

Liberal Democratic Ideals in Civil Society: Problems and Tasks

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Annotation. The article highlights the issues of the formation of the rule of law as the main factor in the construction of civil society. Various approaches are analyzed to establish a legal state that guarantees the equality of citizens before the law, the priority of the law, the protection of the interests of society and the safety of the population. And by the author, civil society is a society in which there is a humane democratic legal state, where social relations are rational and fair, regulated by laws that express the will of the people, and where the fluffy fulfillment of laws is ensured, the rights, freedoms and legitimate interests of the individual are guaranteed to be ensured at a high level.

Keywords: liberalism, public society, Liberal democratic ideas, legitimate interests, humanism, human rights, justice, spiritual and cultural values, freedom, legal culture, discipline, freedom of speech, transparency.

Introduction. The goal of establishing a democratic legal state, a strong civil society in Uzbekistan has led to the fact that human rights and interests are the highest priority of the development of society and state construction. The basis of democratization and renewal of our society, modernization and reform of the country is also the priority of human rights and interests.

To ensure human rights and freedoms, first of all, it is necessary to achieve the priority of democracy in the country, to establish a fair civil society. And one of the main factors in the establishment of civil society is the formation of a legal state. The equality of citizens before the law, the priority of the law, the protection of the interests of society and the establishment of a legal state that guarantees the safety of the population. It is impossible to imagine a legal state if laws and traditions are not respected, if legality and law enforcement are not recognized, if the rights and freedoms of the individual, strict discipline, internal organization and responsibility are not priority. These points are directly an important principle and main criterion of a legal democratic state.

Methodology. It would not be a mistake to say that civil society is a higher stage in the development of a legal state. M.N.Marchenko believes that «civil society is a society in which there is equality of people as subjects of law, their freedom in legal terms, the rigor of contracts, protection of law from violations, as well as orderly laws and a prestigious court arbitration courts»¹. In the ideas presented by this scientist, the emergence of a free market, that is, the liberalization of the economy, was considered an important sign.

In some literature, it is noted that public institutions in civil society are of particular importance, and even some scientists understand civil society as a set of public institutions. For example academic A.X.Saidov believes that «...civil society is a system of public institutions that promote the realization of the interests of equal people, individuals or communities»². Academician K.Kumar believes that civil society is an environment in which a person of the present meets his needs, develops his individual characteristics, realizes the values of social unity³. Here the focus of the scientist was mainly on the fact that the interests of the individual are primary in civil society.

Z.M. Islamov defines civil society as «the sum of economic, social, cultural, moral, family and religious relations that are outside the state and politics that represent the interests of free owners and their associations.»⁴. F.X.Rakhimov admits that the concept of «civil society» includes several important

¹ General theory of State and law. Ed. by prof. M.N.Marchenko. T.1. – 338 p.

² Saidov A.X., Tadjikhanov U.T. Theory of state and law. T.1. – T., 2001. – 238 p..

³ Kumar K. Civil Society. – M., 1994. – 21 p.

⁴ Islamov Z.M. Society. State. Right. T.2. – T., 1998. – 320 p.

requirements for society, such as the variety of opinions and the presence of political pluralism, free and comfortable living of citizens, freedom of speech, transparency and the establishment of a self-government system⁵.

These opinions, given by scientists, focus on some signs of civil society. It seems to us that these concepts should be more generalized. But it is difficult to express the concept of «civil society» in one word. H.T.Adilgariev and Sh.G'. The isibnazarov analyzed this concept in depth, that is, in their opinion, the expression «civil society» is used both in broad and narrow terms. In a broad sense, civil society is understood as a part of society that is not covered by the state and its structures. It arises and develops in the process of natural-historical development in the form of a free, not directly dependent sphere on the state. In this sense, civil society corresponds not only to democracy, but also to authoritarianism, only totalitarianism means that political power has completely, often – partially «swallowed up» civil society. Civil society in a narrow sense is closely connected with the legal state. They cannot exist without each other⁶.

