

Comparative Analysis of Philosophical views on Legal Reality

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Abstract:

In this article, the essence, structure and forms of manifestation of the concept of legal reality, the comparative analysis of the philosophical views on legal reality, as well as to reveal its specific aspects, the role of the development of legal reality in this direction, the trends in the development of legal consciousness and legal culture of citizens in the state and its place in the development of the society was tried to be covered from the philosophical-legal, theoretical point of view.

Keywords: law, legal reality, legal consciousness, legal philosophy, law, comparative analysis, social institutions, legal norm, context, tendency, legal consciousness, realist.

Tendencies to develop the legal consciousness and legal culture of the population have always played an important role in the development of the state and society. "Raising the legal culture and consciousness of the population, establishing effective cooperation of state bodies with institutions of civil society, mass media and in this regard"[1] is an urgent issue of today.

It is known from the world experience that legal reality is a multifaceted phenomenon that includes the integration of linguistic, cultural, historical and political elements in the creation and maintenance of law. It encompasses reality consisting of a complex network of legal ideas, concepts, values and orientations that facilitate social communication through various normative bases of legal organization.

From this point of view, legal reality in its various historical manifestations appears as a system of legal syntheses based on socio-natural, religious and political interconnections, which are organically and culturally determined. This synthesis fully reflects how law develops in response to and in relation to the cultural and social structure of its time, the natural and moral views of the society it governs.

It is known from the scientific researches of prestigious universities and scientific research institutes of countries such as the USA, Japan, France, Germany, Singapore, Sweden, and Canada that the legal language and terminology representing the legal reality develops to describe and justify the limits of social behavior reflecting the discursive practice of that time. Legal reality specific legal norms are formed on the basis of cultural and historical context, including socio-natural, religious and political relations widespread in society. In the process, different historical systems develop their own normative practices, which are important in maintaining social order and communication.

Legal reality in various forms is a system of legal syntheses that unites various socio-cultural and natural elements into a single legal framework. Such a holistic understanding of legal reality emphasizes the dynamic and context-dependent nature of law, which is constantly shaped by the interplay of linguistic, cultural, historical, and political factors.

The problem of legal reality is one of the hotly studied topics in both legal philosophy and science. Its importance lies in seeking to understand the essence of legal existence and the essence of the world in which we live. Throughout history, thinkers of different cultures and eras have approached this problem from different angles, contributing to a wide and varied body of knowledge.

In ancient Indian and Chinese philosophy, these traditions have long pondered the nature of the laws that underlie legal reality, often focusing on metaphysical concepts such as Brahman and Maya in Indian philosophy and Dao in Chinese thought. Legal reality is indeed a complex and conditionally differentiated part of a wider reality. [2] It includes the structures, norms and practices that regulate human behavior in society, creating a basis for order and justice.

Pythagoras, Democritus, Plato and Aristotle reacted to the concept of legal reality in their own way. The concept of legal realism or the philosophical basis of law and justice was explored by various ancient philosophers. Pythagoras, known primarily for his contributions to mathematics and philosophy, was clearly not concerned with legal theory. However, his vision of harmony, order, and the universe may be indirectly related to legal reality. He believed in a harmonious universe governed by numerical relationships and suggested that natural and man-made laws should reflect this cosmic order. In this sense, legal reality can be seen as an extension of the universal harmony emphasized by Pythagoras.[3]

The ancient Greek philosopher Democritus is famous for his atomic theory of the universe. In terms of legal realism, he emphasizes the importance of laws in maintaining social order and justice. Democritus believed that laws were necessary for the stability and well-being of society, and he saw them as a social contract to prevent individuals from acting only in their own interests. His view was that laws are not inherent in nature, but are human constructs designed to guide the behavior of society.[4]

