

MODERN THEORETICAL KNOWLEDGE OF THE CONCEPT OF A LEGAL STATE

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**Annotatsiya:** Mazkur maqolada XXI asrda **\*\*huquqiy davlat (rule of law, Rechtsstaat)\*\*** tushunchasining zamonaviy nazariy talqinlari tahlil qilinadi. An'anaviy klassik yondashuvlardan (Kant, Monteskyo, Lokk) farqli ravishda, huquqiy davlat bugungi kunda inson huquqlari, fuqarolik jamiyati, ijtimoiy adolat, iqtisodiy erkinlik va global huquqiy integratsiya bilan uzviy bog'liq holda o'rganilmoqda. Maqolada liberal-huquqiy yondashuv (J. Rouls, F. Xayek), normativistik nazariya (G. Kelsen, R. Aleks, J. Raz), sotsiologik-kommunikativ konsepsiya (Y. Habermas) hamda postmodern va global yondashuvlar (D. Held) ilmiy asosda tahlil etiladi. Ayniqsa, huquqiy davlatning adolat, tenglik, hokimiyatni cheklash, normativ va axloqiy uyg'unlik, ijtimoiy konsensus hamda fuqarolarning ishtiroki orqali shakllanishi masalalariga e'tibor qaratilgan. Shuningdek, maqolada O'zbekiston Respublikasida huquqiy davlat tamoyillarining amaliy ifodasi, "Yangi O'zbekiston" strategiyasi doirasida qonun ustuvorligi, inson qadr-qimmati, sud mustaqilligi va raqamli boshqaruvni rivojlantirish masalalari yoritiladi. Xulosa sifatida, huquqiy davlat zamonaviy demokratik jamiyatda nafaqat normativ-huquqiy, balki ijtimoiy, axloqiy va global ahamiyatga ega kompleks tizim sifatida baholanadi.

**Kalit so'zlar:** huquqiy davlat, qonun ustuvorligi, inson huquqlari, adolat, tenglik, fuqarolik jamiyati, normativizm, ijtimoiy konsensus, global huquqiy tartib, Yangi O'zbekiston

**Аннотация:** В статье анализируются современные теоретические подходы к понятию **\*\*правового государства (rule of law, Rechtsstaat)\*\*** в XXI веке. В отличие от классических концепций (И. Кант, Ш. Монтескье, Дж. Локк), современное понимание правового государства рассматривается в тесной взаимосвязи с правами человека, гражданским обществом, социальной справедливостью, экономической свободой и глобальной правовой интеграцией. В работе исследуются либерально-правовой подход (Дж. Ролз, Ф. Хайек), нормативистская теория (Г. Кельзен, Р. Алекси, Дж. Раз), социологико-коммуникативная концепция (Ю. Хабермас), а также постмодернистские и глобальные интерпретации (Д. Хелд). Особое внимание уделяется вопросам справедливости, равенства, ограничения государственной власти, нормативно-морального единства права, общественного согласия и участия граждан в правовом регулировании. Также раскрываются особенности реализации принципов правового государства в Республике Узбекистан в контексте Стратегии «Новый Узбекистан», где приоритет отдается верховенству закона, защите человеческого достоинства, независимости судебной власти и развитию цифрового управления. Делается вывод о том, что правовое государство в современных условиях выступает как комплексная

система, объединяющая правовые, социальные, моральные и глобальные аспекты демократического развития.

**Ключевые слова:** правовое государство, верховенство закона, права человека, социальная справедливость, гражданское общество, нормативизм, правовая ответственность, общественный консенсус, глобальное управление, Новый Узбекистан

**Abstract:** This article analyzes modern theoretical interpretations of the rule of law (*Rechtsstaat*) in the twenty-first century. Unlike classical approaches developed by philosophers such as Immanuel Kant, Montesquieu, and John Locke, contemporary legal thought views the rule of law as a complex and dynamic paradigm closely connected with human rights, civil society, social justice, economic freedom, and global legal integration. The study examines several major theoretical approaches, including the liberal-legal tradition represented by John Rawls and Friedrich Hayek, the normativist perspective based on Hans Kelsen's "pure theory of law" and further developed by Robert Alexy and Joseph Raz, as well as the sociological and communicative approach advanced by Jürgen Habermas. In addition, postmodern and global interpretations of the rule of law, particularly the concept of a "global rule of law" proposed by David Held, are critically assessed. Special attention is paid to the principles of justice, equality, limitation of state power, moral foundations of law, democratic legitimacy, and public participation in legal regulation. The article also highlights the practical implementation of the rule of law in the Republic of Uzbekistan within the framework of the "New Uzbekistan" Development Strategy, emphasizing the primacy of human dignity, judicial independence, strengthening of civil society institutions, and the introduction of digital governance. The article concludes that, in modern democratic societies, the rule of law should be understood not merely as a formal legal system, but as an integrated normative, social, moral, and global framework ensuring justice, transparency, and the effective protection of fundamental human rights.

**Keywords:** rule of law, *Rechtsstaat*, human rights, social justice, civil society, limitation of power, normative theory of law, democratic legitimacy, global governance, New Uzbekistan

In the 21st century, the rule of law (*Rechtsstaat*, Rule of Law) is considered not only as a national constitutional governance decision, but also as a central paradigm of the global legal order. In today's legal thought, the rule of law is enriched with ideas of human rights, civil society, social justice and international legal integration, different from the traditional - classical theory (Kant, Montesquieu, Locke).