Also H.T.Odilkoriev believes that «civil society is a free democratic legal society that knows the interests of every person in priority, an atmosphere of respect for legal traditions and laws is formed, universal values are respected, human rights and freedoms are unconditionally ensured, effective public mechanisms of state power are created, human relations are based on deep spiritual and cultural values»⁷.

Method. In the above-analyzed opinions of philosophers and lawyers regarding the concept of civil society, originality and, at the same time, a certain totality are observed. While originality is manifested primarily in the fact that attention is given to some of their signs, commonality – in all of them, the person and his interests are interpreted as the main rule. Civil society expresses the belonging of a person to the state on the one hand, and on the other hand indicates that the person is a member of a free society. In civil society as a whole, it is observed that the role of the state is significantly presented to society in all aspects of social life. Only perfect people with a high legal consciousness and legal culture live in such a society. Although at first glance this concept seems like a utopia, but the reforms carried out in our country today to liberalize the economic, social, political spheres are the same reality on the way to civil society.

The first president of our country I.A. Karimov says: «for us, civil society is a social space. In this space, the law is a priority, it does not hinder the self-improvement of a person, but, on the contrary, helps. Promotes the realization of the interests of the individual, his rights and freedoms to the fullest extent. At this time, discrimination of the rights and freedoms of other people is not allowed. That is, freedom and obedience to the law are valid at the same time»⁸.

In our opinion, civil society is a society in which most social relations are rational and fair, regulated by laws expressing the will of the people, and in which there is a humane democratic legal state in which the fluffy fulfillment of laws is ensured, the rights, freedoms and legitimate interests of the individual are guaranteed to be ensured at a high level. Hence, in the formation of civil society, a special role is played by law-making, ensuring the rule of law, raising the legal culture of Citizens, Protecting the rights and legitimate interests of legal entities and individuals.

The implementation of these tasks is the task not only of state bodies, but also of citizens' self-government bodies, non-profit organizations, economic entities, including the legal service, which is considered their structural structure. Legal service from the process of preparation, legal examination, adoption of projects of laws and other regulatory legal acts to ensuring their implementation; protection of the rights and legitimate interests of legal entities and individuals in courts and other organizations; actively participates in the work of legal education.

Therefore, in the process of examination of bills by legal services in public authorities, especially in the chambers of the Oliy Majlis of the Republic of Uzbekistan, their compliance with the Constitution and other applicable laws, mutual proportionality between legal norms, systematicity are ensured, identified internal conflicts and parallels are eliminated. Also, the legal service plays an important role in the activities of the

⁵ Rakhimov F.X. Responsibility of state bodies in ensuring constitutional rights.– T., 2001.– 8 p.

⁶ Adilgariev X.T., Isibnazarov Sh.G'. Political culture. –T., 2004. – 282 p.

⁷ Adilgariev X.T. Constitution and civil society. –T., 2002. – 172 p.

⁸ Karimov I.A. Uzbekistan of the XXI century: threat, restoration of conditions and development are guaranteed. - T."Uzbekistan",1997. – 173 p.

governing bodies in the verification of legality, compliance of departmental regulatory legal acts issued by them with the Constitution and laws, compliance with the requirements of legal techniques.

These bodies, especially the legal service of Parliament, government, ministries, state committees and departments, are directly involved in the process of improving national legislation – forming the legal foundations of the legal state and civil society. Based on the requirements of social progress, it participates in the identification of needs for laws aimed at regulating social relations in society through forecasting, as well as the adoption of perfect and high-quality laws in a timely manner.

A high legal culture is the main sign of civil society, the foundation of permissible, as well as an expression of the maturity of the legal system. It is a factor that actively influences various life processes in society, contributes to the clipping of citizens, all social groups, ensures and strengthens the integrity and integrity of society.

Therefore, the development of the legal consciousness and culture of citizens is one of the main areas of activity of the legal service. Employees of legal services operating in public authorities and management bodies, enterprises, institutions and organizations have a positive effect on improving the legal consciousness and culture of employees by regularly promoting legislation in their labor collective, providing legal advice to employees. In turn, the comprehensive legal and practical improvement of the legal service of state bodies and economic entities plays an important role in the formation of a strong civil society.

