SCIENTIFIC AND THEORETICAL ASPECTS OF THE CONCEPT OF HUMAN RIGHTS PROTECTION

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Abstract: This article discusses the protection of human rights, thoroughly examines the opinions of legal scholars who have conducted scientific research in this area, and presents proposals and recommendations developed by the author.

Keywords: Human dignity, freedom, equality, society, natural rights.

The concept of human rights protection is the most important scientific and legal concept formed during the development of society. This concept, aimed at protecting human dignity, freedom, and equality, is grounded not only in legal but also in the system of spiritual values. Its essence is based on the interrelationship between natural human rights and state legislation, which serves to ensure stability and justice in society. Human rights are founded on various theoretical approaches, such as natural rights theory, legal positivism, social contract theory, universalism, and relativism. These define the scientific and theoretical foundations of the relationship between individuals and the state, and the interdependence of individuals and society. The scientific views of John Locke, Jean-Jacques Rousseau, Thomas Hobbes, and other thinkers have played an important role in the development of the concept of human rights[1].

In modern jurisprudence, human rights are regarded as universal values that ensure not only personal freedoms but also social cohesion. To strengthen stable relations between the state and society, it is crucial to protect these rights within the framework of the law, study them from a scientific and theoretical perspective, and incorporate them into national legislation. Human rights are aimed at protecting human dignity, freedom, and equality, and are based not only on legal but also on moral values. Human rights apply equally to all people, regardless of race, sex, language, religion, or social origin. They define the fundamental principles of stable relations between individuals and society.

The concept of human rights is based on various theoretical foundations. According to the theory of natural rights, human rights are inherent to human existence. Thinkers such as John Locke and Jean-Jacques Rousseau[2] emphasized human rights, such as the right to life, liberty, and property, as inalienable rights granted by nature. A crucial aspect of this theory is that human rights are not created by the state; rather, the state's role is to protect these rights. The theory of legal positivism emphasizes that human rights are enshrined in state legislation. According to this approach, rights and obligations are clearly defined by state laws. Jeremy Bentham and Hans Kelsen[3] are among the founders of this theory, who focused on the clarity of the legal system and the importance of the rule of law.

Views between universalism and relativism also play an important role in understanding the concept of human rights. Universalism emphasizes that human rights should apply equally to all people. Relativism, however, believes that the historical, cultural, and social characteristics of each society should be taken into account. The conflict between

these two approaches raises pressing issues in the protection of international human rights. Also, the theory of the social contract has had a great influence on the formation of human rights. According to this theory, there is a "contract" between the state and citizens, and the state is responsible for protecting the rights of citizens. Jean-Jacques Rousseau, Thomas Hobbes[4], and John Locke developed this theory and contributed to establishing the basic principles of the relationship between the state and society.

The concept of human rights is based on universal and inalienable principles. Basic principles, such as universality, equality, indivisibility, and inviolability, provide for ensuring the personal dignity and freedom of each person. These rights serve to ensure not only personal freedom, but also social stability and justice. Therefore, the concept of human rights and its theoretical foundations are a solid foundation for cooperation between states, society, and the international community. Their in-depth study from a scientific and theoretical point of view and practical application are important not only for the protection of human rights, but also for ensuring justice and peace in society.

The concept of human rights is the basis for protecting the natural value and personal inviolability of a person, a concept that determines his place in society. It was formed as a result of various social, political, and philosophical processes throughout history and is recognized as the main value of modern civilization. In our opinion, the concept of human rights embodies mature legal, spiritual, and social principles for the sustainable development of society.

John Locke considers human rights as innate and inalienable rights, emphasizing that they include life, freedom, and property. In his opinion, these rights stem from the laws of nature, and no state or authority can take them away from a person. In our view, Locke's concept of human rights has a solid foundation. However, including property rights among innate rights may contradict the principles of social justice, since this right depends on a person's economic capabilities. As natural rights, we recognize life, freedom, and personal inviolability, which must be equal for all.

Karpov and his followers link the emergence of human rights in primitive societies to the "law of survival." They argue that rights originally served to protect power and collective interests.[5] Recognizing this point, we believe it is necessary to take into account the spiritual foundations of human rights. Even in primitive societies, customs and rules were aimed at protecting human dignity.

