

## **ISSUES OF THE SOCIAL STATE, JUSTICE AND LEGALITY IN THE POLITICAL AND LEGAL DOCTRINE OF THE EASTERN THINKERS**

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**Abstract.** The article analyzes the issue of forming a new scientific worldview facing the social sciences. The author scientifically studied the works of Eastern thinkers on the formation and development of views on society, state management, law. Emphasis is placed on the importance of concepts such as legal and social state, politics, democracy, legislation, and justice. The political and legal doctrines of Eastern scientists were further studied from the point of view of jurisprudence, and it was recommended to use them widely in the formation of a legal state and civil society.

**Keywords:** legal and social state, politics, democracy, legislation, justice

**Introduction.** In the process of determining and implementing the priority directions of building a legal state and civil society in our country, relying on historical, political and legal roots, new modern ideas and approaches are being formed. In other words, the development of conceptual bases of political and legal studies intended for the current and future stages of the development of statehood is becoming an urgent issue of jurisprudence and legal science. Naturally, an important component of this concept is the political and legal doctrines that have been formed in Uzbekistan for many years. Therefore, at the current stage of the development of national statehood, the creative use of political and legal doctrines and the formation

of a methodology for their research is considered one of the urgent issues facing jurisprudence and legal science in our country.

The level of study of the problem. The political and legal doctrines of Eastern thinkers, especially their views on society and the state, their ideas and suggestions on state management, have attracted the attention of researchers, politicians, and figures for many years. The bibliographic studies, which give a general idea about their scope, can be a proof of our opinion. For example, Ibn Khallikon, Bayhaqi, Abu-l-Faraj, Sarakhsi, Burhanuddin Marginani, Davani, Koshifi created in foreign Western countries: K. Brokelman, E. Brown, KE Bosworth, G. Gibb, I. Goldzier, G. von Grünebaum, A. Mets, E.E. Rosenthal, F. Rosenthal, as well as Ahmed Mubarak al-Baghdadi from Eastern Arab scholars, V.V. Bartold, A.M.

Bahovuddinov, E.E. from orientalists. Bertels, S.N. Grigoryan, B.G. Gofurov, M.D. Dinorshoev, A.M. Johid, A.Kh. Kasimjanov, A.V.Sagadeev, S.Satibekova, L.R.Syukiyainen, A.B. Kholidov, G.B. Shaymuhambetova, in particular, the scientific works of Uzbek scientists I. Mominov, A. A. Semenov, S. P. Tolstov, M. M. Khairullaev, T. N. Qoriniyozov, A. Yakubovsky.

The third group of publications includes specific chapters on the topic. Ahmadjanov, H. Alikulov, H. Boboev, S. Jabbarov, A. Juzhonii, Z. Islamov, M. Ishakov, S. Ishakov, A. Ishanov, D. Karimov, L. Kashinskaya, N. Komilov, M. Komilov, A. Mansur, Z. Muqimov, Q. Nazarov, N. Obidova, R. Obidov, H. Odilkoriev, M. Rajabova, A. Rakhmanov, D. Rahimdjanov, A. Saidov, J. Tashkulov, U. Uvatov, Q. Umarova, A. Hasanov, M. Hasanov, Sh. Eshonova and B. Eshonjanov's textbooks, monographs, essays and other works can be included.

Research object: the views of Eastern thinkers about the state and law, their scientific activities related to the doctrines of the state and its management are listed.

The subject of the research: the political and legal doctrines of Eastern thinkers, the problems that arise during the study of their views, and the search for their solution.

The theoretical and methodological basis of the research. The theoretical-methodological basis of the research was dialectical, historical-legal, systematic, structural-functional, comparative-legal and other methods.

#### Discussion-Discussion

In order to build a model state and society in the future and to make mankind fully happy, the great ancestors specifically advocated the establishment of a perfect government, the establishment of special bodies, the appointment or election of officials, and the priority of justice and human interest in their work. This scientific

heritage of Eastern thinkers provides rich information about cultural and spiritual life, natural-scientific, social-political issues of the Middle Ages East. Interest in the scientific heritage of thinkers began from the time when they lived and created. Because they wrote their works in Arabic, which was considered a scientific literary language in Eastern countries at that time.

In particular, the works of Abu Nasr Farabi were translated into Latin, ancient Jewish, Persian languages, and later into other languages, and spread widely throughout the world in the 12th-13th centuries. Copies copied in recent centuries are kept in libraries and institutions of many countries.

Consequently, the development of political and legal views and philosophical thoughts created during the period of the Eastern Renaissance, i.e., the transition from the stagnation of medievalism to a new era, is a great contribution to the enrichment of human thinking. In fact, the Eastern Renaissance included a unique economic, social, political, cultural and scientific environment, so it is not for nothing that this period is called the "Renaissance". As a matter of fact, Pharoabi's state-legal teaching is significantly different from the teachings of Western European thinkers, both in terms of content and in terms of its main rules. For example, Pharoobi's scientific research methods were later used in the studies of Leonardo da Vinci and Galileo in Europe.

