



THE PLACE AND ROLE OF LAW IN CONTEMPORARY CIVIL SOCIETY

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Abstract

The current ideas about the role of law in civil society are considered and generalized. The author's construction of the concept of "civil society" is proposed. Based on the existing developments of the concept of legal policy, the specifics of the implementation of the functions of legal policy in the field of the formation of civil society are analyzed; life-supporting areas of activity of such a social phenomenon as civil society are highlighted.

Keywords: the idea of civil society, law in civil society, the concept of "civil society".

The transition to the information society, the development of various forms of social activity and democracy, the processes of globalization have revived interest in the need for a broad understanding of current phenomena in the context of civil society. Of course, the original idea of the latter as "the struggle of all against all" has sunk into the past. Today, civil society is a product of the natural development of mankind, expressed in the special nature of the economic, spiritual, moral conditions of life, contributing to the free realization of not only private, but also public interests, the achievement of which is possible only in the process of effective social communications, which are built on the basis of equality, freedom and justice.

Civil society is a self-organizing system of behavior and interaction of people with each other, connected by common interests, activity, national and cultural traditions, features of the economy, moral, religious, legal values. At the same time, civil society is constantly developing, communications of people, their various associations and organizations are expanding. It should not be forgotten that there is no civil society at all, each country has its own "own" civil society. Along with this, there is something in common that allows us to define this concept as a system of life of the most diverse personalities, a sphere of personal freedom, limited only by certain social norms (primarily moral, then legal). At the same time, civil society, like any other dynamically developing system, is characterized by the coexistence of the pragmatic and the irrational, the natural and the random, which manifests itself through the activities of individuals in the process of satisfying their interests, exercising subjective rights and legal obligations, interests and talents.





In relation to the Uzbek reality, it is worth remembering that the institutions of civil society have not yet become a really working, sufficiently massive and stable structure, which would take into account such human values as freedom, independence, responsibility. These qualities have a significant impact on social life. Solving the problem of the formation and development of civil society in Uzbekistan requires taking into account the experience, history of thought, both domestic and foreign, and in particular the regulatory potential of law and the state.

There is no need to prove that the development of civil society institutions has its own history and social purpose. Unfortunately, there are institutions that build their activities on the indulgence of the lowest human instincts and profit from this. On a national scale, the study of the activities of institutions that initiate the social activity of citizens, contribute to the rule of law, the development of culture, "the stability of the spiritual and moral forms of being of individuals", create political, legal and moral conditions for a safe life of a person, for the manifestation of the abilities and activity of the latter, is of particular importance in all spheres of life. The socially useful role of civil society institutions is recognized and guaranteed by legal laws, with the help of which they build not only their communications, but also influence the official authorities, including the judiciary.

Separately, it is worth dwelling on the connection of civil society with the state and law. The very concept of "civil society" emphasizes:

- 1) attachment to the state and law by the presence in the existing definition of the word "civil", the generic concept of which is the category "citizenship, citizen";
- 2) isolation, self-organization, since the mentioned phrase contains the category "society", which implies a part of the material world, which includes various ways of social interaction and forms of association of people who are able to create tools and use them.

In a broad sense, the word is a combination of all types of social interaction between people and forms of organizing their joint life, which have developed historically.

The political and legal nature of civil society was noted by I. Kant with the following words: "to withdraw" theoretically and practically the state outside of civil society is not entirely correct, since civil society appears as an integral phenomenon, the qualitative functioning of whose institutions is unthinkable without interaction with the state. In other words, civil society is a sphere of social relations, which is basically not controlled by the state, but connected with the latter and interdependent on it. "Acting in the legal field and guided by the rules of law, focused on satisfying one's own interests, achieving freedom, justice, the state and civil society institutions interact with each other, predetermining the development of each other. Such an





understanding gives civil society the status of a theoretically reliable and practical political and social construction.

As practice has shown, focusing on values unrecognized in society leads to social crises, upheavals that we observed at the end of the 20th and beginning of the XXI century in the USSR, China, Africa, Georgia, Egypt, Syria, etc. Because of this example, the interconnection and interdependence of state policy on the activities of civil society structures is obvious.

Our judgment emphasizes the interdependence of the development of the rule of law and civil society. In this regard, D. Keane is right when he writes the following: "Without a secure and independent civil society with its autonomous public spheres, goals such as freedom and equality, joint planning and public decision-making will be just empty slogans. But without the functions performed by the state <...> civil society will turn into the creation of a ghetto, disunity and stagnation, or give rise to its own forms of inequality and lack of freedom. Developing this statement, it seems justified to note that without the participation of civil society institutions in political and legal life progressive development is unthinkable. In the interests of scientific certainty, let us trace in practice the named specific feature.

As you know, the most important condition for a civil society is the existence of free, equal and active individuals who unite in teams to satisfy interests. This circumstance implies the activity of individuals in the public, and that, in turn, in the political sphere, where they, obeying their own desires, whims, guided by economic and spiritual needs, strive to achieve selfish or social goals through interaction between themselves and state structures. The opportunity to participate in political life helps a creative, proactive self-determined individuality to put forward and realize their own interests, coordinating with the public. This circumstance is a source of development in various sectors of life. In this regard, D. Keane is right, pointing out that "civil society becomes an eternal thorn in the side of political power."

Having subjected the political dimension of civil society to a deeper analysis it should be noted that its political nature is represented in activities related to relations between social groups, the essence of which is to determine the forms, tasks and content of the activities of the structures of society and the state itself. Citizens, politicized public associations (which include political parties), and social institutions act as subjects of civil society in these respects.

A developed political system, acting as a mechanism for such relations, is designed not only to reflect various public interests, but also to give them the opportunity to avoid direct clashes, civil war, replacing the traditional civil strife with civil peace and harmony. Undoubtedly, other forms of social relations form the basis of civil society.





However, in our opinion, it is the sphere of political participation that actually ensures the self-organization of this institution.

Of particular importance for jurisprudence is the analysis of the legal foundations of civil society. Modern authors often ignore that this society is a prerequisite (foundation) of law, as well as of all social phenomena. Law is a moment, a side of such a society, but at the same time, it has the opposite effect on society. Law consolidates the foundations of society, including the sprouts of socially useful forms of social relations that appear in it, since legal norms are those norms that normalize socially significant, objectively the most important patterns of behavior that are constitutive for society.

In conclusion, let us conclude that civil society is an ideally real (ideally directed and existing) entity. As an ideal sphere, it is represented by a set of ideas, ideas, traditions, norms, and values, interests that mediate the interaction of the systemic and vital principles of the social world, imposing cultural and moral restrictions on their activity manifestation. As a real phenomenon, it appears in the form of an outwardly expressed structure of actions or relations, focused on maintaining a stable balance between them. This "cohesion" forms a new system that combines the economy, law and morality into a single complex, called citizenship.

Relying on the existing developments in the field of constructing legal concepts, it seems quite reasonable to propose the following definition of civil society. Civil society is a set of non-state structures, institutions that provide communications in political, economic, legal, family, cultural, spiritual life in order to meet human needs.

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