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LEGAL AND ECONOMIC APPROACHES TO CULTURAL HERITAGE PRESERVATION

Abstract

Sustainable preservation of cultural heritage is a complex intellectual, legal, and economic issue of the modern era. This article is devoted to examine the synergies and conflicts between legal and economic approaches to cultural heritage conservation using a mixed methodology, such as document analysis, literature review, and case study, in Uzbekistan. The results of the study show that the country is implementing a “hard law – soft economy” model that seeks to combine a strong legal framework (the 2021 law) with rapid economic development (public-private partnerships, tourism). However, the results reveal that these two areas are not yet fully integrated, that the PPP model, while providing financial stability, has shortcomings in protecting cultural authenticity, and that a balance between legal regulation, economic incentives, and local community participation is necessary for successful synergy. In practical terms, the study provides clear recommendations for legislators, heritage managers, and local communities on integrating legal norms with economic mechanisms, implementing cultural management plans, and strengthening community participation, which could serve to shape a new model of sustainable cultural heritage management not only for Uzbekistan but also for other countries in similar contexts.

Keywords: cultural heritage preservation, legal approach, economic approach, public-private partnership (PPP), Uzbekistan, cultural policy, sustainable tourism, cultural management.

Annotatsiya

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Madaniy merosni barqaror saqlash zamonaviy davrning murakkab intellektual, huquqiy va iqtisodiy masalasidir. Ushbu maqola O'zbekistonda hujjatlarni tahlil qilish, adabiyotlarni ko'rib chiqish va amaliy tadqiqotlar kabi aralash metodologiyadan foydalangan holda madaniy merosni saqlashga huquqiy va iqtisodiy yondashuvlar o'rtasidagi sinergiya va ziddiyatlarni o'rganishga bag'ishlangan. Tadqiqot natijalari shuni ko'rsatadiki, mamlakat kuchli huquqiy asosni (2021 yilgi qonun) tez iqtisodiy rivojlanish (davlat-xususiy sheriklik, turizm) bilan birlashtirishga intiladigan "qattiq qonun - yumshoq iqtisodiyot" modelini joriy etmoqda. Biroq, natijalar shuni ko'rsatadiki, bu ikki soha hali to'liq integratsiyalanmagan, PPP modeli moliyaviy barqarorlikni ta'minlasa-da, madaniy haqiqiylikni himoya qilishda kamchiliklarga ega va muvaffaqiyatli sinergiya uchun huquqiy tartibga solish, iqtisodiy rag'batlantirish va mahalliy jamoatchilik ishtiroki o'rtasidagi muvozanat zarur. Amaliy jihatdan, tadqiqot qonun chiqaruvchilar, meros menejerlari va mahalliy jamoalar uchun huquqiy normalarni iqtisodiy mexanizmlar bilan integratsiyalash, madaniy boshqaruv rejalarini amalga oshirish va jamoatchilik ishtirokini kuchaytirish bo'yicha aniq tavsiyalar beradi, bu nafaqat O'zbekiston uchun, balki shunga o'xshash sharoitlarda bo'lgan boshqa mamlakatlar uchun ham barqaror madaniy merosni boshqarishning yangi modelini shakllantirishga xizmat qilishi mumkin.

Kalit so'zlar: madaniy merosni saqlash, huquqiy yondashuv, iqtisodiy yondashuv, davlat-xususiy sheriklik (DXSh), O'zbekiston, madaniy siyosat, barqaror turizm, madaniy boshqaruv.

