

THE REVISED CONSTITUTION - THEORETICAL AND LEGAL ANALYSIS BASIS OF THE DEVELOPMENT OF THE SOCIAL STATE

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Abstract: *This article presents the concept of a social state in Article 1 of the Newly Revised Constitution. The foundations of the theoretical and legal analysis of the concept of a social state and the history of its origin are discussed. The need for the introduction of a social state and the content of this concept are also discussed.*

Keywords: *welfare state, Uzbekistan, freedom, equality, citizen, individual, social justice, social policy, constitution.*

Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government.

The state is called “Republic of Uzbekistan” and “Uzbekistan”.

The names mean the same thing.

Article 1 of the new Constitution of the Republic of Uzbekistan

Today, if we look at the newly revised Constitution, the above-mentioned article introduces the concepts of a sovereign, democratic, legal, social and secular state into the political, legal and social status of Uzbekistan. So, from these concepts, we will try to conduct a legal theoretical analysis of the concept of a “social state”.

The concept of "welfare state" was first used in 1850 by the statesman and economist Lorenz von Stein. Stein's theory of the welfare state was put forward under the influence of Hegel's philosophy.

Welfare state is a German word. This concept is a model of state governance, that is, the existing policy is to achieve a decent standard of living for each citizen of the state, to help those in need of social protection, and to redistribute all wealth in accordance with the principles of social justice.

Lorenz von Stein included in the list of functions of the state "to ensure absolute equality of rights for all different social classes, for the individual who determines his own personal self through his own power.

" According to Stein, the state must contribute to the economic and social development of its citizens, since it is believed that the development of the latter is



impossible without the development of the former, and he argues that these factors are the elements that develop the welfare state. [1]

The word "social" means "Arabic - community, related to society and related to the life of man and society." The social state is a product of a certain period of the historical development of mankind, a special stage in the development of statehood. Initially, the idea of a social state was put forward in the ancient East, as well as by our great thinkers.

Our great grandfather Abu Nasr Al-Farabi mentioned the idea of a community of enlightened people, an ideal society, in his work "The City of Virtuous People". In particular, the establishment of a social state was also a noble dream of our great thinker grandfather Alisher Navoi.

He put forward such views as creating a decent social environment for people to live happily and prosperously, building a prosperous society, enlightened state administration, a just and fair ruler, and people being kind to each other and highly moral. We can also see similar ideas in the work of a number of our scholars, such as Nizami Ganjavi, Sa'di Shirazi, and Ahmad Donish.

Social state—This is a state model aimed at achieving a decent standard of living for each citizen, mitigating social disparities, and providing assistance to the needy and the underprivileged. First of all, it should be said that, based on world experience, a social state is a political organization of society, that is, a state in the literal sense. A social state operates in its policy based on the principles of social justice. Its main goal is to redistribute the material and moral wealth created in society on the basis of the principle of social justice.

This is to bring the household lifestyle of each citizen to a qualitatively higher level, to prevent the growth of differences in living conditions and living expenses between them, and to provide assistance to the part of the population in need of social protection through a system of state guarantees. In other words, the goal is to ensure that everyone enjoys the benefits created through social guarantees.

The concept of the "social state" in its current interpretation was first introduced into scientific circulation by the German scientist Lorenz von Stein. In his opinion, the state should contribute to the socio-economic development of its citizens and ensure absolute equality in personal rights for all social classes through its power. Thus, German lawyers L. von Stein, R. von Mol, F. Lassalle are considered the founders of the theory of the social state, and based on this doctrine, it was formed from the second half of the 19th century. The "social state" went through the following stages in its historical development: [2]

Stage I - the emergence of social state policy (1880-1914);

Stage II - the embodiment and widespread spread of social state policy (1918-1940s);

Stage III - the "golden age" of the social state doctrine (1945-1975);



Stage IV - "structural improvement" of social state policy (from the 1990s to the present).

The main condition of "sociality" is to treat the human person, his honor, dignity, and freedom with care. The essence of the state is embodied in the areas of its activity. The essence of the social state is manifested in its development and implementation of a rational social policy, especially in the consistent fulfillment of social functions that are in the interests of man and society. Therefore, an important part of the activities of such a state is the fulfillment of social tasks. Democratic states that constitute the content of the activities of such tasks can be considered a social state. Sociality is, first of all, justice, that is, compliance with the interests of the majority, and secondly, it is an expression of solidarity and mutual goodwill among people. Accordingly, any rule, any law, any order that makes life more just is social in the literal sense.[3]

A social state is a legal state with a developed civil society, based on the principles of equality and freedom, classlessness, social justice, and ensuring the social rights of a person. The rule of law and the welfare state form a single whole, since the development of the legal system is possible only within the framework of a civilized society, and the ordering and development of social relations occur under the influence of the legal system. The main task of the welfare state is to ensure both social and economic rights, including: the right to work and fair working conditions for all citizens, a decent living wage, social security, etc.

According to the interpretation widely used in modern scientific sources, a social state is a state that, first of all, cares about social justice, the well-being and social protection of its citizens. Such a state carries out its activities in conjunction with the social protection of the segments of the population in need of social protection - the unemployed, those who have lost their ability to work, those who have lost their breadwinners, people with disabilities, children, and the elderly.

In fact, there are basic constitutional foundations of social policy. These are:

- Employment and labor protection;
- Guaranteeing a minimum wage;

The functions of the welfare state include ensuring employment, balancing material wealth at the community level through the budget, improving and protecting working conditions, providing for education, setting a minimum standard of living for people, protecting the family, establishing a social security system, and developing health and sports.[4]

We should also mention another aspect: in a social state, it is important to pay special attention to efforts to eliminate envy among people, strengthen kindness, tolerance, and solidarity, continuously organize charitable events, and educate people's inner worlds with



the concept that they cannot achieve success through any method or means other than their own labor.

Social statehood is developing not only in America and Europe, but also in Asian countries, including South Korea, Singapore and Japan. It is worth noting that our President explained the concept of “Social State” as “Social State, first of all, equal opportunities for the realization of human potential, the creation of necessary conditions for people to live a decent life, and the reduction of poverty,” and in turn, he emphasized that “We aim to build a New Uzbekistan on the basis of the principle of “social state”. We must strengthen this in the Constitution.” For information, it should be noted that in the new edition of the Constitution, the word “social” is used a total of 42 times in the preamble, the title of Chapter IX, and 25 articles.

In conclusion, it is worth noting that the main constitutional features of a welfare state are a strong social protection policy, high-quality education and its humanism, protection of human rights and freedoms, strong public control, the strong influence of civil society institutions, the responsibility and accountability of all state bodies and organizations and officials to people and society and to serve their interests, and the almost imperceptible level of corruption, which constantly protects its citizens.

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