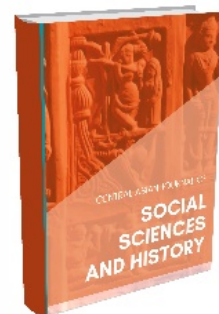




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Some Theoretical Questions of Understanding Rule of Law

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ABSTRACT

The article analyzes issues related to the rule of law, its role in the legal development of society, state and personality. The relationship between the principle of the rule of law and the rule of law, different approaches of scientists to understanding these legal categories are considered. The essence and principles of the rule of law and the rule of law, the role of the rule of law in ensuring the rights and freedoms of the citizen and the individual, in the formation of civil society and the creation of the rule of law in Uzbekistan are analyzed.

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INTRODUKTION. Today, a complex and responsible process of renewal is taking place in Uzbekistan. These changes are aimed at raising our life to a new quality level. Building the rule of law and civil society, which is our ultimate goal, is a complex and time-consuming task. The rule of law and the rule of law are important conditions for building the rule of law.

At the same time, in the scientific literature among scientists, philosophers, sociologists and political scientists, discussions continue about the rule of law, the rule of law, the relationship between law and law.

Как известно, термин «верховенство права» встречается в английском языке как «rule of law» в значении «господство права», в узбекском языке «хукукустунлиги», «хукукхукмронлиги», и связываются с теорией и практикой правовой государственности, являясь его существенным условием.

MAIN PART. In the legal literature, Albert Dacey, a professor at Oxford University, is rightly considered the founder of the doctrine of the "rule of law" or "rule of law." It should be noted that, according to Dacey, the concept of the rule of law includes three concepts:

First, the "rule of law" is characterized by the absence of arbitrary power;

secondly, the idea of "equality of all before the law and court" is based on the principle of "rule of law";

Thirdly, England, which is dominated by the "rule of law" and the spirit of legality, differs from others in that it is the decisions of the English courts that form the general principles of the English constitution¹. It should be noted that Anglo-Saxon and Continental legal families differ from each other, for example, the role of judicial decisions in English law is significant, while laws play an important role in the civil law family.

Indeed, the rule of law is one of the most important and significant concepts like "rule of law", "constitutionality", "legality", "dignity of law", "equality of all", "social justice", "pluralistic democracy". The term "rule of law" (VI Rule of law), on the contrary, was not initially found in scientific sources, but was enshrined in legal documents of the 17th century, later the idea of a rule of law was developed in legal science².

The famous scientist F. Hayek studied the issue of the rule of law and described it as follows: "The rule of law is the doctrine of what law should be and what specific laws should be." Consequently, the principles of the rule of law, limiting state power, according to Hayek, reflect the characteristics of good law"³.

Scientists from the CIS countries V. Nersesyants, D. Kerimov, S. S. Alekseev, M. N. Marchenko and others in their studies considered the issues of the relationship between law and law, legal legality. But it should be noted that the legal literature does not indicate the criteria for determining legal laws.

As M.N. Marchenko writes, such questions naturally arise as, are there any criteria for the definition of "legal laws" in general? which laws comply with the law and which do not? what are the criteria for classifying laws as legal or non-legal? what determines their legal and non-legal nature? legality or illegality? ¹.

According to the well-known legal theorist S. Alekseev, the idea of the rule of law "in essence means the unconditional priority of law over power, over the state". The rule of law includes the consideration and solution of all important issues of the state and society, from the point of view of law and law, a rational combination of universal human moral and legal values, ideological and legal justification of any decisions of state and public bodies, presupposes the existence of reliable mechanisms for ensuring human rights².

Thus, although today the terms legal law and legal legality are often considered in legal and philosophical scientific literature, at the same time, the question of their criteria is still open, and the discussion on this matter continues. Given the complexity of bringing all approaches on this matter within the framework of one article, we will limit ourselves to summarizing the opinions expressed in the scientific literature on this issue: that legal laws are laws that correspond to the general principles of law and fundamental human rights and the principle of justice. Accordingly, illegal laws are the antipode, the opposite of legal laws.

Consequently, in the national legal literature, the rule of law and the rule of law are sometimes viewed as similar concepts in content, but at the same time, there is not enough research that would specifically study their relationships, differences and similarities, etc.

In this regard, mention should be made of N. Zhavliev's monograph "The Concept of Law and Its Social Value", in which he considered the issue of the rule of law. According to the author, although the term "rule of law" does not often appear in the legal literature written in Uzbek, one can see that his ideas are expressed in terms such as "rule of law", "rule of law", "legality" and "legal legality" ³.

At the same time, Professor Sh. Saidullaev writes that "the concept and content of the rule of law and the rule of law are different in legal literature. Since any law is not always legal in nature, that is, it does not reflect the position that gives a person the right to freedom, equality and social security. The rule of law is the rule of law in the activities of all state bodies, officials, individuals and legal entities and their observance" ¹.

It is worth mentioning the views of the great thinkers Al-Farabi, Nizamulmulk, Navoi, KhojaSamandarTermizi on fair laws, although in the scientific literature they put forward opinions that justice is a category of morality, not law, and law is a legal category². There is another opinion, in particular, the modern representative of legal positivism, Joseph Raz, when analyzing the concept of "internal morality of the law" by Lon Fuller, he considers the rule of law as a sign of the dignity and value of law, bringing it closer to the moral foundations of law³.

In this context, logically continuing the opinion of Professor Adilkariyev that "The urgent task of our time is the development of a scientific concept of legal law, the creation of a unified scientific and theoretical model of law" ⁴, it should be added that it is also necessary to develop criteria for defining a legal law, to clarify and clarify with current legislation and the implementation of laws, with the process of law enforcement.

In a document adopted by the Copenhagen Meeting of the Organization for Security and Cooperation in Europe (OSCE) in June 29, 1990, the following rule of law requirements were established:

- the government must follow the Constitution and laws of the country;
- The military is accountable to civilian authorities;
- legislative acts are discussed and adopted openly;
- administrative decisions must be made public through the media, otherwise they will have no legal effect;
- availability of effective tools for challenging administrative decisions;
- if information can negatively affect a person, then inform in advance about the consequences of this information;
- an independent judiciary and the independence of lawyers.

“The principle of the rule of law is not just formal legality, but justice, recognition of the dignity of the individual” 1.

CONCLUSION. In conclusion, it is important to note that the national social science, especially legal science, is faced with an important task to develop the theoretical foundations, concepts, content and criteria of the principle of the “rule of law”, its relationship with the “rule of law”, the relationship between law and law, as well as “ legal legislation ”.

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