



THE SOCIAL STATE AS A TOOL FOR ACHIEVING SOCIAL JUSTICE

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ABSTRACT

This paper deals with the problems of the social state, its essence, history and current situation in Uzbekistan. Furthermore, the reforms in establishing and strengthening the social state in Uzbekistan, its conditions are explained and discussed.

KEY WORDS: *social state, justice, development of law, constitution*

INTRODUCTION

President Shavkat Mirziyoyev, at a meeting with the members of the constitutional commission on June 20, 2022, put forward the idea of strengthening the principle that “Uzbekistan is a social state” in our Constitution [1]. In the address of the head of our state to the Oliy Majlis and the people of Uzbekistan, this idea was further strengthened and priority directions for building a social state were defined. The head of our state focused on this issue and said, “We aim to build New Uzbekistan on the basis of the principle of a “social state”. We need to strengthen this in the Constitution.

The concept of “social state” is closely related to the concept of “human dignity”, and at the root of this idea, first of all, the noble goal of glorifying human dignity and serving the population is embodied. The social state creates decent living conditions for every person based on the principles of social equality and justice. It is a model of the state that conducts an effective policy to reduce social differences and help the needy.

Also, the social state provides housing and the minimum amount of consumer goods necessary for living for the needy. For the person and his family to live a decent life, it requires sufficient wages, employment, creating safe working conditions, and reducing poverty.

In our country, in the following years, we will improve the standard of living of the population, ensure employment, provide guaranteed quality education, qualified medical care, create equal opportunities for all, provide comprehensive support to families, children, women, the elderly, and persons with disabilities. At the core of the reforms is such a noble goal.

The draft of the Constitutional Law of the Republic of Uzbekistan “On Amendments and Additions to the Constitution of the Republic of Uzbekistan” contains a number of norms aimed at protecting the interests of the population in need of social protection. In particular, amendments were made to Article 37 of the current Constitution: “Everyone has the right to work decently, freely choose a profession, work in comfortable working conditions that meet the requirements of

safety and hygiene, without any discrimination for his work and less than the minimum wage it is determined that he has the right to receive a fair wage, as well as to be protected from unemployment in accordance with the law” [2].

LITERATURE REVIEW

What is the essence of the social state? If we look at history, the concept of “social state” was first used in 1850 by Lawrence von Stein [3]. He believed that the task of the state is to establish social equality and personal freedom, to raise the lower and poor classes to the level of the rich and powerful. As a result of the analysis of the social policy of foreign countries by experts, three models of the social state are distinguished: Scandinavian, Continental, American-Great Britain models.

Firstly, the countries of Sweden, Finland, Denmark and Norway represent the Scandinavian model. In these countries, the state takes over a large part of the social expenses through the redistribution of the budget. These countries are responsible for the social welfare of their citizens, education, health care, social services for children and youth, and the elderly. This activity is financed by the state budget and social insurance funds. The organization and coordination of these works is mainly carried out by municipalities, that is, local governing bodies.

Secondly, the continental model of the social state is highly developed in Germany, Austria, Belgium and France. In these countries, the state is mainly responsible for giving social assistance money to the needy part of the population. But the state does not provide social services to the population. Social expenses are covered by state and private social insurance funds. That is, social security is provided from funds allocated from the budget and insurance contributions of employers and employees.

Thus, first of all, in social states and liberal states according to the Scandinavian, Continental, American-British models, minimum funds are allocated for social expenses by the state, and at the same time, those who need social assistance are thoroughly studied. Fully guaranteed income obtained as a



result of work and doing business is the main source of ensuring social well-being of citizens.

Secondly, the social-democratic type of social state corresponds to the Scandinavian type. Here, there is a superiority of the state in the redistribution of material goods among the population and necessary expenses for social needs.

Thirdly, this process is monitored on the basis of strong public control by state organizations, public organizations, mass media, and non-governmental non-profit organizations. Also, an independent system of systematic monitoring and analysis has been established to determine the progress of the process, to determine its effectiveness, to identify emerging problems in time, and to make necessary decisions.

Fourthly, the social state is also developing in Asian countries - Japan, South Korea, and Taiwan.

When we study the history of our national statehood, we see that the concept of "social state" appears many times under similar names. For example, the ideas expressed about the virtuous city in the work "City of Virtuous People" by Abu Nasr Farabi, who lived and created in the 9th-10th centuries, are the essence of the principle of "social state" [4]. Similar thoughts can be found in the works of our great ancestors such as Nizami Ganjavi, Saadi Shirazi, Alisher Navoi, Ahmad Donish.

Explaining this concept, the President defined that "Social state means, first of all, equal opportunities for the realization of human potential, creation of necessary conditions for people to live a decent life, reduction of poverty." In our opinion, the "virtuous city" that our great grandfathers dreamed of and mentioned in their works is exactly this "social state".