From the very first days of our independence, the protection and guarantee of human rights and freedoms in our country, the creation of the legal basis for this has been defined as the first level of the policy of our state. The first international document added and approved by our state is the Universal Declaration of human rights. To date, it should be especially recognized that our country has joined more than 60 basic human rights documents and is a participant in six major international treaties adopted by the United Nations in this area. In particular, we can cite international documents such as the International Covenant on civil and political rights, the Covenant on economic, social and cultural rights and the facultative protocol, as well as the Convention against severe cruel, anti-human or degrading types of torture and treatment and punishment, the International Convention on the elimination of all forms of racial discrimination, the Convention on the

In order to fulfill the requirements of the norms of international treaties and conventions on human rights, judicial and legal reforms were carried out in the Republic of Uzbekistan, expressing their loyalty to the general principles of international law recognized in the general constitution of our country. We can especially see that the main support of the legal state is the effective functioning of law enforcement agencies, alalkhusus, the main criterion for the activities of these agencies is aimed only at protecting human rights.

Ensuring human rights is the basis of the updates carried out in our country, which are aimed at creating suitable conditions for the survival of a citizen of the country, guaranteeing his freedom, personal inviolability, active participation in political processes, as well as social protection. The Constitution of the Republic of Uzbekistan enshrines the basic rights and freedoms of citizens of the country, the legal basis for their implementation and protection. The essence of the Constitution of the Republic of Uzbekistan is important for the full formation and improvement of the principles of the legal state. According to Article 13 of the Constitution: «democracy in the Republic of Uzbekistan is based on universal principles, according to which a person, his life, freedom, honor, dignity and other inviolable rights are the highest value. Democratic rights and freedoms are protected by Constitution and laws»⁹. Hence, human rights and its provision are an important factor in the development of the legal state and civil society. Based on this, the most basic idea of all democratic legal systems is to ensure human rights, as well as opportunities to achieve Well – Being, which are reflected in their actions aimed at satisfying human interests.

The legal state, its provisions protect the rights, dignity, freedom, honor, pride of citizens, impose the provision of social justice. The main condition of the legal state is to ensure that in any conditions the interests of the individual prevail over the interests of the state. A person, a person, is never considered as a tool even on the way to achieving a great and noble goal. Man and his interests are always, in all conditions, only the main goal. This is the principle of humanism, being the most initial quality of the legal state.

I.Kant's following opinion is a vivid expression of humanism: «every individual has absolute dignity; it is never possible for an individual to be a weapon to carry out even the most noble deeds that serve for the

⁹ Constitution Of The Republic Of Uzbekistan.- T: Uzbekistan, 2008. 5 p.

good of the whole. A person, as a subject of moral consciousness, differing from the surrounding nature, is obliged to operate in his actions according to the instructions of Moral Law»¹⁰.

The real application in practice of human rights and freedoms recognized in the Basic Law of our country, the successful course of the processes of democratization of our society, liberalization of the judicial sphere necessitate the improvement of the legal consciousness, legal culture of both law enforcement officers and the population.

According to the data, «legal illiteracy of officials of state bodies remains a serious problem that prevents ensuring the priority of human rights and freedoms. This is evidenced by the analysis of more than 40,000 received complaints from the Human Rights representative of the Oliy Majlis (Ombudsman) over 10 years of operation. The insufficient legal literacy of officials, the lack of responsibility for deviations from the right, are even more vividly reflected in disrespect for the right and the inability to preserve it»¹¹.

After all, in a legal state, first of all, the obligation of the state itself, all its bodies and officials to obey the law is established in our basic law. Article 15 states that «the supremacy of the Constitution and laws of the Republic of Uzbekistan in the Republic of Uzbekistan shall be recognized unconditionally»¹² So, in the words of our leader, the weapon and protection of the legal state, both the eye and the word and the shield are the law.

