

SOCIAL STATE FEATURES AND INTERNATIONAL EXPERIENCE

Jabborov Muhammadjon Sunnatullo oglu

Bukhara State University

Lecturer of the Department of Jurisprudence

In defining the concept of a social state, let us also cite the following thoughts of the Uzbek political scientist K. Rabbimov: A social state is the first responsibility, because the state, the government, is constitutionally obligated to provide social protection for its people. Moreover, this is a status, because the most prosperous states in the world, in fact, are those with the strongest social protection system. At the core, at the foundation of the concept of a "social state" lies the value of "equality." People, by nature, do not want to be disadvantaged in relation to others. They do not want to be exploited by others.

The 20th century was a century of struggle for equality of all kinds. In order to make people equal, formidable and totalitarian states arose. The USSR and its atrophied socialist camp, the People's Republic of China, North Korea, etc., abolished freedom in order to make people equal. The second major and most successful model was observed in Western Europe and other continents. In this, there is democracy and freedom in society, the state is recognized as a legal state. The existing differences between people and social strata are reduced not by repression, but by state social protection programs. For example, Germany or Canada are considered high-level social states. In these countries, governments or special organizations, using the collected taxes, provide the necessary amount of assistance to a wide range of groups: the poor, the unemployed, those who have lost their livelihoods, students, new immigrants, etc. There are permanent support systems for families with children.

A social state is a qualitative description of the constitutional legal status of a state, which requires that the economic, social rights and freedoms of individuals and citizens, as well as the corresponding obligations of the state, are constitutionally guaranteed.

The social state seeks to serve the general interests of society and to reduce or eliminate social differences in it. The social nature of the state is often determined by its laws and the Federal Law. For the first time in the Constitution of the Federal Republic of Germany of 1949, and in subsequent years in the constitutions of other European states and the CIS countries, sociality found its constitutional expression. The social state it has the obligation to protect the labor and health of people, set the minimum wage, provide assistance to the family, motherhood, fatherhood and childhood, the disabled and the elderly, create inclusive education, and guarantee state pensions, benefits and other types of social protection. The material basis of a social state is a high level of economic development that can provide a minimum standard of living for the needy.

In the era of globalization and the rapid development of the market economy, scholars emphasize the presence of signs of a social state, and in a different approach from Lorenz von Stein, they include the following in these aspects:

- AThe country's high level of economic development makes it possible to redistribute income and wealth without harming large landowners.
 - Transition to a socially oriented market economy.
 - Development of a multi-structured and mixed economy.
 - The formation of civil society.
 - Implementation of various social programs by the government.
 - Ensuring the state's goals of ensuring decent living conditions for everyone, social security, and equal starting conditions for individual self-realization.
 - Ensuring social responsibility towards citizens.
 - A developed system of social insurance benefits and budget formation, a high level of taxes, and a high amount of social benefits.
 - A developed system of service provision and social services for all groups of the population.
 - A developed legal system with the implementation of the separation of powers, the clear implementation of the functions of each branch of government, the formation of a well-developed legal system of social life.
 - Availability of budget social benefits.
 - The existence of social protection, social security, and welfare state systems.
 - The availability of social support for all needy members of society without exception.
 - Acceptance of responsibility by the state for the well-being of its citizens.
 - The existence of civil society institutions.⁶⁶

Many scholars have attempted to translate their deep and rich ideas into a sufficiently substantive understanding of the social state. One of these is the "Social State," says VM Baglay - "which creates conditions for providing citizens with work, redistributes general income within the budget, provides people with a minimum standard of living, contributes to the increase in the share of small and medium-sized property owners, protects hired labor, takes care of education, culture, health care and family, and social "It is a state that regularly improves security."⁶⁷

In the case of a social state, the constitution does not only determine a specific social program for the state, but also determines the constitutional and legal foundations of the policy implemented by the state in this regard. It is necessary to mention two important aspects of state policy. The first is expressed in creating conditions for the free development of a person, allowing citizens to live a truly decent life. This includes issues such as protecting labor and human health, setting the minimum wage, and preventing unemployment. The second can include supporting and strengthening socially vulnerable groups of the population, protecting the family, motherhood, fatherhood, and childhood, as well as caring for the disabled and the elderly.⁶⁸ According to Professor O.E. Leist, the "social state" should not only

⁶⁶ Sharkov F.I...[Basic social governance](#). M.: Izdatelsko-torgovaya corporation "Dashkov i Ko", 2012 — pp. 115-115

⁶⁷ Baglay V.M. Constitutional law of the Russian Federation. - M., 2007. - p. 137.

