



## JUSTICE AS A FUNDAMENTAL LEGAL VALUE

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**Abstract:** This article examines justice as one of the fundamental legal values. The paper explores the historical and philosophical origins of the concept of justice, its relationship with other legal values — equality, freedom, and humanism — as well as its place within modern national and international law. Special attention is paid to the practical dimension of justice in law enforcement and to the prospects for its implementation in the context of legal reforms in the Republic of Uzbekistan.

**Keywords:** justice, legal values, rule of law, equality, legality, law and morality, law enforcement, Uzbekistan.

**INTRODUCTION.** Among the many categories constituting the subject matter of legal science, justice occupies a special place. This category simultaneously belongs to the spheres of law, morality, philosophy, and public consciousness. For this reason, thinkers, legislators, and legal scholars have continuously returned to it throughout history, seeking to define its nature, content, and role in society.

The relevance of this topic is determined by several circumstances. First, the ongoing processes of legal globalization raise the question of whether there are universal standards of justice recognised by all legal systems. Second, in the context of large-scale legal reforms in the Republic of Uzbekistan, the principle of justice acquires particular practical significance as a guideline for legislative and law enforcement activity. Third, the development of technology, the digital economy, and artificial intelligence gives rise to new questions concerning justice in areas that traditional law cannot always regulate comprehensively.

The purpose of this article is to provide a comprehensive theoretical and legal understanding of justice as a fundamental legal value by identifying its essence, structure, relationship with other value categories, and mechanisms for its implementation in positive law and legal practice.

### HISTORICAL AND PHILOSOPHICAL ORIGINS OF JUSTICE

The idea of justice has its roots in ancient times. In the cultures of the Ancient East, justice was often identified with divine world order: the Laws of Hammurabi in Mesopotamia, the concept of "Ma'at" in Ancient Egypt, and the doctrine of "Dharma" in the Indian legal tradition all testify that, even at the dawn of civilisation, humanity sought to embody the idea of correspondence between an act and its consequences, between law and moral duty.

Justice received its most comprehensive philosophical elaboration in ancient thought. In "The Republic," Plato viewed justice as the harmony of the three principles of the human soul — reason, will, and emotions — and applied this principle to the structure of the ideal state. According to Plato, justice consists in everyone fulfilling their own role without encroaching

upon the sphere of others. Aristotle, developing this idea, distinguished between distributive justice (rewarding each person proportionally to their merits) and corrective justice (restoring violated equality in exchange relations). This distinction remained the methodological basis for the analysis of legal justice for centuries.

During the Middle Ages, the concept of justice developed within the framework of Christian theology. Thomas Aquinas viewed justice as the constant and unwavering will to render to each person what is due to them, placing it within the hierarchy of virtues and linking it with natural law as a reflection of divine design. In Islamic legal thought, the principle of justice ("adl") occupies a central place in the theory of Sharia, serving as one of the fundamental attributes of the Almighty and therefore as a mandatory standard for the legal order.

The Enlightenment era was marked by the secularisation of the concept of justice. Locke, Rousseau, and Kant linked it with the concepts of natural human rights, the social contract, and the categorical imperative. According to Kantian ethics, justice requires respect for the dignity of every person as an end in themselves rather than as a means. In the twentieth century, the theory of justice gained new momentum in the works of John Rawls, who in "A Theory of Justice" (1971) substantiated two principles of a just social order: the principle of equal basic liberties and the difference principle, which permits inequality only insofar as it benefits the least advantaged members of society.

## JUSTICE AND OTHER LEGAL VALUES

Legal values constitute a system of guidelines determining the content and direction of legal activity. Within this system, justice occupies one of the central places while remaining in constant interaction with other values — equality, freedom, legality, humanism, and expediency.

The relationship between justice and equality is complex. On the one hand, equality before the law is an indispensable condition of a just legal order. On the other hand, formal equality is not always just in itself: identical treatment of objectively unequal subjects produces actual inequality. This idea is reflected in the principles of non-discrimination and affirmative action enshrined in international human rights law. As Anatole France remarked ironically, the law — in its majestic equality — equally forbids the rich and the poor from sleeping under bridges, underscoring the insufficiency of purely formal equality.

The connection between justice and freedom is manifested in the fact that law is just only when it ensures conditions enabling individuals to realise their essential capabilities. At the same time, freedom without justice degenerates into the arbitrariness of the strong, whereas justice without freedom turns into coercive levelling that suppresses human initiative. In "Philosophy of Right," Hegel demonstrated that genuine freedom is possible only within a legal order imbued with moral content, including the principle of justice.

Legality and justice are likewise not identical, although they are closely interconnected. The positivist doctrine of law tends to identify justice with strict compliance with enacted law. However, the tragic experience of twentieth-century totalitarian regimes clearly demonstrated that laws themselves may be unjust. Hannah Arendt's concept of "radical evil" and Gustav Radbruch's concept of "statutory injustice" demonstrate that justice serves as a criterion for evaluating the law itself. The Nuremberg Trials established the principle that manifestly unjust

norms lose their legal force. This means that justice not only accompanies law but also sets its normative horizon.

### **STRUCTURE OF JUSTICE AS A LEGAL CATEGORY**

An analysis of doctrinal sources makes it possible to distinguish several aspects of justice as a legal category.