Rousseau links human rights to the concept of the contract of society. In his opinion, a person should renounce personal freedom and live for the common interests of society. While this approach ensures social cohesion, it can lead to limitations on personal rights. In our opinion, it is important to maintain a balance between the interests of society and the individual. After all, a stable society cannot exist without a free individual.

The modern legal foundations of human rights are enshrined in the French Declaration of 1789. It puts forward the idea that "everyone is born equal and free." This document became a historic step in ensuring the legal protection of human rights. However, the implementation of the principles of the declaration is not equally ensured in all societies. We believe that it is necessary to develop more effective implementation mechanisms to strengthen the ideas of the declaration at the international level.

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The inequality between citizens and plebeians (the common people) in ancient Rome indicates the limitations of the concept of human rights[10]. However, it was during this period that the concept of a person's position in the state was formed. Modern concepts developed from ancient ideologies, especially the idea of civil and personal freedoms.

Philosophers of antiquity, such as Socrates, Plato, and Aristotle, were the first to propose the idea of human rights. They believed that the main criterion of an ideal state is the observance of human rights. However, legal inequality persisted during this period, as rights mainly pertained to certain classes or strata. Institutions, such as slavery, restricted the idea of human rights.

In the Middle Ages, the idea of human rights was connected with the position of the individual in a class or social group. During this period, rights and freedoms were granted on a hierarchical basis. Christianity, considering labor as an important means of personal development, contributed to the enhancement of the value of the individual[11].

During the Renaissance, the individual began to be considered as a subject of rights, regardless of social, religious, and sexual affiliation. One of the first recognized human rights was freedom of religion. These were the first steps in the right to make personal decisions.

Thus, in historical processes, human rights are divided into three generations:

first generation, these are personal and political rights (freedom of thought, freedom of belief, the right to life);

second generation, these are economic and social rights (to work, to receive education);

third generation, these are collective rights (environment, the right to self-determination);

The fourth generation of human rights is emerging as a response to the new social, technological, and environmental challenges of the 21st century. These generational rights require recognition of humans not only as individuals but also as biological species. This concept encompasses the rights that unite humanity and aim to protect universal human interests.

Modern concepts of human rights are reflected in several cultural and civilizational models. According to it, in the Western model, individual freedom and state intervention are protected, in the Islamic model, the integration of religion and personality based on Sharia law is important, in the Chinese model, social solidarity based on Confucianism plays a key role[12], in the Hindu model, personal and social duties are harmonized based on spiritual concepts such as "karma" and "dharma"[13], in the modern model, attention is focused on the relationship between the state and the individual.

Thus, human rights are a factor that ensures not only the social status of the individual or their relationship with the state, but also the strengthening of universal human values. The protection of rights determines the cultural, economic, and political stability of society. In the modern world, human rights are important as an indicator of the development of the state and a criterion of the moral stability of society.

The concept of human rights is based on the existence of man, his place in society, and his role in responding to global problems. This concept arose in conjunction with historical, cultural, and philosophical aspects and has been analyzed by modern legal scholars from various perspectives. Each scholar has put forward unique ideas in this area, which serve a deeper understanding of the concept of human rights.

For example, the Russian legal scholar F.M. Rudinsky emphasizes the universality of human rights. In his opinion, the rights of every person are an integral part of the individual and cannot be taken away under any circumstances. But these rights are not only a mirror of personal freedom, but also the basis of collective protection against global threats. In his opinion, human rights are a means of overcoming such devastating threats to humanity as a nuclear catastrophe, an environmental crisis, and international crime[14]. This idea calls for viewing human rights as a universal value, moving beyond the level of the individual. The idea of universality emphasizes the universal moral and social functions of human rights. We believe that Rudinsky's approach shows that human rights are mechanisms for protecting not only the individual, but also society as a whole.

Another scholar, L. I. Glukhareva, proposes three scientific models for a deeper study of human rights[15]:

The classical model was formed during the modernization processes. This model reflects the role of human rights in the formation of anthropogenic civilization.

The non-classical model recognizes the validity of various theories and demonstrates multifaceted approaches to human rights.