The ideas of an ideal state such as a virtuous city, a state, a mature cultural state, an enlightened state advanced by Farobi, Abu Rayhan Beruni, and Ibn Sina were later developed in the political views of medieval utopian theorists - Thomas More and Tomazzo Campanella.

It is worth noting that the political and legal views of the thinkers of the Eastern Renaissance period over a long historical period were similar to those of Western European thinkers, such as B. Spinoza, T. Hobbs, J. Locke, Sh. The views of Montesquieu, D. Diderot, P. Holbach, Voltaire, Gelvatsi were further developed and these views were the basis for the development of new doctrines of democracy and humanism.

According to the French researcher A. M. Guachon: "Issues of consciousness and faith in Ibn Sina's philosophical views constitute the main goal of Western scholasticism."

The concept of "social justice" in the political and legal views of Eastern Renaissance thinkers can be understood in two ways: if we analyze it from the point of view of political science: in the sense of political rights and freedom, if we approach it from the point of view of jurisprudence, it can be understood in the sense of the legal guarantee of the activity of the individual, society and the state.

In this respect, the political and legal doctrines of the thinkers of the Eastern Renaissance gained importance in the European Renaissance as an idea promoting the selfless service of each individual for the common good. The meaning of the phrase "general welfare" reflects the essence of the state in the form of a republican structure, based on the principles of equality and justice of citizens.

Accordingly, guarantees of mutual equality and justice should be expressed in the adopted laws.

In our opinion, it would not be a mistake to say that the ideas about the law and the improvement of legislation put forward in the legal views of Farabi were developed by the famous French thinker Francois Marie Arouet Voltaire and his contemporaries Charles Louis Montesque and Jean-Jacques Rousseau. In particular,

according to Voltaire, the limits of freedom are determined by laws. For this reason, the idea of "rule of law" is widespread in the West.

Along with freedom of speech, freedom of conscience, inviolability of property, Voltaire advocates freedom of labor. Because in the views of Farabi and Ibn Sina, it was noted that a member of society should have his favorite profession and have the right to freely choose a profession, Voltaire's views on freedom of labor were the peak of political and economic views in French society, a unique aspect of the new era. Voltaire was a supporter of the reform of feudal society and preferred an absolute monarchy in government. Also, in the East, the idea of an enlightened ruler can be seen in Voltaire's views on an enlightened monarch. According to Voltaire, if the monarch is enlightened, it is good for the society, so absolute monarchical rule is enlightened. The qualities that a ruler should have should not be limited to being enlightened. In order to rule the society justly, the ruler must understand the wishes of his classes and be kind. If we compare the political-legal views of Eastern Renaissance thinkers with the views of the French philosopher Jean-Jacques Rousseau: Eastern thinkers' thoughts about a virtuous city, a just state, and just government are concerned about the poor in Rousseau's political-legal views, the "natural state" of people, i.e. are in sync with the idea of glorifying an era when everyone is equal and free. For example, Rousseau condemns social inequality in his "Reflections on the Origin and Reasons of Inequality among Men" (1755). According to Rousseau, the main cause of inequality between people is private ownership of land.

Rousseau covers the topics of society, state and law from the point of view of people's sovereignty. As a continuation of Farabi's thoughts on the virtuous city and its management, Rousseau's "Social Contract" is a great contribution to the treasury

of world political and legal views. According to the author, the process of transformation of the state of the Civil society into a Political organism is completed with the union of the members of the society as a result of contractual relations. This political organism is the State. This union (association) as a whole - the people, when viewed separately - is a citizen participating in the supreme power, a class subject to the laws of the state. Also, Rousseau's ideas about law and legislation are noteworthy.

The views of Eastern Renaissance thinkers on society and the state were later reflected in the teachings of European scientists, including Montesquieu. If we recall the views of Farabi, Beruni, thinkers condemned wars, and even Farabi pointed out war and natural disaster as one of the reasons for the need for law in society. According to the French scientist Montesque, people forget their weakness as soon

as they join society. The equality that existed before will disappear between them, various wars will arise between individuals and nations. "The occurrence of such wars," writes Montesque, "makes it necessary to establish certain laws between people." As a result, laws regulating relations between nations (international law); laws governing the relationship between rulers and ruled (political law); laws regulating the mutual relations of all citizens (civil law) are created.

The need for common laws of people living in the society creates the need for the emergence of the state. According to Montesquieu: "Society cannot live without government. "The combination of all separate forces," Gravina said, "forms a phenomenon called a political state (state). Such unification of the forces of individuals means that they have a single will, that is, the existence of a civil state.

For the formation of the state (political state) and the establishment of general laws, it is enough that people can live in the society, which Montesqui called the state of citizenship.

