



THE CONCEPT AND LEGAL NATURE OF THE FUNCTION OF THE STATE TO ENSURE THE LEGAL ORDER

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ABSTRACT

The function of the state to ensure (protect) the legal order is the activity of the state aimed at ensuring that all participants in social relations strictly and fully comply with the laws issued by the state. Ensuring the legal order is the state's strengthening of legality and legal order in society, protection of the rights and interests of people and citizens. In ensuring the legal order, all participants of social relations in the society carry out activities aimed at ensuring the exact and complete implementation of the laws issued by the state.

INTRODUCTION

In a legal state, the life of society and the state is built on the basis of fair laws, the interests of the individual, society, and the state are protected from any illegal aggression. In the center of law enforcement activity of the state is the person as a citizen, as a member of society, as well as the state itself and various bodies under it. Therefore, while protecting the rights and legal interests of the individual, the state protects its interests and the interests of the entire society.

MAIN PART

Combating crimes is an important aspect of the state's law enforcement activities, but it is not the main direction of activity in this regard. The state is tasked with maintaining an order that fully meets the requirements of legal norms created on the basis of freedom and justice in the life of society and ensuring them with the help of special bodies (court, prosecutor's office, internal affairs bodies, etc.). Maintaining a

stable legal order in the country is the task of the entire state and its system of total bodies. The coercive side of the state's activity gradually loses its importance as harmonious, objectively created economic, political, social and moral relations between citizens and the state are formed. Coercion gives way to the legal order of an enlightened society (Odilkoriev Kh., 2018). The function of the legal order protection of the state is aimed at strengthening the legality and legal order in the society, protecting the rights and interests of people and citizens (Saburov N., Saydullaev Sh., 2011).

Its essence is more clearly expressed in the functions of the state. Of course, clarifying the function of the state has an objective nature. Because the functions of the state are objectively formed under the influence of the goals and tasks related to the economic and political systems of the society and the interests of the social class, the community and the whole nation



arising from them. Therefore, the functions of the state are constant throughout the entire historical period of its existence. If other political forces come to power, then the functions of the state will also change. At the same time, there may be a change in priority interests in certain periods.

Legal scientist S.A. Komarov proposes to interpret the functions of the state not only as its directions of activity, but also as a mechanism for influencing the processes in society. It refers to the fact that the state performs certain functions in one or another sphere of social life and simultaneously influences the state of processes in society by means of reforms, various changes, legal regulation of social relations (Komarov S. A., 1999).

RESULTS AND DISCUSSION

Legality is a socio-political regime consisting of the rule of law in social life, the unwavering implementation of the instructions of legal norms by all participants of social relations, the consistent fight against lawlessness and violence in the activities of officials, and ensuring order and organization in society.

Basic principles of legality:

- the superiority of the constitution and laws over other legal documents;
- equality of legal subjects in the law and the court;
- non-allowance of violence in the activities of authorities and officials;
- that citizens' rights and freedoms are guaranteed;
- uniform application and interpretation of regulatory legal documents throughout the country;
- expediency should not be opposed to legality;
- legality is inextricably linked with culture.

Features of the implementation of the function of maintaining law and order in a state governed by the rule of law are:

- close interaction of law enforcement agencies, including law enforcement agencies with civil society institutions arising within the existing political system of society: the essence of the law enforcement function of the state is that in a state governed by the rule of law, the existence of the individual is considered the highest value and great importance is attached to the law enforcement function;
- the dependence of the development of the rule of law on the development of law enforcement functions: the level of development of law and civil society is determined by the level of development of the law enforcement function, which is directly related to the nature of the tasks set by the state in its implementation, prevention of violations of the rights and legitimate interests of citizens, their associations and organizations, strengthening cross-linking mechanisms with them should be a top priority;
- methods of law enforcement, which are mainly encouraging in the law (the use of coercive methods is reduced), primarily due to the high legal culture of citizens and law enforcement officers;
- evaluation of the effectiveness of the implementation of the law enforcement function by society: assessment of the implementation of the law enforcement function by the state in the rule of law, as well as state control;
- the public: citizens, civil society institutions should be actively involved in the formation of evaluation criteria, the development of recommendations for the implementation of law enforcement functions. The maturity of civil society



allows for the correct formulation of criteria by which the law enforcement function can be realistically assessed by society and the state.

Another feature of the rule of law is that citizens are able to solve state tasks, wide participation of the state in the performance of the functions of civil society. The state performs a number of functions at each stage of development, the social and political-legal essence of the state is to choose such areas of state activity that are most clearly and fully reflected (H. Soburov, 2021).

CONCLUSION

In conclusion, it should be noted that the function of the state to ensure the legal order is the activity of the state aimed at ensuring that all participants in social relations clearly and completely fulfill the laws issued by the state. Ensuring the legal order is the state's strengthening of legality and legal order in society, protection of the rights and interests of people and citizens. In ensuring the legal order, all participants of social relations in the society carry out activities aimed at ensuring the exact and complete implementation of the laws issued by the state.

References:

1. Комаров С.А., Малько А.В. Теория государства и права. Учебно-методическое пособие./ Краткий учебник для вузов. -М.; НОРМА, 1999. -448с.
2. Одилқориев Х. Давлат ва хуқуқ назарияси. Дарслик. – Тошкент: Адолат, 2018. – 528 б.
3. Сабуров Н., Сайдуллаев Ш. Давлат ва хуқуқ назарияси / Ўқув қўлланма. – Тошкент: ТДЮИ, 2011.
4. Odilqoriyev X.T., Chinibayev X.J. Davlat hokimiyati: mohiyati, funksiyasi va zamonaviy talqini. Monografiya. – T.:O'zbekiston Respublikasi IIV Akademiyasi, 2015. B.43.