

THEORETICAL AND LEGAL ASPECTS OF BUILDING A DEMOCRATIC LEGAL STATE AND CIVIL SOCIETY IN UZBEKISTAN

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ANNOTATION

In this article analyzed definition of a legal state and civil society is. The theoretical and legal aspects of the formation of civil society in the Republic of Uzbekistan are considered. The authors conclude that it is necessary to form a civil society and a legal state considering the experience of the world community.

Keywords: society, state, civil society, rule of law state, democracy.

INTRODUCTION

In recent years, many different works, brochures, articles have been published in the Republic of Uzbekistan based on opinions and reflections on democracy, civil society, and the rule of law. There are views that many of the scientific studies have exactly the same meaning and meaning, in some you can also observe cases of their comparison. We are witnessing that many, understanding the concepts of the state and society in different ways, cannot distinguish the connection between the rule of law and civil society.

Thus, F. Musaev writes that the existing civil society is a means leading to an ideal civil society. However, this does not mean that the rule of law is formed first, and then an ideal civil society. The state and society complement each other dialectically. The structure of the rule of law is based on the same conditions and theories on which civil society is formed. Speaking about civil society, it should be noted that the concept of "citizen" refers to the state and means that members of society, that is, people, have their own rights and responsibilities. Society, passing to the union of this or that state, receives the form of a state society, that is, the form of a civil society.

In the views of some researchers reflecting on the modern theory of state and law, we see that the concepts of "state" and "government bodies" do not differ, but are used as the essence of the state. For example, the state of Uzbekistan or the Republic of Uzbekistan in a broad sense clearly means that the people living on the territory of Uzbekistan can freely have their own independent state on the basis of a referendum. The very decision to build a democratic rule-of-law state on the basis of an agreement shows that at the present time, Uzbekistan, in contrast to the previous state and society, in terms of quality, has moved on to building a civil society. In this sense, we believe that the theoretical and legal foundations of civil society and the rule of law are the same. It must be added that society has always been the basis of the state, that is, society, existing before the state, is subsequently formed as a definite concrete state. By saying "society" we can define that society as a whole can exist with or without a state. And civil society refers only to the state society.

A primitive society is a society that has not yet built and does not know the state and law. Relationships in such a society are formed on the basis of the natural rules of kinship. And in a state society, basic relations are governed by positive laws. If in a primitive society people differ in the degree of kinship and relationship to a particular tribe, clan, then in a state society they, regardless of their clan, are determined by citizenship.

For example, speaking the Republic of Uzbekistan or Uzbekistan, first of all, one understands a single integral state of Uzbekistan. For its administration, the citizens of the Republic of Uzbekistan temporarily organize branches of state power: the Oliy Majlis (parliament), the government and the court. It is this social government (public authority) that can be a weapon or a means. In the issue of relations between voters and the elected, or rather the relationship between the people and the apparatus organized for government, the essence of government and other directions of power is determined. It should also be noted that in civil law literature, scientific works often use such a concept as "division of power". In our opinion, power belongs entirely to the people. For example, as stated in Art. 7 of the Constitution of the Republic of

Uzbekistan, the people are the source of any power. Since this is so, power is inseparable, eternal. It would be correct to speak only about its directions and the distribution of responsibilities of state power.

In a state society, in particular in the Republic of Uzbekistan, state bodies, all non-state organizations are formed within the state of Uzbekistan and carry out their activities based on the Constitution and laws. On the territory of the Republic of Uzbekistan, not a single state or non-governmental organization "can be formed outside the state, in this sense we consider it correct to use the expression" non-governmental "instead of the expression" non-state ". All non-governmental organizations: parties, religions, public associations are formed and operate on the territory of the state. If this is so, then their programs, statutes will be within the limits of the Constitution and laws adopted in this state. There cannot be a single non-governmental organization that goes beyond their framework. It is in this sense that the freedom of every person and organization that exists in society is limited by the Constitution. The essence of these restrictions is determined by common interests.

