



## MAIN STAGES OF UNDERSTANDING THE LAW IN A PHILOSOPHIC WAY

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### ABSTRACT

*The article gives the main stages of the philosophical understanding of law in ancient, medieval, modern and most recent times. A new stage which is the importance of a dialectical cultural understanding of history, including law, has been highlighted.*

**KEY WORDS:** *methodology, law, culture, understanding.*

### DISCUSSION

The methodology of knowledge of law is divided into philosophical and non-philosophical levels. Philosophy acts as the most general methodology of knowledge of law. Because the subject of law, legal events are the aspects and manifestations of a whole nature and this world. The most general laws of existence are also manifested and prevail in legal being. Social philosophy is the social philosophical methodology of knowledge of law. As legal life is an integral part of society. The general laws and driving forces of society also prevail and apply in legal life. That is why philosophy and social philosophy constitute the philosophical methodological level of knowledge of law. The philosophy of law, on the other hand, occupies an intermediate distance between the philosophical and non-philosophical methodologies of knowledge of law. It is an intermediate methodological science.

The non-philosophical methodology of knowledge of law includes the theory of state and law and other legal disciplines. The methodological nature of other legal disciplines in the study of law occurs in relation to each other. In particular, the science of criminal law is not for the theory of state and law, but a non-philosophical methodology for a number of criminal law disciplines - criminal procedure, criminal law, criminology and criminalistics.

In addition to philosophical and non-philosophical sciences, doctrines and concepts, legal methodology also includes special methods of

scientific knowledge used in general and legal sciences. However, the application of these methods depends on the content of the methodology, and the methodology depends on certain stages of the way of thinking which is thought to be understanding.

There has been a great deal of research in the scientific literature on the history of the stages of philosophical understanding of law.

1. The first stage of the philosophical understanding of law consists of the period. It started in the ancient East. In the ancient East, the approach to law, whether it was a legitimacy or a natural-philosophical direction, had its starting point, first of all, mainly religious-mythological worldview, and then simple secular views. In practice in the countries of the ancient East, formal law and law were established through religion, through which religious morality is inextricably linked.

Being originated in ancient Greece and Rome, legislative or natural-legal views were fed by one or another type of philosophical understanding of reality that existed at that time or was developed by the thinkers themselves. In other words, they went from religious-mythological, objective and subjective idealistic, simple materialist and spontaneous dialectical teachings about existence to their views on society and from it to legal teachings.

2. The second stage of the philosophical understanding of law dates back to the Middle Ages. In the Middle Ages, the primary basis for the understanding of law by thinkers was the Christian theology in Europe, especially by Aurelius Augustine and Thomas Aquinas, and in Central Asia, the



Islamic pantheistic approach to the teachings of Farabi, Beruni, Sino, Navoi.

3. The third stage of the philosophical understanding of law applies to European countries in the new era. During this period, there were two directions in the field of understanding the law.

The first is the existence of legal views of the Independants, German and Italian enlighteners under the influence of the Middle Ages, which were not freed and refined from Christian reform.

The second is the beginning of the development of the concept of natural law, as a result of which philosophy, under the influence of the development of natural science, especially mechanics, began to take on a natural-philosophical, mechanical character. But we see that the pantheistic understanding of the philosophical basis of the legal views of the representatives of the concept of natural law, such as Hugo Grotius, Benekdet Spinoza, the legal views of Francis Bacon and the subjective idealistic understanding of the philosophical basis of Thomas Gobbs legal positivism, the philosophical basis of John Locke's legal views.

Chizare Becceria (1738-1794), the founder of the "classical school" of criminal law in Italy in the 18th century, also described his doctrine of natural law in his book *On Crime and Punishment* (1764). In early eighteenth-century Russia, The secular views of A.N.Radishchev and other enlighteners play a certain positive role in the history of philosophical, political and legal views. The philosophical basis of the political and legal views of the French enlighteners E. Voltaire and S.L. Montesquieu, who founded the geographical direction in sociology, was formed mainly by a deistic point of view.

In the 18th century, the achievements of the natural sciences served as the basis for the emergence of the views of Lametri, Diderot, Helvetius and Golbach in France. J.J. Russo's socio-political, legal views are nourished by his philosophical idea that God does not create or destroy matter, but that matter derives its action from God and then develops according to its own law.

I. Kant, a representative of German classical philosophy, tried to derive the rights of the individual not from his natural state, but from the world of a priori concepts. I. Fikhte derives rights from the mind of the subject. Hence, law is manifested through self-awareness. However, law is determined not by the individual will, but by the interactions between "intelligent beings." This is the starting point in his legal views.

G. Hegel, the greatest representative of German classical philosophy, is also the starting point for the legal views of the two sides of his teaching - dialectics and idealism. G. Hegel interprets the law as the second stage of the spontaneous development of the absolute soul - one of the

incarnations of the objective spirit in the following form:

1. Law as freedom ("The idea of law");
  2. Law as a certain stage and form of freedom ("Private Law");
  3. Law as law ("Positive Law").
- "Civil society," he said, "is created only in the modern world, but they are created according to all the rules of the idea."

