



## MORALITY AS THE MAIN CATEGORY OF CRIMINAL PROCEDURE LAW, ITS PHILOSOPHICAL AND LEGAL DEFINITION AND ESSENCE

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**Annotation** This article is devoted to the philosophical and legal definition and essence of morality as the main category of criminal procedure law. The article analyzes the role of morality in criminal procedure law, its theoretical and practical significance. The philosophical foundations of morality, its connection with legal norms, and its role in criminal proceedings are examined. The peculiarities of the application of moral principles in the judicial and legal system and their influence on ensuring a fair trial are also discussed. The article puts forward proposals aimed at revealing the importance of morality in criminal procedure law and improving its practical application.

**Keywords:** criminal procedure law, morality, philosophical and legal definition, essence, justice, judicial system, moral principles, legal norms.

Speaking about a wise person, Al-Farabi writes: "A wise person is one who is virtuous, sharp-minded, devoted to useful work, possesses great talent for discovering and inventing necessary things, and abstains from evil deeds. Such people are called wise. Those who possess intelligence to invent evil deeds cannot be called intelligent; they should be called cunning and deceitful." [1].

In the spiritual life of a person, Al-Farabi pays attention to two aspects of a person: intellect and morality (behavior). In his opinion, education and upbringing should be aimed at raising a person as a mature and perfect person, both intellectually and morally.

Therefore, the sole task of education and upbringing is to prepare an ideal person who fully meets the requirements of society and serves to maintain its integrity, peace, and prosperity. These ideas are more clearly expressed in the scholar's treatises "Thoughts of the Ideal City Population Science" and "On Achieving Happiness" [2].

In turn, "Timur's Code" contained a number of political, legal, military, and moral ideas and norms, such as methods of governance, rules for organizing the army, and various military styles that must be implemented in wars. It is no coincidence that the renowned Russian scholar D. Logofet, having studied "Temur's Code," gave it high praise, calling it the Constitutional Code, created in Turkestan 500 years before Europe, in other words, the Constitution of Amir Timur's empire. At the center of the "Temur's Code" is the human being and upholding their dignity. In this sense, in the legal views of Sahibkiran, first of all, the system of affairs of the country is of particular importance.

In particular, in Amir Timur's system of governance, *"I also did good to the good people of every country, and I expelled the greedy, corrupt, and immoral people from my country..... I opened the doors of justice in every country, blocking the path of oppression and tyranny. To the governors of the provinces, who voluntarily submitted to me, I subjugated the government of that land, and I valued them with gifts and charity, subjugating them to myself. I punished those*

who disobeyed according to their deeds. I appointed just, wise, and resourceful people as their governors" can be cited as an example.[\[4\]](#). From this it is evident that Amir Timur adhered to the principles of justice and the rule of law in the sphere of law and order, the inevitability of punishment for committed crimes.[\[5\]](#).

Furthermore, in "Temur's Code of Laws," when discussing viziers, possessors of wisdom and virtue worthy of the people's dreams, the author of "Siyasatnama," Nizamulmulk, is shown with special affection and exemplary in every respect.[\[6\]](#). Such ministers, who are "masters of sword and pen," are called upon to be honored and valued. This is because the issues of organizing state affairs and the legal foundations of statehood constitute the main content of the "Policy."

The main ideas of "Siyasatnama" also consist of the fact that vizier Nizamulmulk calls upon kings and rulers to be just, peaceful, and benevolent, to govern the state wisely and establish strict rules and order, to call upon officials to be conscientious, pure, honest, and faithful, and to work to ensure the prosperity of the country, the well-being of its people, peace, and harmony.[\[7\]](#). The work also reflects aspects that lead to human perfection. In particular, "A person's perfection and intelligence lie in their lack of anger. If he is angry, he must overcome the anger of his mind, not the cause of his anger"[\[8\]](#).

In the West, various views on the moral nature of man have been formed, and in essence, they can be divided into two directions. In particular, the first group (N. Machiavelli, T. Hobbes) is based on the idea that human nature is initially corrupt and evil; the second group (T. More, J.J. Rousseau) believes that morality is initially good and later changes in a negative direction over time. This raises the question for contemporary philosophers: how can morality, being the property of the individual, at the same time be a universally binding social organizing force? Discussing ethical issues, one of the greatest philosophers of our time, T. Hobbes, wrote that morality (along with politics and religion) is a purposeful agreement, a contract between people, containing a strong social charge, which is critically directed against ideologized mass fetishes.

Another famous philosopher of the modern era, the French pedagogue J.J. Rousseau, linked etiquette and morality with politics, the social system, and the central problem of his philosophy was the question of the nature of the government system capable of creating the most virtuous, enlightened, and wise people, that is, the best people[\[9\]](#). J.J. Rousseau also believed that morality reflects inner harmony and a sense of sociality.

It should be noted that this issue did not go unnoticed by representatives of 19th-century classical philosophy. In particular, according to I. Kant, the basis of morality is the observance of human duty, independent of religious ideas. Hegel, in turn, tried to reveal the differences between the concepts of "morality" and "manner." According to him, "manner" is a relatively broad category, which includes not only the general aspects of morality in terms of content, but also the content orientation of will, the processes of evaluating good or bad morality. Furthermore, in his work "Philosophy of Law," he wrote that law and etiquette do not arise spontaneously, and both must have a moral basis. He emphasized that the division of morality itself into three stages - family, civil society, and the state - and the synthesis of law and morality - is the highest stage in the development of the idea of free will.[\[11\]](#).