⁶⁸ Constitution of the Russian Federation: commentary / Pod obshch. ed. B. Topornina and dr. - M., 1994. - p. 21.

protect the legal order, but also implement social policy for the benefit of the poor and society as a whole, that is, to regulate and prohibit the work of children and women by law, to provide the disabled with social protection, to provide the unemployed with work, to provide general secondary education at state expense, and to provide free medical care. It is necessary to regulate its use in a legal manner.⁶⁹

Scientific literature provides information about the types of social states: Types of social states:

- social status of the union;
- the state of social services;
- social security status;
- social state.⁷⁰

Periodization of the development of the social state:

- the first stage (from the 70s of the 19th century to the 30s of the 20th century) - socialist;
- the second stage (from the 30s of the 20th century to the end of the 40s) - legal social state;
- the third stage (from the late 1940s to the 1960s) - the state of social services;
- the fourth stage (from the late 50s to the mid-80s) - the social state;
- the fifth stage (from the beginning of the 80s to the mid-90s) - the collapse and crisis of the social state;
- The sixth stage (from the mid-1990s to the present) - a liberal social state.

Thus, different scholars distinguish different features among the characteristics of a social state. It includes the provision and protection of socio-economic rights and freedoms of man and citizen, mutual responsibility of the state and the individual, ensuring social harmony and stability in society, implementing socially oriented policies, and others.⁷¹

The definition of the social state includes the following main objectives of social policy: protection of labor and human health, guaranteeing the minimum wage, state protection and support of the family, motherhood and childhood, care for the disabled and the elderly, development of the social services system, provision of state pensions and other types of It takes into account the system of determining wages and pensions and ensuring social protection.

The social state has its own functions, and most scholars identify the following as their main ones.

- supporting and strengthening the social protection of the population.
- fight against corruption, poverty and unemployment.
- I help young entrepreneurs.

⁶⁹Leist O.E. Grazhdanskoe obshchestvo, gosudarstvo i pravo / Obshchaya teoriya gosudarstva i prava Academic course. Otv. ed. M.N. Marchenko, Tom 1. – M., 1998. – p. 346.

⁷⁰Dzernazarov, "The concept of "social state" in scientific literature and its features", article, materials of the Republican Scientific and Practical Conference on Modern Technologies and Effective Methods of Spiritual Order and Propaganda, Tashkent: "AFZALZODA BOOKS" Publishing House, 2023, pp. 291-296

⁷¹Dzernazarov, "The concept of "social state" in scientific literature and its features", article, materials of the Republican Scientific and Practical Conference on Modern Technologies and Effective Methods of Spiritual Order and Propaganda, Tashkent: "AFZALZODA BOOKS" Publishing House, 2023, pp. 291-296

- ensuring employment and sustainable growth of incomes.
- providing all members of society with social insurance.
- ensuring the convenience of education, health care, and spiritual and cultural development.
- social protection of the needy population.
- it consists in creating decent living conditions through the redistribution of benefits, as much as possible to mitigate social inequality in society.
- providing social services.

In general, in a social state, the employment of every person capable of working is ensured. A sufficient wage is set for a decent living, safe working conditions are created for work, and the rights to protection from unemployment, quality education, and qualified medical care are implemented in reality. Children, women, the elderly, people with disabilities, migrants and their family members are supported and encouraged by all parties.

Professors EI Kozlova and OE Kutafin define a social state as a state that considers ensuring high social development as its main task, based on the principles of social equality, general solidarity, and mutual responsibility, strengthened by legal means. The welfare state helps the weak and strives to ensure a decent standard of living for every person by distributing economic wealth in the spirit of the principle of social justice.⁷².

It is worth emphasizing that a person must have the means to satisfy his needs, to live a real life, and also to be provided with work. The social state supports and strengthens the right of a person to work in every possible way. It prevents unemployment and ensures employment, and creates additional jobs, and takes on the responsibility of providing for the socially disadvantaged, the disabled with pensions and various social benefits. The Constitution provides that, in a democratic state, the legal social state contributes to the equality of citizens and the creation of equal conditions for them, and the distribution of the visible hardships of life as equally as possible. The functions of the social state are characteristically broad, which is why they are so broad. In this regard, functions such as ensuring the employment of the population, maintaining the balance of material and economic wealth in society through the budget, improving and protecting working conditions, providing care in the field of education, setting a minimum subsistence level for people, protecting the family, fundamentally establishing a social pension system, preserving health, and developing sports are being implemented. Social activity in the above areas does not expand state intervention in the economy, but rather aims to develop a market economy and private entrepreneurship.

Achieving the primary goals of the social state requires, in addition to the means of implementing social policy, the creation of appropriate legislative and administrative-organizational structures. This requires the implementation of structural reforms in the economy and the liberalization of the political system.

A social state is a model of a state in which the state pursues a policy of achieving a decent standard of living for each citizen, reducing social inequalities in society, and

⁷²Kozlova E.I., Kutafin O.E. Constitutional law Rossii. M., 1999. Page 131.

providing assistance to vulnerable segments of the population. In short,, the state must take a responsible approach to caring for its citizens. After all, a social state is a state that guarantees its citizens a certain level of well-being in a market economy. In this type of state, a system of social support is established for every needy member of society without any exception, and the state assumes responsibility for a certain level of well-being of its citizens.