The fact that our country is included in 60 basic human rights documents, is a participant in six major international treaties adopted by the United Nations in this field, which defines human rights and interests as the highest priority of the entire domestic and foreign policy of the development of society and the construction of a state legal democratic state, pursues the goal of In a legal state where there are all conditions for the full provision of human rights and freedoms, it is also necessary that every citizen, fulfilling his duties and obligations to society, be able to demand the implementation of the rights and freedoms established by law. In this situation, the relationship between the state and The Citizen takes place on the basis of legal criteria.

Insufficient legal culture of citizens who do not have the skills to claim their rights, apply legal forms of protection through the court, appeal to state bodies with complaints and applications also creates certain difficulties on the way to building civil society.

The priority of human rights and the legal state requires all citizens of Uzbekistan to make efforts to promote the establishment of the «idea of law» in their society. «The education of the legal consciousness of the people is a prerequisite for justice and the restoration of the trust of a spiritually healthy people in the law»¹³.

Indeed, high legal consciousness, legal culture is the foundation of a democratic society and an expression of the maturity of the legal system. It is a factor that actively influences various life processes in society, contributes to the clipping of citizens, all social groups, ensures and strengthens the integrity and integrity of society. Respect for the law is one of the main requirements for the effective functioning of the Legal Society, political and legal systems.

The legal state, which requires the improvement of legal consciousness to educate a high legal culture, carries out the management of the activities of civil society through the adoption of laws that strengthen the inalienable rights and freedoms of the individual, representing the interests of various segments of the population. The full implementation of the basic principles of the legal state, which recognizes human rights and freedoms as the highest value, requires every citizen to increase political, legal activity, become a conscious, active participant in reforms.

In general, compliance with the requirements of the legislation requires ethyladigan bu jaraenda, a member of the onga board, a culture of professional development, democratic law of the state, legal law, legal decision, necessary topishining. Because, Yukorida stressed that «the legal and Democratic legal framework and life support are necessary, reasonable methods, humanities and economics, political forms of life of Erkin Tanlash garantladigan, the law of sustainable development and human rights of Hamda erkinliklari resolutions, the party, political, political, political and institutional thinking of Hilligan – Hilligan securedigan

¹⁰ History of Political and Legal Doctrines. Edited by V.S. Nersesyants. - M.1998. 324 p.

¹¹ Rashidova S. Legal education and the legal state ensured human rights, ensuring that it would have a qualitative value // legal integrity 3 / 2007, 9 p.

¹² Constitution Of The Republic Of Uzbekistan.- T.: Uzbekistan,2019.6 p.

¹³ Rashidova S. Civil society and the legal state as one of the conditions that ensure human rights // civil society 3 / 2007, 9 p.

everything in the post of Bashkaradigan organlarning is a high position ... izhimoy tuzum»¹⁴. That is why civil society institutions can work in the interests of the implementation and protection of human rights only when the citizen himself has a civilized legal consciousness. An important element of the formation and functioning of a legal democratic state and civil society is the education and upbringing of citizens in the spirit of human rights. This necessitates ongoing research to improve legal consciousness and legal culture.

The implementation of the tasks set before us by the era depends on changes in the political, economic, spiritual spheres of public life, after all, we are building not just a democratic society, but a fair democratic society. And in such a society, our first president I.As Karimov noted, there should be no overflowed rich people, nor poor-poor. But for this, people are required to feel themselves not only as a representative of their neighborhood, village or country, but also as a member of a holistic civil society¹⁵. After all, the civil society that we want to establish is an independent subject of political life along with the state. It is necessary that he, together with the authorities, be able to cooperate in discussing the most important problems of domestic and foreign policy. Otherwise, people do not form a civil society, they cannot rise above the level of the population that is in the state in immortality. The fact is that civil society is a civil society. And a citizen always has his rights and duties.

They are indispensable, but embody a huge range of possibilities. It is only citizens who pay taxes, elect representatives of authorities, defend the motherland. Such a right and duty allows citizens to actively participate in the affairs of the state and society.

