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Philosophical Analysis of the Interaction between the Concepts of Civil Society and the Priority of the Law

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Abstract:

This article contains information about the concepts of civil society and the rule of law, their historical background, their relationship and their sphere of influence on each other.

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Enter. After gaining independence, we set as a strategic goal the establishment of an independent democratic state based on the market economy, human interests, rights and freedoms, the rule of law, and the formation of a civil society in which equality before the law is ensured for all citizens of our country.

Today, for each country to have a decent place in the world community and to ensure a decent standard of living for its people, first of all, a democratic management system, economic stability, rule of law, and human rights in the country, civil society institutions development, the socio-political culture of the population, high level of citizenship are the basis of many factors. At this point, forming and developing a strong civil society remains a priority for every country.

Developed and developing countries, on the way to building a legal democratic state, certainly pay special attention to building a civil society and ensuring the rule of law.

Our grandfather Amir Temur said, "If the state is not built based on laws, then the kingdom will lose its charm, power, and structure." From this point of view, ensuring the Constitution and the rule of law is the main criterion of the democratic legal state that we are building.

Critical analysis of literature on the topic. The effectiveness of any democratic reforms, the main guarantee of peace and development is directly related to the provision of the Constitution and the rule of law.

The rule of law means that the documents issued by state authorities and officials' actions must be according to the Constitution and laws. (Sh. Mirziyoyev, 2019).

Ensuring the rule of law in society is the main guarantee of achieving the effectiveness of all implemented reforms, raising the standard of living of the population, and ensuring peace, harmony, and a stable situation in the country (Sh. Mirziyoyev, 2017).

Civil society- in the theory of constitutional law, the necessary rational method of social life based on law and democracy; a social system in which a person is guaranteed a free choice of the forms of his economic, political, and cultural life, the rule of law and human rights and freedoms are determined, multi-partyism, political institutions, diversity of ideologies and opinions are ensured, and the status of self-government bodies is high. In this, every citizen of the country actively participates in the work of public associations and funds, self-government bodies, political parties, and non-governmental non-profit organizations and satisfies their needs from a political, social, economic, spiritual, and legal point of view. In civil society, citizens establish public control over state activities, and most of the powers of the state are entrusted to public organizations. (uz.wikipedia.org).

In particular, VGDomanov, a Russian doctor of political sciences, defined the term "civil society" as "a system of social behavior based on personal property relations that originates from the individual and the citizen, and not from external structures whose economic and political initiatives conflict with politics and state ideology." (VGDomanov, 2010) - explains.

Research methodology. Civil society is a society consisting of citizens of the state, their voluntarily united groups, communities, and organizations, that is, people with a high political and legal culture, related to mutual rights and obligations. Civil society is a society that is consciously managed and strictly disciplined not only by the coercive power of the state but also directly by its members and their communities. Such a society differs from other societies in that it organizes and manages itself at a high level (Uefozilov, 2016).

Civil society is created gradually. In cases where the state has an external structure, we are faced with the situation of substituting this concept for protectionism in explicit or latent forms. The development process of civil society in the world is multidirectional. The main problem is that the creation of a modern civil society involves the emergence and functioning of the values of self-expression, which is realized through the participation of citizens in various political actions. The level of development of the requirements for the values of civic self-expression determines how developed the civil culture is in a particular society.

Analysis and results. The concept of the rule of law is inextricably linked with the idea of civil society, civil society appears in a developed form almost simultaneously with the rule of law. One of the founders of the theory of the rule of law is the English philosopher John Locke, who in 1690 put forward the idea of self-limitation of state power by law, which prevails over authority in his work "Two Treatises on Political Government".

The essence of the legal state is that the state is bound by law, power is established by law, and can be exercised only within legal boundaries and forms.

Structurally, the legal state is a system of state bodies and institutions that guarantee and protect the

legal activity of civil society.

According to the new version of the Constitution of the Republic of Uzbekistan adopted based on the referendum on April 30, 2023 (Article 1) "Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government" (lex. uz)- was announced. It seems that this rule reflects the desired state of the state, which we must achieve in the process of democratic development.

The origin of the idea of the rule of law goes back to a long history. As the great Greek philosopher Plato wrote, statehood arises where laws rule, "The law is the ruler over the rulers, and they are its slaves." Laws must be defended with justice. Otherwise, laws can serve injustices and injustices.

The German philosopher Immanuel Kant based the thesis that "the goodness and purpose of the state lies in the perfect law, the state's organization and political regime are maximally consistent with the principles of morality and law..." I. Kant has always emphasized the need for the state to rely on the law and coordinate its actions with it. A state that does not provide rights and freedoms and does not provide protection of its positive legislation risks losing the trust and respect of its citizens.

The supremacy of the people announced by I. Kant stipulates the freedom, equality, and independence of all citizens in the state. Kant's "rule of law" is based on the principle of division of power into legislative, executive, and judicial powers. Citizens of a legal state had basic powers such as freedom, equality, and independence (economically).

Discussion of research results. According to the idea of the rule of law, citizens can do everything that is not prohibited by law, the state can only do what is prescribed by law, and the judiciary should be independent and based on the presumption of innocence of the individual. The rule of law in the form of laws is the most important in the relationship between the state and the people for the rule of law. In addition, human rights should prevail over the rights of any community (group, class), and contrary to the concept of collective democracy, the rights of the nation should prevail over the rights of the state.

The rule of law is characterized by multipartyism, the possibility of legal activity for both ruling circles and opposition political associations of citizens. The requirements of the legal documents of the legal state apply to the activities of all public and political institutions, all citizens, and all spheres of society. Any information of social importance in a legal state is available to citizens, and mass media should be independent of the state as much as possible.

Therefore, the rule of law as a political concept represents a certain level of state development with the priority principles of equality of people before legal norms and the rule of law, and strict observance of human rights by state laws.

Summary. Firstly, civil society exists only in the conditions of democracy, and at the same time, sufficient development of civil society ensures further democratization of society.

Secondly, it is necessary to take into account different models of civil society, not to be limited to a one-sided view of its structure and relations with the state, but to anticipate the possibilities of the unity of centralized power procedures of civil society and the legal state. The principles of democratic life should be established in all spheres of social existence, not limited to politics and social administration, but permeate all spheres of human relations.

The rule of law not only ensures the rights and freedoms of people but also supports and forms the

developed legal consciousness of citizens and serves as a basis for building a civil society.

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