Thus, it is self-evident that the legal views of the representatives of German classical philosophy - I. Kant, I. Fikhte, and G. Gegel were based on an objective idealistic dialectical understanding of history, including law.

The representatives of the historical school that emerged in Germany at the end of the XVIII century - Y.G. Gerder, G. Hugo, K. Savini and G. Puchtalar sought the source of law not from existing social, including material, political and spiritual relations, but the spirit of the people from purely subjective processes. Hence, the bullet root of their legal views is a subjective idealistic understanding of history and law.

It is known that positivism was founded by Auguste Comte in the 1930's. Representatives of positivism believe that the main task is to systematize knowledge based on "positive", that is, positive, clear evidence. Christian scholasticism and jurisprudence played a major positive role in that period.

Political and legal doctrines in Russia in the XIX century were developed by M. Speransky, N. Karamzin, P. Pestel, N. Muravyov. The initial foundations of their legal views differ from each other in their diversity. For example, N. Karamzin came out as a supporter of the theological concept of natural law. P. Pestel, on the contrary, advocated the secular concept of natural law.

One of the manifestations of positivism in law which are the subjective, psychological understanding of law, was formed the basis of the legal views of the representatives of sociological jurisprudence. Another manifestation of positivism in law has become legal positivism, or dogmatic doctrine that studies the laws and acts of analytical jurisprudence. Philosophically, he went to follow agnosticism and idealism. As long as the legal norms depend on the authority of the sovereign authority, they can be both man and God as a subject. Here are the basics of legal positivism in understanding law.

In the second half of the XIX - early XX centuries in the territory of colonial Turkestan there was Jadidism, which embodied a feudal-clerical theological, secular approach to law, and the concept of law based on a dialectical materialist understanding began to spread.

4. The fifth stage of the philosophical understanding of law is the Marxist stage. We also call it a materialist understanding of history,



including law. It originated in the second half of the 19th century and spread throughout the world in the 20th century. Since the production of material goods is the basis of the existence and development of society, it is also the basis of law. Law is the ascension of the will of the ruling class to the level of law. This is a class and legalistic approach to law. This is the essence of the Marxist understanding of law. The Marxist understanding of law was based on historical materialism. It also consists of its stages of improvement.

5. The sixth stage of the philosophical understanding of law is the most recent period - the subjective idealism and neotomism objective idealist currents, such as neo-Kantianism, neo-Hegelianism, neo-positivism, existentialist, anthropological, pragmatic approaches, which spread in European countries in the twentieth century.

4. The seventh stage of the philosophical understanding of law is the dialectical cultural understanding of history, including law. Humans modify events, including nature, to ensure their existence, and find their food in this way. Existence, created by processing a cultural being, is the core of the existence of society. As it develops, so does society. Society has a legal culture. It is a processed part of legal life designed to regulate social relations. Law is the main link between social subjects, which requires a degree of obligation and guarantee of social relations, such as equality, justice, freedom. This relationship is legal. Hence, legal culture is a processed and created part of the existing legal system in all spheres of social life. That is why in the history of law we see that in different countries there are different types and levels of legal lifestyles, trends and attitudes as legal life is processed under different ideologies. According to this concept, just as legal culture is the core of legal life, material culture becomes the core parts of material life, spiritual culture becomes the core of spiritual life, and political culture becomes the core parts of political life. Man and his micro and macro units are also the products of cultural processes, such as socialization, including "juridization". Hence, material, spiritual, political and legal cultures are interpreted as aspects of human social units, and they are correlatedly and functionally connected to each other to form a cultural entity as a whole system. In other words, being consists of natural and social beings, and social being consists of cultural being and the social tendencies and laws that underlie it. Without a cultural being, there would be no society.

"Value" means important, it is divided into natural and social values. Cultural values include only social objects, events, and relationships that are processed by man as an integral part of social values. The definition of cultural values is relative because a legal norm that is currently valuable to any nation

may be irrelevant to other peoples. Or the Legal norm, which was valued in the long past of every nation, may now be merely a cultural monument, even of a conservative nature.

As with any value, the way to know cultural values is to determine their quality characteristics. Establishing cultural values is currently the main goal of countries. We need to be able to go this way of knowing and get the cultural values of all nations. In the words of the first President of the Republic of Uzbekistan

I.A. Karimov, "it is the firm position of the Republic to choose our own path of socio-economic and political-legal development without rejecting all the best practices of the world and our own practice."

At the present time, science is faced with the task of studying three groups of laws which are the laws specific to the elements of the cultural being, specific to the level of the parts and specific to the whole cultural being. Knowledge of these laws concerning the core parts of society and each of its branches will undoubtedly enrich the legal sciences methodologically with new theoretical generalizations.