Procedural justice presupposes compliance with proper procedures in the adoption of legal decisions: the right to be heard, judicial impartiality, reasoned decisions, and the possibility of appeal. This aspect has been developed in the doctrine of due process of law in Anglo-American legal systems, as well as in the standards of fair trial established in Article 14 of the 1966 International Covenant on Civil and Political Rights and Article 6 of the European Convention on Human Rights.

Distributive justice concerns the allocation of benefits, duties, and responsibilities within society. Complex questions arise regarding the criteria of distribution: contribution to the public good, needs, merits, or simply membership of the human community. Different legal systems and political philosophies offer different answers, thereby reflecting different understandings of a just social order.

Corrective (restorative) justice is aimed at eliminating the consequences of offences and restoring the violated balance of rights. This aspect is most directly embodied in the institutions of civil liability, compensation for damages, restitution, and the concept of restorative justice, which is increasingly being introduced into modern criminal justice systems.

Finally, intergenerational justice is a relatively new aspect associated with the obligations of the present generation toward future generations. This principle underlies environmental law and the concept of sustainable development enshrined in the United Nations 2030 Agenda.

### **JUSTICE IN THE LEGAL SYSTEM OF THE REPUBLIC OF UZBEKISTAN**

Within the legal system of the Republic of Uzbekistan, the principle of justice is embodied at several levels. The Constitution of the Republic of Uzbekistan, adopted in 1992 and substantially revised in 2023, proclaims Uzbekistan to be a legal, democratic, and social state in which the individual, their rights, and freedoms are the highest value. By its nature, this constitutional provision constitutes a normative consolidation of the principle of justice: the state exists for the individual, not the reverse.

In criminal law, the principle of justice is directly enshrined: the Criminal Code of the Republic of Uzbekistan establishes that punishment must be just, meaning proportionate to the gravity of the offence and the personality of the offender. In civil law, justice is implemented through the principle of good faith, the prohibition of abuse of rights, and the obligation of courts to resolve disputes on the basis of a reasonable balance of the parties' interests.

The legal reforms of recent years in Uzbekistan demonstrate a consistent movement toward a just legal order. The liberalisation of criminal legislation, the decriminalisation of a number of acts, the widespread introduction of conciliation procedures and mediation, and the expansion of citizens' access to justice are all practical steps in this direction. Notably, the "Uzbekistan – 2030" Strategy identifies ensuring the rule of law and the legal protection of citizens as one of the priority directions of state development.



At the level of international law, the principle of justice permeates both customary international law (*ex aequo et bono*) and treaty norms. The Statute of the International Court of Justice directly provides for the possibility of resolving disputes on the basis of justice. In the law of treaties, the principle *pacta sunt servanda* also contains an element of justice: states are obliged to fulfil in good faith the obligations they have undertaken. In international criminal law, the principle of justice is embodied in the fair trial guarantees established in the Rome Statute of the International Criminal Court.

### IMPLEMENTATION OF JUSTICE IN LEGAL PRACTICE

The transition from an abstract principle to a concrete legal decision represents the most challenging aspect of implementing justice. A law enforcement official not only qualifies factual circumstances and applies the relevant legal norm but also engages in evaluative activity, within which the principle of justice plays a corrective and guiding role.

Judicial discretion is one of the principal instruments for implementing justice in legal practice. Legislation cannot encompass the full diversity of life situations, and the task of the court is to apply the legal norm in light of the specific circumstances of the case in such a way that the outcome is not only lawful but also just. At the same time, discretion does not mean arbitrariness: it is bounded by law, legal principles, and the requirement of reasoned judicial decisions.

Constitutional review constitutes another mechanism for embodying justice within the legal system. By verifying the conformity of laws with the constitution, the Constitutional Court evaluates them from the perspective of constitutional principles, including the principle of proportionality: a restriction of rights may be recognised as just only if it pursues a legitimate aim and is necessary in a democratic society. The Constitutional Court of the Republic of Uzbekistan, whose activity has intensified significantly in recent years, is likewise guided by these approaches.

The issue of access to justice is also of considerable importance: fair justice must be genuinely accessible to every citizen regardless of their financial position, social status, or place of residence. In this regard, the institutions of free legal aid, simplified proceedings for minor cases, and the development of electronic justice, which reduces the time and financial costs of participants in proceedings, are of particular significance.

### CONCLUSION

The analysis conducted makes it possible to formulate several conclusions. Justice is simultaneously the initial postulate and the ultimate guideline of legal regulation: without striving toward it, law loses its moral foundation and becomes a mechanism of coercion devoid of legitimacy. At the same time, justice is not a static category — its content is historically variable and culturally conditioned, requiring constant reconsideration in the dialogue between tradition and modernity.

The structural analysis of justice as a legal category reveals its multidimensional nature: it encompasses procedural, distributive, corrective, and intergenerational aspects, each of which is embodied in specific legal institutions and norms. Moreover, justice acts not merely as one legal principle among others, but as a criterion enabling the evaluation of law itself from a moral and legal perspective.



For the Republic of Uzbekistan, which is undergoing large-scale legal transformations, the principle of justice possesses particular strategic significance. Its consistent implementation in legislation, legal practice, and legal education is a necessary condition for the formation of a genuine rule-of-law state in which the individual truly occupies a central place. It is precisely in this humanistic dimension of justice that its enduring value for law and society lies.

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