The post-non-classical model is based on the social and intellectual acceptance of human rights, rather than their development in real life[16].

Gluxareva emphasizes the need to take into account various cultural, social, and philosophical factors of society for a deep analysis of human rights. These models help to understand the concept of human rights from both historical and contemporary perspectives.

One of the specialists in the theory of law, A.A. Yunusov, considers human rights as a high moral and ethical concept. In his opinion, human rights begin with a person's self-respect and understanding of others. Their role in society manifests itself not only as a legal, but also as a cultural value[17]. According to Yunusov, human rights are seen as the basis for maintaining peace and harmony in multinational and multi-religious societies. A person's self-awareness and respectful attitude towards others contribute to the moral protection of human rights.

At the same time, legal scholar O.I.Tiunov views human rights as opportunities guaranteed by the state. He emphasized that human rights encompass the possibilities of action defined by law. This approach strengthens the legal aspect of human rights. However, Tiunov's approach covers less of the ethical and social aspects of human rights. Although this idea is important in the application of human rights in legal protection, it should be combined with moral and cultural concepts.

Academician A.Kh.Saidov is one of the scholars who deeply analyzed the scientific and practical approaches to the concept of human rights, and his views on human rights are of particular importance from the point of view of international law, statehood, and cultural diversity. His main ideas are aimed at harmonizing the universal and national characteristics of human rights. According to Saidov, human rights reflect universal values that exist in all societies. He considers human rights enshrined in international standards and declarations as universal human norms. He emphasized that human rights are universal values that should be equally observed in all nations and cultures[18]. This idea is important for the harmonization of human rights in the processes of globalization. However, emphasis on universality also requires consideration of the cultural and religious specifics of communities. Moreover, A.Kh.Saidov recognizes the national and cultural variability of human rights. He emphasized

that each state, based on its historical, cultural, and social conditions, can create mechanisms for ensuring human rights. For example, in the context of Uzbekistan, national values, religious traditions, and the characteristics of a multinational society are one of the main factors in the implementation of the concept of human rights. This approach is important in protecting the sovereignty of national states. However, a serious balance is necessary in harmonizing universal human rights standards with national characteristics. Thus, it is once again confirmed that human rights are not only a complex of personal freedoms, but also an important tool for the cultural and social development of society. As universal human values, they will continue to be the basis for ensuring the stability and development of society in the future.

If we dwell on the emergence of ideas about human rights and the formation of ideas about the value of the human personality, then the concept of human rights has gone through a long historical path of humanity and today has become an integral part of the development of society. For the first time, the notion of valuing a person's personality arose in response to threats encountered by a person throughout their life. Based on the laws of nature, people began to understand their rights and obligations, and this process took shape during the period of matriarchal and patriarchal societies.

If in the patriarchal system the existence of the family, the rights and obligations between its members became the basis of social relations, then in the matriarchal period the fulfillment of rights and obligations by individuals living in pairs was a natural process. But this was not a consciously formed process, but a process inspired by life itself[19]. Throughout the historical development of human rights, society has deeply understood the importance of such principles as justice, freedom, equality, and humanism. Documents such as the French Declaration and the US Constitution served as the first enshrined examples of human rights. The Universal Declaration of Human Rights, adopted in 1948, became an international symbol of recognition of the dignity of the individual. It establishes the right of a person to live freely, on the basis of justice and peace.

In the second half of the 20th century, human rights were recognized at the international level, and a number of UN documents aimed at humanism were adopted. In this process, the issue of guaranteeing fundamental rights in the relationship between the individual and the state occupies a special place. Legislative acts adopted by states began to play a key role in the protection of human rights

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Large-scale reforms in the field of human rights are also being carried out in Uzbekistan. A legal framework corresponding to national legislation and international standards has been created, and institutional mechanisms ensuring human rights have been created. The State is consistently continuing its efforts aimed at forming civil society and deepening democratic reforms.