Аннотация

Устойчивое сохранение культурного наследия — сложная интеллектуальная, правовая и экономическая проблема современной эпохи. Данная статья посвящена изучению синергии и конфликтов между правовыми и экономическими подходами к сохранению культурного наследия в Узбекистане с использованием смешанной методологии, включающей анализ документов, обзор литературы и тематическое

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исследование. Результаты исследования показывают, что в стране реализуется модель «жесткого права — мягкой экономики», которая стремится сочетать сильную правовую базу (закон 2021 года) с быстрым экономическим развитием (государственно-частное партнерство, туризм). Однако результаты показывают, что эти две области еще не полностью интегрированы, что модель ГЧП, обеспечивая финансовую стабильность, имеет недостатки в защите культурной аутентичности, и что для успешной синергии необходим баланс между правовым регулированием, экономическими стимулами и участием местных сообществ. На практике исследование предлагает четкие рекомендации для законодателей, управляющих наследием и местных сообществ по интеграции правовых норм с экономическими механизмами, реализации планов управления культурой и укреплению участия сообществ, что может послужить основой для формирования новой модели устойчивого управления культурным наследием не только для Узбекистана, но и для других стран в аналогичных условиях.

Ключевые слова: сохранение культурного наследия, правовой подход, экономический подход, государственно-частное партнерство (ГЧП), Узбекистан, культурная политика, устойчивый туризм, управление культурой.

Introduction

Cultural heritage is not only a legacy of the past, but also a foundation for building the future. It is a key component of national identity, social cohesion, and sustainable development. While documents such as the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage [1] have created a legal framework for preserving the common wealth of humanity, developed countries are looking for ways to transform heritage conservation into economically viable, sustainable projects.

Uzbekistan, as the cradle of the great Silk Road culture, has a unique cultural heritage, and its cities, such as Samarkand, Bukhara, and Khiva, attract the

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attention of the whole world. In recent years, significant reforms have been carried out in our country in the field of cultural heritage protection. However, not only restoring monumental monuments, but also preserving them as part of a living, developing society is a complex issue today. This issue poses the need to harmonize strict legal mechanisms for the preservation of cultural heritage and economic instruments for its sustainable development.

The purpose of this article is to analyze the synergy between legal and economic approaches to the protection of cultural heritage in the case of Uzbekistan, to study the achievements and challenges of our country in this area in the context of international experience. The following research questions form the structure of the article:

1. What criteria does international practice establish for the harmony of law and economics in the preservation of cultural heritage?

2. What legal framework does the Law of Uzbekistan “On the Protection and Use of Cultural Heritage Objects” [2] create, and what economic mechanisms complement it?

3. How are economic measures such as public-private partnership (PPP) models and tourism development compatible with preserving the authenticity and sustainability of cultural heritage?

This introduction sets out a general conceptual framework, then narrows the topic to focus on specific challenges and solutions in the Uzbek context. The following sections of the article seek answers to the above questions and highlight the contribution that Uzbekistan’s unique experience is making to global practice.

Literature Review

The modern concept of cultural heritage protection is one of the most studied areas in terms of international law and sustainable development. In the global context, cultural heritage is considered not only as a collective memory of humanity, but also as an important factor in economic development and social cohesion. The 1972 UNESCO Convention Concerning the Protection of the World

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Cultural and Natural Heritage created the legal foundation for this vision, introduced the concept of "overriding universal value," and regulated interstate cooperation. The later adopted the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage [3] expanded the concept of heritage and established an international legal framework for the protection of traditional knowledge, performing arts, and crafts. Theoretical work on this topic [4], [5] shows that it is not enough to simply enact legislation, but that effective mechanisms for its implementation, in particular financing and management models, are also important.

In international practice, there are a number of approaches aimed at combining legal protection with economic sustainability. Experts in the field of economic theory [6], [7] emphasize the dual nature of cultural heritage - it is manifested simultaneously as cultural and economic capital. On this basis, economic instruments such as "adaptive reuse", public-private partnerships (PPP), tax incentives, and cultural tourism management have been developed. For example, the 1999 ICOMOS Charter on Cultural Tourism [8] sets out the principles for sustainable tourism management in heritage sites. The World Bank [9] considers cultural heritage as an integral part of infrastructure and poverty reduction programs.

In the context of Central Asia, and Uzbekistan in particular, cultural heritage protection has reached a new level after independence. While early studies [10], [11] covered the stages of formation of national legislation, recent reforms have centered around the new law "On the Protection and Use of Cultural Heritage Objects" (Law of the Republic of Uzbekistan, No. ZRU-764) of December 30, 2021. Modern studies analyzing this law [12], [13] highlight its important innovations - a single state list, a system of protected zones, and a solid legal framework for SCC projects.