I. Kant and H. Hegel's approaches to questioning and even criticizing etiquette further enriched philosophical views on etiquette and morality, causing qualitative changes in this regard. Under the influence of these views, the relatively free and open theoretical views of

Karl Marx and Friedrich Nietzsche on etiquette began to take shape. In particular, K. Marx considers etiquette only in the context of his doctrine of the transition from a class-based antagonistic structure of society to a classless structure. That is, according to him, etiquette is a corrupt form of consciousness, which the ruling classes instill based on their specific egoistic interests and serves as a tool for enslaving workers spiritually. For F. Nietzsche, etiquette is the main subject of philosophical interest. He considers etiquette the greatest lie, seeing in it the expression of slave consciousness, the dissatisfaction of the weak, their weak evil. In his opinion, etiquette is the self-poisoning of the soul, self-deception, intended to hide weakness, inability to act, struggle for truth[12].

Thus, each period of human civilization has its own unique ideas and moral principles. However, despite the enormous difference in time, scholars of different eras described morality from very similar positions and experiencing different historical periods, but the essence of its understanding remained almost unchanged. Although the identification of the concepts of etiquette and morality can be found in legal literature, in our opinion, these are still interconnected categories. Morality is inseparable from the individual, and the individual acts through a system of rules and norms that evaluate their actions. Moreover, in our opinion, morality, in essence, does not represent the interests of a certain circle of people. It is an aspect of an individual, regardless of belonging to any social group, nationality, profession, or other characteristics. Etiquette, in turn, is the concept of morality of society in a certain historical period, which can be understood differently depending on social formation. Morality is always applied in a positive sense, and etiquette, if unacceptable to a certain circle of people, can be a subject of condemnation for others. However, with some differences in the understanding of these terms, etiquette and morality always form the basis of any human relationship and are considered together.

Generalization of the existing forms of definitions of morality, proposed by scientists and philosophers of different eras, allows us to understand its main features, through which morality is directly connected with law. In our view, the connection between morality and law is primarily evident in the following: general legal principles, inner convictions guiding an individual's actions, conscience, the ability to distinguish good from evil, a sense of justice, and other aspects related to legal consciousness.

The category of morality is also quite firmly rooted in human relationships. Morality, in general, plays an important role in the formation of the state's legal system and influences the activities of its legal institutions. In literature, it is customary to write not about morality, but about the relationship between law and morality. This can be explained by the fact that morality is a category that reflects the characteristics of the individual, and etiquette is a concept of society. These conclusions emerge from L. Gumilovich's opinion that ethical norms are "an inexhaustible source of law, which, like life itself, never ends." What is now law is once only morality, and all morality tends to become law"; right is morality that has "become law"[13].

Some scholars believe that etiquette takes precedence over law, and law always strives to catch up with it. For example, O.E. Leyst writes that etiquette, perhaps even more than law, often embodies the will and interests of the minority and serves the spiritual unification of society. Etiquette complements law and, in some sense, goes beyond it, providing moral comfort to the lower and middle strata of society[14]. According to M.N. Marchenko: "Law strengthens morality and protects it. The latter, in turn, supports the law. Law is considered

ethical, and ethics corresponds to law. "In history, law arises to compensate for the 'disproportionality of etiquette' manifested in the emergence of private property and political power"[\[15\]](#).

Thus, as a result of the development and complication of social relations in society and the intensification of mutual social tension, the need to form social life based on strong moral and legal foundations became apparent. Based on this need, Article 29, Part 2 of the Universal Declaration of Human Rights states: "Every person, when exercising his rights and freedoms, must comply with the restrictions established by law only in order to ensure adequate observance and respect for the rights and freedoms of others in a democratic society, and to satisfy the just requirements of morality, public order, and universal well-being." It is worth noting that this declaration improved the daily lives of millions of people, prevented unimaginable suffering, and laid the foundation for a just world. The time-tested nature of the Declaration, its moral norms guaranteeing equality, justice, and human dignity testify to its universal nature.

In addition, the UN Human Rights Committee puts forward a provision that the concept of morality is based on a multitude of social, philosophical, and religious traditions, and therefore, in order to protect morality, it should not be based on imposing restrictions on freedom of expression of religion or belief arising from principles stemming from only one tradition[\[17\]](#). Because an immoral and even punishable act in one country can be considered completely normal in another country.

In turn, the national legislation of the Republic of Uzbekistan pays special attention to the ethical aspects of law. In particular, according to Part 3 of the preamble of the Constitution of the Republic of Uzbekistan, the Constitution was adopted "considering our high responsibility to present and future generations in building a humane democratic state, an open and just society, where the human being, his life, freedom, honor and dignity are considered the highest value." Also, part 3 of Article 21 of this document states that "human rights and freedoms may be restricted only in accordance with the law and only to the extent necessary for the protection of the constitutional order, public health, public morality, the rights and freedoms of other persons, ensuring public safety and public order." These norms enshrined in the Constitution of the Republic of Uzbekistan once again confirm that morality is guaranteed by law and that both categories are interconnected issues.

Moreover, the important principle of legal protection of morality in the Constitution is reflected in all areas of national legislation and by-laws. The issue of protecting morality through legal norms is clearly reflected, first of all, in the norms of criminal law and criminal procedure law. In particular, one of the important tasks of criminal procedure legislation is the provision of the prompt and complete disclosure of crimes, a just punishment for every person who has committed a crime, and that no innocent person is brought to justice, which means the criteria of justice in criminal proceedings, and also serves to reveal the moral nature of this legislation. In this sense, according to Article 17 of the Criminal Procedure Code of the Republic of Uzbekistan, "a judge, prosecutor, investigator, and inquiry officer are obliged to respect the honor and dignity of persons participating in the case."

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