Every generation must continue its efforts to protect human rights, because human rights are a guarantee of the stability and development of society. Human rights are enshrined not only in laws, but also in the spiritual, moral, and cultural foundations of society. They embody the highest values of humanity and serve to protect the freedom, dignity, and security of every individual

The formation of the concept of human rights is a long and complex process closely related to the social, economic, and political development of humanity. In each period, ideas about the legal status of a person evolved in accordance with the requirements and possibilities of their time. A step-by-step review of this historical process will help to understand the important events in the development and strengthening of human rights.

The earliest concepts of human rights are found in ancient societies, in particular, in the inscriptions of the "Avesta" or Sogdian documents. In these periods, rights were class-based, and different legal norms were applied to different segments of society. For example, the legal status of free individuals and slaves differed significantly. Also, family and marriage norms were formed in those times, on the basis of which the rights and obligations of members of society were determined.

In the Middle Ages, the ideas of human rights developed on the basis of religion, philosophy, and jurisprudence. During this period, the ideas of rights were enriched with the concept of natural law, but in practice they were rarely universally recognized. Clerical authors and philosophers tried to explain human dignity and human rights on a philosophical basis.

The "Great Charter of Liberty" adopted in 1215 and the "Declaration of Rights" adopted in 1689 played an important role in the development of the idea of human rights. The "Declaration of the Rights of Man and of the Citizen," proclaimed in 1789 in France, was of historical significance, recognizing such rights as freedom, property, and resistance to discrimination.

The Universal Declaration of Human Rights, adopted in 1948, became the main step towards the global protection of human rights. It enshrines natural and inalienable human rights, in particular, the rights to life, freedom, security, and justice. This declaration served as the basis for subsequent international treaties, including international pacts. In the modern world, human rights are facing new challenges. Globalization, environmental crises, threats of terrorism, and limited natural resources require new approaches in the field of human rights. Today, international cooperation in the field of human rights is being strengthened, and its universal system is being formed. In this context, the development of human rights is the history of humanity's continuous movement towards legal consciousness and social equality. Each stage brought new approaches aimed at ensuring human dignity, freedom, and protection. This evolution serves as a solid legal basis for the protection of human rights in modern society.

In conclusion, it should be noted that the concept of human rights protection serves as the main legal and spiritual foundation for ensuring justice, freedom, and equality in society. Its scientific and theoretical aspects determine the balance between the natural rights of the individual and state legislation. While natural rights serve as the basis for protecting human dignity, the state's legal system plays an important role in ensuring these rights in practical life.

The concept of human rights is generally accepted on a global scale, but it must be applied in accordance with national cultures and traditions. An important task is the elimination of contradictions between legal universalism and relativism, the development of the concept of human rights in harmony with global and local interests. Therefore, a deeper study and practical application of the historical and theoretical foundations of human rights is relevant not only for the protection of human dignity, but also for ensuring stability and justice in society.

Classification of human rights by type is important in determining the most effective mechanisms for their implementation. Natural rights constitute such inalienable human rights as life, liberty, security, which are realized only through the stability of society. The rights granted by the state include such areas as education, healthcare, and social protection. In

addition, there are rights acquired through personal actions, which depend on the individual's labor and initiative. In Uzbekistan, it is necessary to develop special educational programs and training materials aimed at classifying types of human rights. Through this, the population will understand their rights and learn how to use them. For example, for the development of the right to education guaranteed by the state, it is necessary to widely use information technologies. The dissemination of legal knowledge through online educational platforms in rural areas will be effective. It is also necessary to analyze the problems in the implementation of natural and state-issued rights and develop mechanisms for their elimination. Such an approach creates the basis for the development of human rights in various directions.

Human rights sometimes may not depend on state support. For example, there are rights that a person acquires through their own labor or initiative. New mechanisms for the development of such rights should be introduced in Uzbekistan. For this, for example, it is possible to create programs to support personal initiatives in the field of entrepreneurship. In addition, it is necessary to create additional conditions for the realization of natural rights. For example, to ensure environmental rights, it is necessary to specify land use rights in legislation and protect personal initiatives in this area. The protection of cultural heritage sites such as Bukhara and Khiva should be combined with the personal efforts of citizens. In this process, the state can only act as an assistant. It is also recommended to use international experience in developing the legal and practical foundations of rights without state support. As a result, a system will be created where individuals can independently protect their rights.

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