In the Republic, Plato understands justice as a fundamental virtue that should permeate both the individual and the state. Plato believed that a legal system should strive to reflect an ideal form of justice that is immutable and perfect. According to Plato, the laws of the state should be based on reason and aimed at achieving the common good, governed by philosopher-kings with true knowledge of the forms. Thus, for Plato, legal reality is an attempt to reflect the highest, ideal reality of justice.[5]

Aristotle, a student of Plato, saw laws as tools for the general welfare and believed that a well-ordered legal system was essential to achieving a just society. For Aristotle, legal reality arose from the implementation of justice in the context of a certain community.[6]

Thomas Aquinas, Niccolò Machiavelli, David Hume, René Descartes, Gottfried Leibniz, Isaac Newton, Immanuel Kant, Georg Hegel, Arthur Schopenhauer put forward unique views on legal

reality. According to Thomas Aquinas, the law is a rational decision for the common good announced by the person leading the society.

Russian philosopher Anatoly Dobrokhotoy made a great contribution to the philosophy of culture and the history of philosophy. His view of legal reality probably emphasizes the cultural and historical contexts in which laws develop. He can argue that legal systems are deeply connected with cultural values and historical circumstances, they are formed and shaped by the societies in which they exist. [7] The Hungarian Marxist philosopher Georgy Osipovich Lukács emphasized the importance of social and economic conditions in the formation of consciousness. He saw law as a part of the higher structure, under the influence of the economic base. Legal reality, according to Lukács, is a reflection of the class structure and power relations in society, and serves to perpetuate the interests of the ruling class.[8]

Rus faylasufi V.A.Lektorskiy gnoseologiya va fan falsafasiga e'tibor qaratgan. U bilim va tushunishning ijtimoiy va madaniy jihatdan qanday tuzilganligini o'rganib chiqdi.

From the point of view of legal reality, Lectorsky shows the role of legal knowledge and the methods of construction, interpretation and application of legal norms and principles in specific cultural and historical conditions.[9] These philosophers and thinkers offer a wide range of perspectives on legal reality that reflect their broader philosophical concerns and the contexts in which they operate.

E.V. Goncharov, O.V. Kret, I.M. Shapiro, L.V. Grishina, V.N. Chayka, T.Kh. Gafarov, A. V. Ayrapetov, S.I. Marakin, I.S. Kuvshinov, E.V. Bolshakov and others can be entered. E. V. Goncharov's scientific research is focused on the interaction between the subject and the object within the framework of legal reality, and he studied how individuals and legal norms affect each other. O. V. Kret studies the ontological and epistemological aspects of legal reality, tries to reveal its existence and essence of legal knowledge in detail.

V. N. Chaika studies unconscious elements in Russian legal practice, reveals how unconscious factors influence legal behavior and norms. T.Kh. Gafarov studies the existing dialectic of legal reality, analyzes the conflict between real legal practice and ideal legal norms.[10] I.S. Kuvshinov studies the epistemological aspects of legal reality and focuses on how legal knowledge is formed and understood. E.V.Bolshakov in his scientific research refers to the ethical foundations of legal norms and discusses the ethical foundations of law as a phenomenon of social and legal reality.[11]

In conclusion, it should be said that philosophical representations of legal reality include different approaches covering different aspects of law, from its normative foundations and interpretative practices to its social functions and power dynamics. These foundations help to understand the complex nature of law and its profound impact on society.

From the first days of independence, our country has set itself the main goal of establishing a free civil society and a legal democratic state. "Establishment of a people-friendly state by increasing human dignity and further development of a free civil society" is a matter of great strategic importance in this direction. This, in turn, requires an understanding of legal reality and a high legal culture.

Legal reality is a complex and dynamic concept that encompasses the entire legal system in society. It includes legal norms, institutions, processes, and culture that interact to regulate behavior, resolve disputes, protect rights, and maintain social order.

Therefore, in this article, an attempt was made to compare the essence, structure and forms of manifestation of the concept of legal reality, the comparative analysis of philosophical views on legal reality, and to reveal its specific aspects.

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