



## ENSURING THE RULE OF LAW IS AN IMPORTANT CONDITION FOR THE FORMATION OF CIVIL SOCIETY

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**Abstract:** It is known that everything in the universe is based on certain laws of nature, society and human development. Humans, in turn, discover these laws and try to use them for development. Therefore, an important condition for a person to always move forward is related to how well he knows the laws and thereby can properly control his actions. This article provides a philosophical interpretation of the concept of the rule of law and crime and punishment.

**Keywords:** society, justice, law, crime, punishment, social protection, human interests.

Issues such as movement, change, transition from one state to another, development, relationship and interaction between them have been the cause of various debates and disputes among thinkers, scientists, and philosophers since ancient times. was. Because without having a clear knowledge about them, it is difficult to have a scientific vision of the world and its development, the source of development, driving forces and, most importantly, the future. All surrounding things, from the smallest particles to the earth, the Sun, the Universe, including human society, are always in motion, change and development. There is an eternal interdependence, interaction and connection between them. No movement or change in the universe happens by itself. We say that the movement, change and development of things and events are based on connection and connection between them, influence and counter-effect. Of course, not every connection in the world will lead to development.

Crime is nothing more than the attitude of people who, because of their indifference, make their existing situation worse. In the opinion of the ancient philosophers, a directly important solution to the prevention of crime was shown, that is, "it is better to prevent crimes than to punish them." Crimes actually occur as a result of people's living conditions, first of all, their socio-economic status, the division of society into two strata, the rich and the poor. And therefore, any punishment, no matter how severe, cannot curb deviant behavior.

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A number of classical thoughts on the philosophical analysis of socio-legal relations that cause crime and punishment can be found in the philosophical teachings of the ancient world. In particular, during this historical period, the members of the association known as the Seven Sages developed ideas about the relationship of justice and law in society. What they said about the need to observe standards and moderation in all actions and actions is important in

deepening our rational theoretical ideas about the objective character of legal norms regulating human behavior [1, 400-401]. One of the leading exponents of the union of seven sages, Thales emphasizes that it is the duty of each individual to observe the general norm of human relations. In his opinion, don't do the same thing that you do when others do it!" [1, 400-401 - says Fales.

Democritus is the author of many ideas about nature, human life and its essence, law and state. In his views on the state, law and ethics, Democritus promotes the ideas of natural law. Human happiness is his "good mental state". Democritus opposed the determinism of nature and the application of its mechanistic laws to living beings and, in particular, to human life. Democritus considers the human soul and mind to be the same thing. The difference between dead and living nature consists of two things: the first is movement, and the second is perception. The soul is the driving force of a living being.

Man cannot exist outside of nature, but is inextricably linked with it. But according to Democritus, "nature-human" and "human-human" relations are fundamentally different from each other. Therefore, even if breaking the laws of society, i.e., legal and moral laws, in some cases may deviate from the laws of society, a person cannot deviate from the laws of nature.

Although Democritus' attitude to the concepts of law and law was not very consistent at the initial stage of his career, he described law as a general expression of human existence and divided human actions and practical activities into good and bad, just and unjust types. According to Democritus, a good person is , not only not to be unfair, but also not to show this injustice to other people. And justice is "fulfilling one's duty", and injustice is "not fulfilling one's duty, refusing to fulfill one's duty" [2, 214-220]. Democritus put forward a number of ideas against violence and coercion in general. In order for people to live well, they must obey the law. "Whoever obeys the law, it will have a positive effect on him." Democritus puts the interests of the state above the interests of the few and tries to find new forms of further improvement of state management. In particular, according to his instructions, he believes that force should not be used against justice based on his personal interests in this process. Based on this, Democritus defines the concept of politics and considers it the art of state management and says that this art is the highest art among all arts. Because the main task of politics is to ensure stability and harmony in society, to prevent enmity, violence, and wars.

According to Protagoras, the state and laws are not the gift of nature, but the product of human intelligence and discovery. The issue of naturalness and artificiality, their interaction, is one of the main issues in his views on the state and law. In the concept of artificiality, he includes philosophical and legal phenomena such as the state, law, and political system, and considers them to be a product of human knowledge, a sign of his supreme achievement and superiority of man over other natural phenomena [1, 406].

The category of justice is a concept related to natural law. But natural law is different from a set of officially accepted rules and law. The concept of justice has a stable and unchanging basis, change is only a phenomenon related to one or another perception of justice.

In the new era, the French philosopher S. Monteskyu, in his book "The Spirit of Law", wrote: "a good legislator should not think about punishing crime, but about preventing crime: to improve morals before punishing them." it is important to do more»[3]. So, the mechanism of punishment for the crime and views on its burning began to take shape in the Middle Ages.

In the philosophy of Hegel, a great representative of German classical philosophy, the system of "crime punishment" occupies a special place. According to his instruction, the elimination

of the crime by means of punishment ultimately leads to the material concretization of the concept of law and, in particular, to issues of morality and decency.

Abstract law and morality are two concepts related to each other, and its transformation into reality directly depends on the objectification of the concept of freedom in society in the form of family, civil society and the state. In Hegel's philosophy of law, the concepts of civil society and political state differ from each other. When Hegel says civil society, he means first of all the society he lived and created. Civil society is a system of satisfying private interests and needs of an individual.

## CONCLUSION

In short, criminal punishment is an educational measure against persons who have not fulfilled the requirements of the criminal law and violated it. Punishments assigned to criminal acts, first of all, depending on the organizational system of society and the state, historically formed criminal-legal theories and teachings, motives, dynamics of crime, its purpose has been different in different periods. Let's say that in ancient times, it was hunger, compensation for the damage caused, sometimes physical loss, in the Middle Ages compensation for the damage caused, threatening and warning other members of the society with the threat of punishment, separation from the society.

The purpose of the punishment is to humiliate the person and dignity of the criminal, not to starve him or physically harm him, but to compensate for the damage caused, to correct the morals of the person who committed the crime, and to prevent crimes that may be committed in the future [4, 13]. Therefore, the fight against crime has always been considered a serious and important issue of the state.

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