Economically, Uzbekistan's practical experience has also been recognized internationally. Reports from organizations such as the Aga Khan Development

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Network [14] analyze restoration projects in Bukhara and Samarkand not only from a technological perspective, but also from a community participation perspective. Also, the state program “Tourism Potential of Uzbekistan - 2025” [15] as an official document indicates the strategic connection between heritage and tourism. However, some important gaps have been identified in the literature analyzing practice. First, there is a lack of systematic research on how legal norms are integrated with financial mechanisms in practice. Second, the long-term socio-economic effectiveness of SCC projects and their impact on the spiritual values of heritage have not been studied in depth. Third, specific models of economic support for intangible cultural heritage have not been sufficiently covered.

In the light of this discussion, the existing literature provides a good overview of the dynamics of the development of international legal standards and economic models, as well as Uzbekistan’s legal and institutional achievements in this area. However, in-depth, contextual studies of the interaction between the legal framework and economic practice, its effectiveness, and long-term consequences are still lacking. This gap defines the specific contribution of this article – an attempt to enrich the existing knowledge base through a comprehensive analysis of the synergy of strict legal regulation and innovative economic approaches in the case of Uzbekistan.

Research methodology and process

The research methodology used in this article is based on a synthesis of qualitative and quantitative approaches (mixed methods), and the goal is a comprehensive, multifaceted analysis of the legal and economic aspects of cultural heritage preservation in the context of Uzbekistan. The methodological choice is based on the need to cover both the theoretical (legal norms) and practical (economic results) nature of the topic. The research design is purposeful and includes the following stages: 1) identification and collection of information

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sources, 2) systematic analysis of data, 3) integration of results and drawing conclusions.

The methods of data collection are based on three main types of sources:

1. Primary legal documents and official reports. This category includes the Law of the Republic of Uzbekistan “On the Protection and Use of Cultural Heritage Sites” of 2021 (No. ZRU-764), resolutions and instructions of the Cabinet of Ministers of the Republic of Uzbekistan and the Agency for Cultural Heritage, as well as strategic documents such as the State Program “Tourism Potential of Uzbekistan - 2025”. These sources were studied using the document analysis method, and their content, structure, and implementation mechanisms were analyzed.

2. Scientific publications and reports of international organizations. To form the theoretical and comparative basis of the study, scientific articles published in prestigious international journals (Journal of Cultural Heritage, International Journal of Cultural Policy) and regional publications, as well as reports and studies on the topic of organizations such as UNESCO, the World Bank, and the Aga Khan Development Network, were analyzed based on the principles of systematic literature review. This process focused on identifying key trends, theories, and gaps that would address specific research questions.

3. Case study analysis of practical projects. In order to strengthen the practical component of the study, selected SSR projects implemented in Uzbekistan (e.g., the adaptation of madrasas and caravanserais in Bukhara and Samarkand) and large-scale restoration programs (the Khiva “Ichan-Kala” complex) were studied using the case study analysis method. The analysis focused on the financing models, legal frameworks, and economic and sustainability indicators of the projects.

Data analysis methods include content analysis, comparative analysis and systematic description. They are as follows:

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Content Analysis: Key concepts, obligations, and mechanisms in legal texts and policy documents were identified and categorized.

Comparative Analysis: The similarities and differences between international standards (e.g., UNESCO recommendations) and Uzbek national legislation, as well as the effectiveness of different economic models (direct public investment and PPPs), were analyzed.

Systematic description: The available data were systematized in a logical sequence - from "legal framework" to "economic instruments" and "practical results" - to answer the main research questions.

The reliability of the study was ensured by the openness and reasonableness of the selection of data sources, in particular, the use of official legal documents and authoritative public publications. Validity was enhanced by triangulation of data – i.e. examining the same issue (e.g., PPP efficiency) from the perspective of legislation, scientific articles, and practical project reports. The limitations of the study include the lack of fully disclosed financial details of some PPP contracts and the limited quantitative data on intangible heritage projects. However, the chosen methodological approach minimizes these limitations and allows us to adequately address the complexity of the topic.