The law is the human consciousness that governs all people in general, - says Montesque. Therefore, "the political and civil laws of each nation must be separate links of this consciousness." It is known that in any society, law has played the role of a link between the state and the citizen.

According to the opinion of M. M. Khairullaev about the influence of the political and legal legacy of the thinkers of the Eastern Renaissance on the teachings of Western scientists: "One of the highest merits of Farabi in the Eastern culture is that he was the first in the Middle Ages East to create a virtuous, ideal community, a state, a just leader and a state with intelligence. advanced the utopian doctrine of management based on For his free thoughts, Farabi was accused of blasphemy and

impiety by the reactionary priests, and later his works were burned. But his advanced rationalist and humanistic thoughts greatly influenced the formation of the worldview of Ibn Sina, Ibn Rushd, Nizami, Omar Khayyam, Maimonides, Roger Bacon, and Spinoza. He played a great positive role in the development of world culture."

Eastern Renaissance thinkers, in particular, about the "virtuous city-state" in the imaginary dream of Pharoabi; views on the concept of building a virtuous state were developed through the idea of an ideal state in the work "Utopia" by the English scientist, jurist Thomas Morning. For example, according to the political and legal views of Thomas Morning, it is possible to establish such a state (actually in imagination) that the property for the citizens of this state is common, all citizens work equally, and everyone's equality and freedom are protected by law. In Utopia,

there are equal conditions for the members of society and their families, and the 6-hour workday is universally applicable to all. The political system of Utopia is organized on the basis of elections, and the central and local governments are organized on the basis of elections with the participation of the people. The supreme authority is the Senate, which is also formed on the basis of elections.

In Utopia, the "Code of Ethics" applicable to all was adopted, and its main idea is focused on humanitarianism and philanthropy. It is noted that only with this idea, people in utopia can achieve happiness. Since the family is the main link of society, Thomas More presented the issues of solving problems in the family to the Senate.

In "Utopia" government officials are people who serve the people. The head of state is elected and he is called by the name of the prince. Officials are called phylarchs and are the head of the family, and moral standards are highly valued in this society.

The Italian Tommaso Campanella, who developed the ideas of the imaginary state, put forward his ideas about the ideal society in his work "The City of the Sun", that there is no private ownership, that the means of production belong to the society, and that all the citizens of the City of the Sun should work. In the City of the Sun, women and men have equal rights, and the head of state is elected from among the wisest and most educated citizens. The state administrator was considered a religious and secular leader.

In short, many more examples of the influence of the political-legal teachings of Eastern Renaissance thinkers on the political-legal thoughts of the Western people can be given.

In general, the ideas of Eastern Renaissance scholars about the just society, the eternity of the universe had a strong influence on the European Renaissance, and this is a historical fact. At the same time, during the time of the above-mentioned thinkers, the period of awakening and growth reached its peak in the countries of the Muslim East, and it would not be a mistake to say that the next stage of development was transfer to the West.

Thanks to independence, Uzbekistan has been able to fully use the progressive doctrines and ideas of the past thinkers about the state, management, and power, based on its historical and traditional identity, and realize its goals. Therefore, now we have chosen our own path of independence and development, which can lead our republic to a perfect national statehood. But today is not the same as tomorrow, the period of fundamental change and renewal is complicated, and it is natural that sometimes it is difficult even to set a goal. This is the truth. First of all, nowadays it is extremely complicated and difficult to find common points of contact that allow

us to apply or transfer the rational aspects of the socio-legal heritage of the past to the concept of modern national statehood. Second, Eastern and Western models, when combined with each other, do not always provide optimal options for the state structure. Nevertheless, this option adopted by the republic can be said to be a scientific result and a scientifically based succession of past experience and current influence.

Thus, the effectiveness of the implementation of the idea of building a legal state in Uzbekistan will largely depend on the extent to which we can apply the rational directions of the socio-legal heritage of the past in the concept of our national statehood.

Summary,

Eastern thinkers' views on the emergence and development of society and the state were analysis;

The ideas of Abu Nasr Farabi, Abu Rayhan Beruni, Ibn Sina about the nature of society and the state, forms of state management were consider;

The views of scientists on laws, their implementation and improvement of legislation, at the same time, their teachings related to the problems of legal culture were researched, and the concept of justice was studied and interpreted from a political and legal point of view for the first time, including the general views of thinkers on justice as divine, the science of the word. if interpreted with, from the

worldly point of view, justice depends on the righteous ruler, and the solution of justice problems is one of the moral teachings.

the equality of citizens in the polis, the responsibilities of the state and rulers to the members of society are the main features of the teachings of ancient Greek thinkers, and this doctrine was developed by the thinkers of the Eastern Renaissance, the idea of a just ruler-just state symbol was generalize;

The impact of political-legal teachings of Eastern scientists on the development of political-legal thoughts of Eastern and Western nations was highlight;

The political and legal views of Eastern thinkers were study from the point of view of today and jurisprudence, and the most important conclusions, proposals and recommendations were put forward.

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