealand Journal of European Studies*, 14(2), 49-61. doi: [10.30722/anzjes.vol14.iss2.15833](https://doi.org/10.30722/anzjes.vol14.iss2.15833).
- [41] Real GDP growth. (2024). Retrieved from <https://surl.li/aneymf>.
- [42] Referendum in Tajikistan: 95 percent in favour of constitutional change. (2016). Retrieved from <http://surl.li/sicdcd>.
- [43] Rodríguez, M., Corta, E.V., & Bruzzone, S. (2022). *Central Asia. Political risk report*. Retrieved from <https://surl.li/etdkdt>.
- [44] Salgado, R. O., Mascarenhas, F. S., & Begosso, R. (2023). Intellectual foundations of Brazilian economic law. *Beijing Law Review*, 14(4), 2054-2069. doi: [10.4236/blr.2023.144114](https://doi.org/10.4236/blr.2023.144114).
- [45] Sattorova, M. (2018). The constitutional systems of the independent Central Asian states: A contextual analysis. *International Journal of Constitutional Law*, 16(2), 686-690. doi: [10.1093/icon/moy023](https://doi.org/10.1093/icon/moy023).
- [46] Shankar Bharti, M. (2023). The European Union's economic development strategy and cooperation with the countries of Central Asia. *Amity University*, 36(1), 220-244. doi: [10.15804/npw20233611](https://doi.org/10.15804/npw20233611).
- [47] Shkuratenko, O., Kuras, D., & Bodnar-Petrovska, O. (2023). Development of international legal standards in the field of economic and social human rights: Historical and legal analysis in the context of scientific discussion in the journal “Human Rights Quarterly”. *Scientific Journal of the National Academy of Internal Affairs*, 28(4), 19-29. doi: [10.56215/naia-herald/4.2023.19](https://doi.org/10.56215/naia-herald/4.2023.19).
- [48] Sim, L. C., & Aminjonov, F. (2022). Statecraft in the steppes: Central Asia's relations with China. *Journal of Contemporary China*, 33(148), 618-633. doi: [10.1080/10670564.2022.2136937](https://doi.org/10.1080/10670564.2022.2136937).
- [49] Singha, K., & Singh, M. A. (2022). Political stability and its effect on economy: Some lessons from Sikkim Himalaya. *Journal of Social and Economic Development*, 24, 340-354. doi: [10.1007/s40847-022-00199-9](https://doi.org/10.1007/s40847-022-00199-9).
- [50] Talipova, N.T., Makhmutkhodjaeva, L.S., & Khazratkulova, L.N. (2022). Evolution of innovative development of foreign economic activity of the Republic of Uzbekistan. In *Proceedings of the 6th International conference on future networks & distributed systems* (pp. 51-59). New York: Association for Computing Machinery. doi: [10.1145/3584202.3584211](https://doi.org/10.1145/3584202.3584211).
- [51] Tian, Y. (2022). The contemporary meaning of the constitutional norm of distribution according to labour. *Peking University Law Journal*, 10(1). doi: [10.1080/20517483.2022.2133768](https://doi.org/10.1080/20517483.2022.2133768).
- [52] Tleuken, A., Tokazhanov, G., Jemal, K. M., Shaimakhanov, R., Sovetbek, M., & Karaca, F. (2022). Legislative, institutional, industrial and governmental involvement in circular economy in Central Asia: A systematic review. *Sustainability*, 14, article number 8064. doi: [10.3390/su14138064](https://doi.org/10.3390/su14138064).
- [53] Tobakalov, C. (2020). Relations of sovereign Kyrgyzstan in the economic and social spheres. *Bulletin of Science and Practice*, 6(10), 410-414. doi: [10.33619/2414-2948/59/36](https://doi.org/10.33619/2414-2948/59/36).
- [54] Toktogazieva, S. (2024). Human rights adjudication in Central Asia. In *Polarisation, shifting borders and liquid governance* (pp. 119-137). Cham: Springer. doi: [10.1007/978-3-031-44584-2_7](https://doi.org/10.1007/978-3-031-44584-2_7).
- [55] Vanderhill, R., Joireman, S.F., & Tulepayeva, R. (2020). Between the bear and the dragon: Multivectorism in Kazakhstan as a model strategy for secondary powers. *International Affairs*, 96(4), 975-993. doi: [10.1093/ia/iiaa061](https://doi.org/10.1093/ia/iiaa061).
- [56] Voermans, W. (2023). Economic aspects. In *The story of constitutions: Discovering the we in us* (pp. 258-269). Cambridge: Cambridge University Press. doi: [10.1017/9781009385084.027](https://doi.org/10.1017/9781009385084.027)
- [57] Wa-Kyendo, E., & Kemboi, L.K. (2021). *Rule of law and economic freedoms as the key to improve national welfare*. Retrieved from <https://ieakenya.or.ke/blog/rule-of-law-and-economic-freedoms-as-the-key-to-improve-national-welfare/>.
- [58] Webb Williams, N., & Hanson, M. (2022). Captured courts and legitimised autocrats: Transforming Kazakhstan's constitutional court. *Law & Social Inquiry*, 47(4), 1201-1233. doi: [10.1017/lsi.2021.85](https://doi.org/10.1017/lsi.2021.85).

Конституційно-правове регулювання економічного розвитку в країнах Центральної Азії

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Анотація. Проблема наближення країн Центральної Азії до соціально орієнтованих ринкових економічних відносин пов'язана, насамперед, із необхідністю створення якісно нового правового забезпечення таких відносин. Метою статті було вдосконалення існуючих теоретичних положень щодо конституційно-правового регулювання економічного розвитку країн Центральної Азії. У процесі дослідження було проаналізовано теоретико-методологічні засади правового забезпечення економічного розвитку в країнах Центральної Азії. Основними результатами дослідження стало визначення наявних підходів до тлумачення дефініцій «конституційно-правове регулювання», «економічна конституція», «економічні відносини», «зовнішньоекономічна політика». Встановлено, що факторами, що впливають на розвиток економічних відносин у Центральній Азії, є, зокрема, повільні темпи розвитку законодавства, неналежне забезпечення соціально-економічних прав громадян та низький рівень довіри до країн Центральної Азії з боку міжнародної спільноти. Порівняльний аналіз основних положень, що регулюють економічні відносини, закріплених у конституціях країн Центральної Азії, підтвердив схожість конституційних норм цих країн у сфері економічних цінностей. Існуючі авторитарні механізми управління та відсутність єдиної економічної стратегії безпосередньо впливають на конституційні зміни у сфері економічного розвитку країн Центральної Азії. Досвід правового забезпечення економічних відносин та зовнішньої політики в країнах Центральної Азії вказує на ризики для економік країн Центральної Азії в контексті правового забезпечення. Основними проблемними питаннями конституційно-правового регулювання в країнах Центральної Азії є обмеженість законодавчого закріплення всіх можливих економічних прав та відсутність ефективної системи реалізації наявних в Основному Законі економічних засад. Для подолання цих проблем необхідне проведення масштабних реформ у країнах Центральної Азії, в тому числі конституційної реформи. Результати дослідження можуть бути враховані при визначенні подальшої стратегії розвитку конституційно-правового забезпечення країн Центральної Азії

Ключові слова: правова держава; регіональний прогрес; соціальні блага; законодавче регулювання; геополітичне середовище