To sum up, this methodological project seeks to provide an opportunity to assess the reproducibility and validity of the results. All primary sources are clearly indicated in the appendices or in the main text, and the methods of analysis are selected based on accepted standards in the field. This approach allows for the justification of the internal and external validity of the study, as well as an objective assessment of Uzbekistan's experience in managing cultural heritage.

Results

This results section presents the main results obtained during the research process and their analysis, previous literature and discussion in relation to the research questions posed in the introduction. The research results are systematized in the following three main areas.

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1. Results of the legal analysis: Clarity, comprehensiveness and implementation mechanisms

The analysis of the Law of Uzbekistan "On the Protection and Use of Cultural Heritage Objects" of 2021 yielded the following specific results:

→ Conceptual clarity and broad scope: The law provides a comprehensive definition of heritage, distinguishes between tangible (immovable and movable) and intangible heritage, as well as archaeological heritage. This is highly consistent with international standards, in particular UNESCO conventions.

→ Introduction of a system of protection zones: Articles 12-13 of the Law provide for the establishment of sanitary, buffer and organizational zones. This is an important legal instrument that resolves the main conflict between urban development and heritage protection.

→ Gaps in implementation mechanisms: The legal text does not regulate in detail the GCC, tax breaks, or other economic incentive measures. This indicates the need to supplement legal norms with economic instruments at the point of connection of the law with practice.

2. Results of the analysis of economic models: GCC efficiency and tourism impact

As a result of the study of practical projects in Uzbekistan, the following economic trends were identified:

→The dominance of the public-private partnership (GCC / lease) model: More than 20 objects in the historical centers of Bukhara and Samarkand (for example, the "Madrasah-i Mugattakon", the "Sarakuz" caravanserai) were restored based on this model and converted into hotels, restaurants, and craft shops. The main positive aspect of the model is the rapid achievement of results without significant expenditure from the state budget.

→ Financial sustainability and validity issue: The SCC model guarantees financial efficiency in the short and medium term. However, projects face difficulties in maintaining a balance between business-material (transfer of income)

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and cultural-spiritual (preservation of the historical values of the object). In some cases, the religious-educational meaning of madrasas converted into hotels is completely lost.

→ The dual nature of tourism revenues: According to official statistics, the contribution of cultural tourism to Uzbekistan's GDP increased significantly in 2019-2023. However, these revenues are mainly concentrated in large cities (Samarkand, Bukhara), while heritage sites in small towns or villages (for example, Shahrisabz or Rishton) remain deprived of the same economic benefits.

3. Integrated analysis results: Synergies and conflicts

The joint study of legal and economic aspects led to the following important results:

→ The legal framework acts as a "boundary", not a "bridge" for economic activity: The 2021 law cannot be a full-fledged legal basis for the current practice of the SCC. On the contrary, it mainly performs the function of protection, preservation and prohibition of destruction. The stimulation of economic activity is carried out through separate resolutions and regulations (for example, the "Tourism Potential of Uzbekistan - 2025" program).

→ Effectiveness and limitations of the central management model: Strong central management (the Cultural Heritage Agency) has allowed for the rapid implementation of large projects. However, this model may be ineffective in developing non-traditional areas, such as intangible heritage, which is alien to the decision-making processes of local communities.

Discussion

The results obtained answer the research questions posed in the introduction and provide a basis for scientific discussion:

The results show that international practice (e.g., the 2011 UNESCO Recommendation [16]) requires integrated management of law and economics. In the case of Uzbekistan, these two systems still operate in parallel: the law protects, while economic programs develop. Future success depends on linking legal norms

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(e.g., protected areas) directly with economic planning (infrastructure, tourism flow management) and investment incentives (tax incentives).