RESULTS AND DISCUSSION

Social state characteristics, functions and international experience. In the period of rapid development of the globalization process and the market economy, scientists emphasize that there are specific characteristics of the social state and, unlike Lawrence von Stein, include the following in these aspects:

- a high level of economic development of the country, which allows redistribution of income and wealth of the population without affecting the big owners;
- socially oriented market economy;
- multi-sectoral and mixed economy;
- formation of civil society;
- development of various social programs by the state;
- confirmation of the goals of the state to ensure decent living conditions for every person, social security and equal initial conditions for self-realization as a person;
- social responsibility to citizens;
- a developed system of insurance social payments and a high level of taxes that make up the budget, a high amount of payments to the social sector;
- a developed system of services and social services for all groups of the population;
- availability of budget social payments;

- existence of state systems of social protection, social security and employment;
- existence of a social support system for all needy members of society without exception;
- the state assumes responsibility for the level of well-being of citizens.

According to the current experience, the idea of a social state in European countries has been strengthened by various regulatory legal documents. In particular, in Germany, it is defined as a social state at the level of the Constitution. There are also Scandinavian and continental models of the welfare state, where states are responsible for the social welfare of their citizens, providing social services for their citizens in the areas of education, health, children and youth, and the elderly.

In the narrow sense, the welfare state provides benefits to the population, provides services to society, and resolves issues related to housing. In a broad sense, it implements a significant number of programs aimed not only at direct support of the population, but also measures aimed at managing and organizing the economy, including employment and related issues, and comprehensive macroeconomic management. There are specific functions of the social state, and most scientists indicate the following as their main ones:

- to support the segments of the population in need of social protection;
- fight against corruption, poverty and unemployment;
- assistance to young entrepreneurs;
- to ensure continuous growth of employment and income of the population;
- providing all members of society with social insurance;
- to ensure the convenience of education, health care and spiritual and cultural development;
- material support and social protection of needy persons;
- to reduce social and economic inequality in society, to create decent living conditions by redistributing benefits;
- provision of social services.

In general, the social state provides employment to every person capable of working. Sufficient wages are determined for him to live a decent life, safe working conditions are created for the worker, the rights to unemployment protection, quality education, and qualified medical services are realistically implemented. Children, women, the elderly, people with disabilities, migrants and their family members are supported in every way.

The need to further strengthen and ensure the sustainability of the above-mentioned large-scale reforms requires that the principle of "social state" be reflected in the Constitution. For this reason, most of the proposals and comments in the public discussion were directed to the social sphere. Amendments and additions to the draft constitutional law are mainly aimed at strengthening the principle of "social state". At this point, we would not be wrong to say that strengthening the social state of our country in our Basic Law corresponds to the essence and form of New Uzbekistan.



Social state issues in the Development Strategy of New Uzbekistan. The Development Strategy of New Uzbekistan for 2022-2026 is a logical continuation of the ongoing comprehensive reforms. For example, in its fourth priority direction entitled “Conducting a fair social policy, development of human capital”, special attention is paid to the issues that form the basis of the social state. In particular, the 43rd goal is directly aimed at creating decent conditions for every person and regularly improving the standard of living.

It must be recognized that in achieving the goals of the Development Strategy, the President emphasized that the main attention should be focused on the development of education, which is considered the biggest investment for New Uzbekistan. In particular, it is no coincidence that 70 new schools will be built this year, 460 schools will be expanded, 100 schools will be built with the participation of private investments, and their number will increase to a thousand in the next five years.

Now, in our country, great attention is being paid not only to the construction of schools and quality education, but also to “healthy lifestyle and provision of healthy and quality food”, which creates the basis of quality education. This experiment was launched in Karakalpakstan and Khorezm from 2022, and free meals were provided for 285,000 primary school students. This year, this practice was introduced in the schools of other regions and the city of Tashkent, and sufficient funds were allocated from the state budget for this.

It is known that the issue of vocational training of school graduates is considered one of the priority solutions for ensuring youth employment. The goal is to make young people both educated and professional and, as a result, provide them with work. In this direction, a clear systematic mechanism was developed, that is, starting from this year, a new program will be implemented, according to which it is planned to introduce European vocational education standards in 1 technical school in each region.

In order to support young people studying in higher education institutions, which are part of continuous education, resources for preferential educational loans have been doubled this year, amounting to 1.7 trillion soums, science and 1.8 trillion soums are allocated for innovations.

CONCLUSION

The social state is an independent type of legal state that ensures the establishment of optimal relationships between the individual, the collective and the state, and also creates the necessary conditions and opportunities for the most complete realization of inalienable human rights and freedoms, including the right of every person to a decent life. These conditions include: a high standard of living, employment of the population, social security, the real exercise of the rights and freedoms of citizens, the creation of modern and accessible to all citizens systems of education, healthcare, culture, social security and services, support for the poor and the poor.

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