Of course, if a person himself does not do anything, lives with an eye on the state, nature, the support of others, nothing will change. In this, both the right and the opportunity and the duty remain in their mold, not realized. In this case, human rights and freedoms will also remain inanimate, unoccupied, injustices will escalate. Human freedom and activity in this sense should be one of the fundamental foundations in the life of the state and society that we are building. The strategic goal of the renewal and development policy implemented in our country is to create suitable living conditions for all people living in our country, to ensure guaranteed living standards and freedoms in developed democratic countries, to form a fair society, which is primarily a financially secured, morally strong family on the basis of¹⁶. In this sense, social justice remains a necessary condition for the further development of Uzbekistan, which has chosen the path of independent and sustainable development and has accumulated specific experiences along the way. The famous French sociologist R. Aron rightly argued that «the principle of liberalism consists of a combination of two feelings, one of which is legitimacy, a bow in front of the rules, and the other is a spirit of concession.» The fate of freedom depends not on the implementation of some predetermined principle, but on the right to withdraw from this principle, albeit partially, with alternative manifestations in reserve.

Of course, it is clear that the process of building a democratic society is complicated. As the head of state noted, «Justice and democracy cannot be established in society by a special decree or decree from above.» Importantly, in the context of the formation of market relations, we need to do things in practice to overcome the lawlessness and bureaucratic vices that prevent people from showing their abilities and fully enjoying its results.

Currently, almost all independent states have set themselves the goal of building a democratic society. But all the talk is in the implementation of a practical action in this work. It is necessary to distinguish between the foundations of democracy, common to all eras and peoples, and its national models, recognizing aspects. Now we need to creatively critically study the experience and skills of introducing modern democracy from the experience of advanced countries: it is only the study of criticism that dry imitation ultimately prevents delusion into false views.

When it comes to the democratic process, the issue of the conditions of democratization will also be transverse. But the debate on this issue has been going on for many years among representatives of the Social Sciences. After all, it is natural that the universal factors of democracy are of interest to many. Among them, the economic factor of democratization is distinguished. In fact, in time, democracy and economic prosperity were interpreted as inextricably linked processes. But later opinions were widely spread that democratization

¹⁴ National Encyclopedia of Uzbekistan. Volume 9. - T.: State National publishing house. 2005, 350 p.

¹⁵ Karimov I.A. Free and prosperous Motherland, free and prosperous life-our ultimate goal. T.8. - T.: Uzbekistan, 2000, 495-496 p.

¹⁶ Karimov I.A. Free and prosperous Motherland, free and prosperous life-our ultimate goal. T.8. - T.: Uzbekistan, 2000, 58 p.

did not depend on a single socio-economic factor, but on the extent to which it largely depended on the prevalence of democratic ideas.

In any case, it can be safely noted that one of the most important conditions for democratization is the finding of a resolution of the rules of social justice in society. Among experts, sustainability is understood as the ability of democratic structures to have repercussions in relation to rapidly changing social processes. In this, stability is seen as a function of democracy, it is necessary that it also includes the participation of people in the management of the state through the institutions of civil society.

Conclusion. Liberalism raised the ideas of both the spread of state power and the restriction of its functions. Although in the historical past these two movements (the fight against absolutism in the way of constitutional restriction of state power and the fight against state interference in the sphere of market economy and social relations) have not always taken place together, liberalism has found its place in opposing absolute and maximum states.

This concept goes back to the classical doctrine that the rule of law should be a priority in relation to the management of people. Even in those times when independent rulers were not under the limitations of their laws, but under the restriction of divine or natural (fundamental right of the kingdom) laws, this doctrine remained. The Liberal doctrine went further. It presupposes the subordination of state authorities of various levels to the legislation of the country not only (purely formal restriction of power), but also to certain basic norms and principles, the laws themselves of which are recorded in the Constitution and are dahlless.