The law creates an important structural framework, but it is not enough for a "heartbeat". It is complemented by practical mechanisms: State Property Code agreements, special tourism legislation, and international grants. For example, the success of the Ichan-Kala complex in Khiva is the result not only of the law, but also of a long-term management plan and technical assistance from organizations such as the World Bank. The weakness of the law is the lack of protection of intangible heritage and the rights of local communities.

The SCC model guarantees financial stability, but can threaten cultural sustainability. Many craft shops around the Samarkand Registan operate on the basis of tourist demand, but their products are becoming standardized "souvenirs". For real synergy, it is necessary to include cultural management plans in economic projects. These plans should clearly define the meaning of the object, support local craftsmen, and manage the flow of tourism.

In short, Uzbekistan follows a "hard law" and "soft economy" model in preserving cultural heritage. The state sets legal boundaries and large infrastructure projects, while the private sector provides capital and operational management. This model has ensured rapid recovery and economic growth. However, long-term success depends on a third factor – active community participation, appreciation of intangible heritage, and the implementation of strategies aimed at preserving the unique cultural meaning of each object. The research reveals that the interaction between law and economics can create not only positive synergies but also potential overlaps (e.g., the threat of commercialization). Future policies should focus on more precisely managing this balance.

Conclusion

This article is devoted to studying the complex interaction between legal and economic approaches to the preservation of cultural heritage on the example of Uzbekistan. The main goal of the study was to analyze the synergy of these two

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areas, to identify the country's achievements in recent years and the challenges it faces. The following are the general conclusions of the research results, their practical significance, limitations and recommendations for further research.

International practice requires inextricably linking legal protection with economic stability. In the case of Uzbekistan, these two systems are not yet fully integrated: the 2021 law mainly performs a strict protection function, while economic development is carried out through separate programs and practical decisions. Regarding the second question, the new law has created a solid organizational framework, but in practice it is supplemented by economic mechanisms such as GCC contracts, tourism strategies and international grants. According to the third question, while economic models such as the GCC provide financial sustainability, they can pose serious challenges in preserving the authenticity and cultural meaning of heritage, which requires specific cultural management plans.

The main significance of this study for practice is manifested in the following:

The need to directly link legal norms (e.g., protected areas) with economic planning and investment incentives (tax incentives, simplified permit procedures). It is important to develop clear mechanisms for protecting intangible heritage. It is advisable to develop not only a business plan for each project, but also a "cultural management plan". This plan should include the historical meaning of the object, support for local craftsmen, and management of tourism flows. The study reaffirms the importance of community participation in the process of heritage conservation. Local people should be given greater voice in legal and economic decision-making.

This study has the following limitations:

1. The analysis is focused mainly on the country's large cities (Samarkand, Bukhara, Khiva) and their architectural heritage. The condition of monuments or archaeological sites in rural areas requires a separate in-depth study.

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2. Information on the financial terms and profit sharing of individual SCC contracts is not available in open sources, which makes it difficult to fully assess their economic effectiveness.

3. The study considered economic models of intangible cultural heritage only at a general level.

Recommendations for further research

The results of this study can serve as a basis for further research in the following areas: Exploring the “true PPP” model: Identifying private investment models that balance financial returns and cultural responsibility in the management of cultural heritage sites. Analyzing the economic value chain of intangible heritage: Developing effective mechanisms to measure and support the contribution of traditional crafts (e.g. Bukhara jewelry, Rishton pottery) or culinary traditions (e.g. pilaf) to the regional economy. The role of digitization: Analyzing the potential of 3D scanning, virtual reality, and digital archives to document, study, and economically exploit cultural heritage (e.g. virtual tourism).

In conclusion, Uzbekistan is an exciting example of combining economic dynamics with a robust legal framework for the preservation of cultural heritage. The current “hard law – soft economy” model has enabled rapid recovery and improved infrastructure. However, long-term success depends on putting a third and crucial factor – cultural responsibility and community participation – at the heart of the equation. Cultural heritage is not just an object of business or legal obligation, but the heartbeat of a living society. Understanding and applying this principle must be the guiding principle of all future conservation and development policies.

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