In this regard,According to modern experience, the idea of a social state in European countries has been strengthened by various legal documents and norms.If we look at international experience, we can see that the social state is seen in two different ways in international political and legal systems. We can see that these find their expression in indirect and direct forms. The concept of the welfare state, through concepts such as "welfare state" or "universal welfare and dignity state", is implicitly enshrined in the Constitutional Acts of Great Britain and the Italian Constitution. The concept of the "welfare state" is implicitly expressed in Article 20 of the 1949 Constitution of the Federal Republic of Germany. There are also Scandinavian and Continental models of the welfare state, in which states are responsible for the social welfare of their citizens, education, health care, social services for children and young people, and the elderly. According to them, Germany is declared a "democratic and social federal state." Also, the 1958 Constitution of France reflects the principle of an "indivisible, secular, social, democratic republic," and the 1978 Constitution of Spain reflects the principle of a "legal, democratic, social state."

In a broad sense, the social state implements the payment of pensions to the population, provides services to society, and resolves issues related to housing and housing provision. In a broad sense, it implements a significant number of programs aimed not only at directly supporting and empowering the population, but also at measures aimed at managing and organizing the economy, including labor and related issues, as well as comprehensive macroeconomic management.

As we study the history of our national statehood, we witness the emergence of the concept of a "social state" in similar terms. The idea of a social state was first advanced in the ancient East, in particular by our thoughtful ancestors. For example, the ideas expressed in the work "City of Virtuous People" by Abu Nasr Farabi, who lived and created in the 9th-10th centuries, about the ideal state of a virtuous city, precisely embody the essence of the principle of "social state". Social state is a specific period in the historical development of mankind, a stage in the development of statehood. The creation of a social state was also the most cherished dream of our grandfather Alisher Navoi.In his works and wise administration, he promoted such ideas as creating a social environment conducive to the happy life of people, building a prosperous society, enlightened state administration, just and fair rulers, and people being kind to each other and having high morals.Similar ideas can be found in the works of our great ancestors such as Nizami Ganjavi, Saadi Shirozi, and Ahmad Donish. It would not be an exaggeration to say that the true understanding of the "social state" is, first of all, equal opportunities for the realization of human potential and abilities, the creation of the necessary conditions for people to lead a decent lifestyle, and the reduction of poverty. A social state means that it is aimed at organizing a stable and normal way of life, as well as at the vigorous

development of the state, and at firmly protecting the rights and freedoms of man, as well as his legitimate interests.

The functions of the social state are to support and strengthen the social protection layer, prevent unemployment, support and encourage entrepreneurship and provide assistance to them, ensure the employment of the population and control the growth of permanent incomes, provide education, health care, social services and spiritual and cultural development, mitigate social inequality in society, and provide the population with It consists of redistributing benefits and creating a decent standard of living.

Signs of a social state - quality education, free qualified medical care, social economy, development of civil society, development and implementation of strategic state programs and their implementation among the population. The state ensures decent living conditions for all citizens, social security and equal opportunities for human self-realization, social responsibility before citizens, and the social sphere. A high level of education, a well-developed system of social life regulation, the availability of social services in the country, social protection, the presence of a social band in the state apparatus, the availability of social support for every member of society, and the acceptance of state responsibility for the appropriate level of well-being of citizens.

Political scientist Kamoliddin Rabbimov gives this definition of the concept of the social state. The social state is ultimately a great concept. This concept has become a central characteristic of statehood in Western countries over the past two centuries. The greatest value of the social state is equality in society. But there are many means of ensuring equality in society. That is, he answered the question of whether equality is achieved through freedom or by denying freedom. In the 20th century, equality was at the center of ideological struggle. The central value in the totalitarian Soviet Union was equality. Kekin says that in ensuring this equality, freedom was completely denied. For example, in North Korea and Cuba, the greatest value is equality. If we take into account, equality is also a great value for Western European countries. But he says that equality is ensured through agriculture.

What are the specific features of a social state and how does it differ from socialism? In fact, socialism does not ensure the equality of citizens, but rather their freedom. Also, in a social state, society is given the highest degree of freedom. If we rely on modern world scientific sources, a social state is, first of all, a state that protects social justice, the well-being of its citizens, and their social protection. The social state closely links its management activities with the social protection of the population in need of social protection, especially: the unemployed, those deprived of the ability to work, those who have lost their breadwinners, people with disabilities, children, and the elderly.

LIST OF REFERENCES USED:

1. Sharkov F.I...Basic social governance. M.: Izdatelsko-torgovaya corporation "Dashkov i Ko", 2012 – pp. 115-115
2. Baglay V.M. Constitutional law of the Russian Federation. - M., 2007. - p. 137.

3. Constitution of the Russian Federation: commentary / Pod obshch. ed. B. Topornina and dr. - M., 1994. - p. 21.
4. Leist O.E. Grazhdanskoe obshchestvo, gosudarstvo i pravo / Obshchaya teoriya gosudarstva i prava Academic course. Otv. ed. M.N. Marchenko, Tom 1. - M., 1998. - p. 346.
5. Dzernazarov, "The concept of "social state" in scientific literature and its features," article, Proceedings of the Republican Scientific and Practical Conference on Modern Technologies and Effective Methods of Spiritual Order and Propaganda, Tashkent: "AFZALZODA BOOKS" Publishing House, 2023, pp. 291-296