#### 1. Liberal-legal regulation

According to the liberal tradition, the center of the rule of law is personal freedom and the limitation of power. This room was developed by such modern philosophers as John Rawls, Friedrich Hayek, Ronald Dworkin.

In modern theories of a legal state, in addition to personal freedom and the rule of law, justice, equality and social stability also have a central capital. In this sense, the American worldview John Rawls interprets the rule of law as a social system based on justice and emphasizes justice as the main quality of social institutions, as well as truth in new systems of thought. According to Rawls' theory, the rule of law should not only ensure energy, but

also control the equality of society and the balanced distribution of resources, creating a solution to physical changes through fair and free mechanisms. In this register, the rule of law is not only a national constitutional order, but also a complex system of regulation of personal law and the social sphere, which forms the constitutional basis of the modern democratic state.

The issue of economic freedom also plays an important role in modern theories of the rule of law. The Austrian philosopher and economist Friedrich Hayek in his work "The Constitution of Liberty" (1960) connects the rule of law with economic freedom. Hayek, equality before the law is one of the most important guarantees of personal freedom in the state. He argues that a state governed by law can never become an instrument of arbitrary power, that is, it is impossible to subordinate power to a personal or personal component.

From this perspective, the interpretation of the rule of law as an institution that ensures national political and legal relations, as well as social and economic freedoms. Hayek shows that it is not enough to observe the rule of law; it guarantees the necessary freedom, equality in economic activity and justice in society.

### 2. Normative features

The normativist interpretation of the rule of law comes from Hans Kelsen's "pure theory of law". According to Kelsen, the state exists in the legal system, therefore, the primacy of law is a condition for the preservation of the state itself. Today, this is developed by Robert Alexi (Germany) and Joseph Raz (Great Britain).

In modern theories of the rule of law, an important place is occupied by the interpretation of the legal system not only as a set of formal norms, but also as a normative system closely related to moral and social values. The German jurist Robert Alexi in his work "Theory of Constitutional Rights" explains the rule of law legislation from this perspective. According to Alexi, the idea of the rule of law is an attempt to moralize the legal order. This regulatory institution, which provides material control over the legal state, allows for a system formed on the basis of social justice and moral principles.

Alexi emphasizes that laws should be supported not only on paper, but also in harmony with moral values and legal justice in society. In this regard, the authorities of the legal state, in conjunction with individual freedom, equality, equality, their separation and stability of law, also take on moral and social problems. This constitutes a sound scientific basis for ensuring legality and justice in society in modern constitutional systems.

Modern theories of the legal state have institutional accountability of power and a test control of voluntary rule. In this context, the English jurist Geoff Raz interprets the rule of law as the limitation of power and the minimization of arbitrary decisions. In his article "The Rule of Law and Its Property," he emphasizes that it is a regulation of law, to which state bodies and officials must adhere in their activities.

This approach allows us to understand the rule of law as an institutional system that not only ensures legitimacy, but also guarantees the accountability of authorities and the rights of citizens.

Raz's approach shows that the rule of law is not limited only to ensuring the separation of powers and the rule of law, but also requires state institutions to assume

responsibility for their activities and establish judicial control over the legality of their actions. Thus, the stability of the rule of law and the protection of individual rights are strengthened by limiting the risks of arbitrary decisions.

### 3. Sociological and communicative approach

At the end of the 20th and beginning of the 21st centuries, Jürgen Habermas and other modern philosophers analyzed the rule of law through the “theory of communicative activity”. According to Habermas, the rule of law is a system formed on the basis of social dialogue and agreement, that is, law is a form of social communication.

In modern theories of the rule of law, legality is determined not only by normative norms, but also by the moral and social consent of society. In this regard, the German philosopher J. Habermas, in his work “Between Facts and Norms”, associates legality with its confirmation through rational discourse between citizens. He emphasizes that only laws that are agreed upon by all citizens in rational dialogue are considered legal.

Habermas's theory explains the rule of law as a system formed through transparent, democratic and participatory social institutions. According to this approach, laws should not be just orders from the authorities, but norms supported by the moral and rational consent of members of society. This principle stimulates the political and social activity of citizens in a rule of law state, reduces the risk of arbitrary decisions by the authorities, and ensures justice and legal stability in society.

Thus, according to the modern approach, the rule of law is not only a system of legality, but also a legal order based on social participation, moral dialogue and democratic consensus.

### 4. Postmodern and global approaches

Today, the concept of the rule of law is interpreted inextricably linked to new areas such as global governance, human rights, the digital society and environmental security.

For example, David Held in his work *Global Covenant* puts forward the concept of a “global rule of law”. According to Held, in the 21st century, the rule of law should go beyond national borders and include transnational justice, international responsibility and global legal norms. This approach shows the need to apply the theory of the rule of law not only at the level of national governments, but also in global political and legal systems. Thus, the rule of law is interpreted as an institution that ensures justice and transparency not only in the national, but also in the international community.

In Uzbekistan, the modern interpretation of the rule of law is manifested not only in the recognition of the rule of law, but also in the recognition of human rights as a priority, strengthening civil society institutions, ensuring judicial independence and introducing digital governance. In this regard, President Shavkat Mirziyoyev, in his *Strategy for a New Uzbekistan*, emphasizes that the rule of law and human dignity are the main ideological pillars of the new Uzbekistan.

This approach allows us to interpret the rule of law not only as a normative and institutional system, but also as a comprehensive system that ensures transparency, justice and the protection of the fundamental rights of citizens in society.

Thus, the experience of Uzbekistan demonstrates a democratic, humane and technologically advanced model of the concept of a modern rule of law state.

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