If we look at democracy not as an equalizing ideal, but as some kind of formula in the form of people's independence, then democracy becomes its natural development, not only comparable to liberalism. The only way that the type of power can turn into reality is the recognition of civil law by as many citizens as possible in order to directly or indirectly participate in the resolution of political decisions. In other words, it is the recognition of the expansion of political rights as much as possible: limited only by age (age of maturity), universal suffrage for men and women. Universal suffrage does not contradict the basic ideas of liberalism (ideas of a legal state and a minimum state).

The Constitution of the Republic of Uzbekistan is the basis of the constitutional division of state power in the country, the guarantee of the rights of citizens. Even according to liberalism, constitutional mechanisms should serve as guarantees of personal freedom. Individual freedoms are guaranteed not only by the constitutional mechanisms of the legal state, but also by reducing the functions of the state as much as possible, maintaining internal order within the country and security in External Relations (state – Night Guard concept). In the theory of liberalism, the concept of social control of power arises in the wake of the recognition of the need to limit state functions. Upon ustak restriction of state functions is an inevitable condition for social control of power. This is understandable in itself, since the minimum state under social control falls better than the maximum state.

List Of Literature:

1. Mirziyoev Sh.M. Erkin va farovon, demokratik O'zbekiston davlatini birgalikda barpo etamiz. –T.: O'zbekiston, 2016. –56 p.
2. Mirziyoev Sh.M. Buyuk kelajagimizni mard va olijanob xalqimiz bilan birga quramiz. –T.: O'zbekiston, 2017. –488 p.
3. Mirziyoev Sh.M. Qonun ustuvorligi va inson manfaatlarini ta'minlash - yurt taraqqiyoti va xalq farovonligining garovi. –T.: O'zbekiston, 2017. – 48 p.
4. Karimov I.A. Free and prosperous Motherland, free and prosperous life-our ultimate goal. T.8. - T.: Uzbekistan, 2000, 495-496 p.
5. Karimov I.A. Free and prosperous Motherland, free and prosperous life-our ultimate goal. T.8. - T.: Uzbekistan, 2000, 58 p.
6. Karimov I.A. Uzbekistan of the XXI century: threat, restoration of conditions and development are guaranteed. - T."Uzbekistan",1997. – 173 p.
7. Constitution Of The Republic Of Uzbekistan.- T: Uzbekistan, 2008. 5 p.
8. History of Political and Legal Doctrines. Edited by V.S. Nersesyants. - M.1998. 324 p.

9. Rashidova S. Legal education and the legal state ensured human rights, ensuring that it would have a qualitative value // legal integrity 3 / 2007, 9 p.
10. Constitution Of The Republic Of Uzbekistan.- T.: Uzbekistan, 2019. 6 p.
11. Rashidova S. Civil society and the legal state as one of the conditions that ensure human rights // civil society 3 / 2007, 9 p.
12. National Encyclopedia of Uzbekistan. Volume 9.- T.: State National publishing house. 2005, 350 p.
13. Rashidova S. Civil society and the legal state as one of the conditions that ensure human rights // civil society 3 / 2007, 9 p.
14. National Encyclopedia of Uzbekistan. Volume 9.- T.: State National publishing house. 2005, 350 p.
15. Falsafa asoslari. - Toshkent: O'zbekiston, 2005.-382 p.
16. Raximova D.N. Upravlenie processami razvitiya i ispolzovaniya trudovogo potentsiala Uzbekistana v usloviyax osutshestvleniya radikalnix rinochnix reform. Dissertasiya na soiskanie uchyonix stepeni doktora ekonomicheskix nauk. -T.: 2000. -267 p
17. Saidov A.X., Tadjikhanov U.T. Theory of state and law. – T., 2001. – 238 p.
18. Kumar K. Civil Society. – M., 1994. – 21 p.
19. Islamov Z.M. Society. State. Right. T.2. – T., 1998. – 320 p.
20. Rakhimov F.X. Responsibility of state bodies in ensuring constitutional rights.– T., 2001.– 8 p.
21. Adilgariev X.T., Isibnazarov Sh.G'. Political culture. –T., 2004. – 282 p.
22. Adilgariev X.T. Constitution and civil society. –T., 2002. – 172 p.