The structure of a legal state and civil society in Uzbekistan is primarily based on the Constitution. Islam Karimov stresses: "The constitution is a new document in its essence, philosophy, idea. It contains nothing of the communist ideology, classiness, partisanship. We have promoted the greatest idea among all world values - man, and on this basis we tried to find a fair legal solution between the relationship "citizen - society - state" "[6]. Regardless of the above party affiliation, class, religion, in the state, society, a citizen is revered and is the true owner of the state, society. The main goal of every political, social organization and movement formed in the state and society is the protection of the legal rights and freedoms of a person-citizen. In this sense, a tool, a means of uniting, bringing closer to each other the concepts of "man", "society", "state" - this is the right, that is, the Constitution and laws of the country. And that is why they cannot be separated or compared to each other. They complement each other on a single legal basis. There is no society without a person. A state union will not arise without society. And without a person, without a state, there is no civil society.

One of the most difficult and delicate is the question of the role of laws, in particular the Constitution, in building the rule of law and civil society in the country. Professor at the University of Manchester, USA, political scientist J. Lane expresses the following thoughts: "based on the degree of use of immunities and inertia by the state, one can distinguish between weak and strong constitutionalism. A strong constitutional state is characterized by many immunities, primarily in the field of private property. In addition, such a state has a constitution institutionalized as a lex superior, which is difficult to change and which is protected by strict judicial supervision exercised by a supreme or special constitutional court with the power to overturn decisions of the legislative and executive branches. Wouldn't such a strong constitutional state create too many barriers to democracy?

A weak constitutional state is characterized by a relatively small set of immunities, less significant constitutional inertia, and mild judicial review. Such a state protects only classic negative freedoms, such as freedom of thought, religion and association. Private property rights may not be constitutionally protected and may be regulated by customary statutory law. In a weak constitutional state, there is both constitutional inertia (but not in the form of a qualified majority) and judicial control over the executive branch - but without giving the courts the right to invalidate laws.

The disadvantage of a strong constitutional state is that it can strengthen the status quo to such an extent that it undermines democracy. The mechanisms characteristic of strong constitutionalism (immunities, qualified majority, judicial review) come into conflict with the requirements that, as already mentioned, social decision-making processes must meet - neutrality, anonymity and uniformity, or an unequivocal response. Ultimately, strong constitutionalism contradicts the egalitarian stance of the concept of democracy, namely the notion that any alternative should be taken into account when forming a social decision, that the opinions of everyone and every person should be equally increase the likelihood of its adoption as a social decision". Of course, there is a certain logic in this opinion of the scientist, but it is difficult to agree with his idea that weak constitutionality helps the development of democracy, since the very principle of the rule of law is the main principle of building and managing a democratic state and society. In our opinion, in this matter, the experience and practice of Uzbekistan are on the right track. The law is not treated as a dogma, and if necessary, at the request of the time, conditions, timely amendments and additions are made to the

Constitution and the laws in force. In fact, this ensures the supremacy of the Constitution. At the same time, it is not denied that the Constitution is a document of the main, sustainable and programmatic direction. In short, laws emanating from the requirements of social reality naturally modernize and adapt to the realities of the time. These changes and additions are still carried out within the framework of the Constitution. We will not be mistaken if we say that over the years of independence, deputies, organizations and institutions that have the initiative right of law in Uzbekistan have gained experience in this direction that could serve as an example for others. In Uzbekistan, the doctrine of building a civil society is primarily associated with the sovereignty (independence) of the state, which implies support and protection of national independence. In our opinion, it will be expedient if the main directions of the doctrine of building a rule-of-law state and civil society in the country are as follows: first, the creation of a national legal system to ensure and strengthen state sovereignty; secondly, the achievement of such results that obedience to the law and its observance became a way of life for every citizen; thirdly, the development of non-governmental bodies, institutions together with state authorities; fourth, ensuring accountability and accountability of elected representatives and representative bodies to their voters; fifth, active participation in international relations, the affairs of the community of developed democratic states, etc.

In a state governed by the rule of law, ensuring the rule of law, forming and improving citizens' legal consciousness, legal culture turns into a continuous, constant process. The rule of law and civil society are even more united and strengthened in this continuous process.

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