

EVOLUTION AND GENESIS OF THE CONCEPT OF "CIVIL SOCIETY"

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Abstract: The article is devoted to the development of ideas about civil society at various stages of human development, the author's definition of civil society is given, the main characteristics and features of civil society are given, the features of the development of civil society in Uzbekistan are shown.

Keywords: Civil society, stages of development of ideas about civil society, main features of civil society, self-governing and self-regulating society.

Introduction. The genesis of the concept of "civil society" has incorporated many values of human civilization. There are many different approaches to the study of this phenomenon among scientists, but there is still no consensus regarding its essence, origin and historical boundaries. Modern ideas about civil society are the result of their long evolution in the history of socio-philosophical and political thought, which explains their diversity and inconsistency. The evolution of political and legal ideas about civil society has gone through four stages:

The first is the historical or initial period (the ancient period and the Middle Ages), which is characterized by the identification of civil society with the state. Representatives of this period were Plato, Aristotle, Cicero, Al Farabi, A. Navoi, Ibn Khaldun and others.

The second - the classical period (from the 17th to the 19th centuries) is characterized by the fact that there is a distinction between the concepts of "civil society" and "state". Prominent representatives of this period were F. Bacon, G. Grotius, T. Hobbes, I. Kant, J. Locke, C. Montesquieu, J. J. Rousseau, B. Spinoza, D. Hume, I. Bentham and others.

The third is the industrial or industrial period (from the end of the 19th century to the end of the 20th century), when interest in the ideas of civil society is reviving, which was associated by some representatives with the development of private property, and others with the institutional composition, i.e. structure of civil society. During this period, ideas about civil society can be seen in the works of G. Hegel, W. Humboldt, B. Constant, T. Payne, A. deToqueville, P. Stein, R. Nisbet, P. Berger, D. Green, D. Sartori, F. Oxburne, R. Darendorf, E. Gellner, D. Talmon and others.

The fourth is the modern period (the end of the 20th century to the present), when there is a reassessment of values, at the forefront of which are the interests, rights and freedoms of the individual. Civil society is seen as a mediating link between the state and the individual, as a means of influencing the state.

The concept of civil society developed simultaneously with the concept of the rule of law. The term "legal state" - Rechtsstaat was introduced into jurisprudence at the beginning of the 19th century by the German thinkers K.T.Welkler and R. Von

Molem. A significant addition and improvement of the concept of the rule of law were the ideas of D. Locke, C. L. Montesquieu, D. Adams, D. Madison, T. Jefferson, I. Kant, G. V. Hegel and others. Kant is the founder of the philosophical and theoretical substantiation the rule of law as a civil association of people obeying legal laws. Hegel added “political economic” to Kant's “moral” substantiation of the legal nature of civil society: “the legal freedoms of the individual are guaranteed by institutions, proclaiming one of the most important tasks of the rule of law, which, in turn, rely on civil society, owners of private property”.

The concept of “civil society” has a long and complex history. It came into use in the XVII-XVIII centuries. Its main meaning was that the community of citizens should have its own laws and not depend on gross arbitrariness on the part of the state.

The construction of civil society is a special, highest period in the history of mankind, state and law. The formation of a civil society is, first of all, a civilized interconnection of a person, society, state, where a person is a priority. Civil society is a mediating link between society and the state. One of the thinkers, J. Madison, in his articles in *Federalist*, emphasized the role of civil society as a counterbalance to the arbitrariness of the state. He believed that a guarantee against the tyranny of the majority is the presence in society of various groups with multidirectional interests. In this sense, civil society is the guardian of human rights.

It should be noted that the major theorists of the past emphasize three features characteristic of civil societies? First, the presence of many associations or centers of social power. Secondly, the relative independence of these centers of social power. And thirdly, a sense of civic responsibility, as well as civilized behavior and an active civic position are all necessary elements of a truly civil society.¹

Society, as a complex system of relationships between its subjects (individuals, various social groups and associations, etc.), becomes civil only at a certain stage of its development, under certain conditions. Civil society is a prerequisite for building not only a democratic society, but also the formation of a democratic and legal state in the classical sense of the word. It arises there only when the institution of the state is no longer able to optimally fulfill the functions of the regulation of social relations, where the prerequisites for civil compromise and worldview pluralism have matured; where a set of public institutions is formed that have their own status and are capable of an equal dialogue with the institution of the state, capable of resisting the political expansion of the state, being its counterweight; to restrain his desire for monopoly, transformation from a system for ensuring the development of society into a system of self-sufficiency. That is, civil society declares itself as a natural form of opposition and cooperation with the authorities. The norm of civil society is the subordination of the individual to contractual relations. "Only in civil society does an individual acquire the status of a subject of freedom, freeing himself from the status of being a hostage of someone else's political will, an object of manipulation."² The emergence of civil society, as E. Gellner rightly notes, breaks the link between social life and the authority of power. Unlike the state, civil society does not claim the status of a sacred institution. It is initially amorphous and pluralistic, self-critical.³ “Civil society is

separate from state power, but it is not free from it. The social purpose of civil society is mediation between citizens, their associations and the state. ¹⁴

Among legal scholars, political scientists, sociologists, scientific discussions are held on issues related to civil society, the rule of law, the relationship of these institutions, the role and place of the individual in the system "man - society - state", etc. Accordingly, this polemic is reflected in the scientific literature in the form of the development of certain theories, teachings, schools, as evidenced by various approaches to the definition of "civil society", which shows how complex and multifaceted this concept is. So, according to V.V. Lazarev, civil society is "a necessary rational way of coexistence of people, based on reason, freedom, law and democracy."¹⁵ In the opinion of ZM Islamov, "Civil society is a free democratic legal civilized society, where there is no place for a regime of personal power, voluntarism, class hatred, totalitarianism, violence against people, where law, morality, principles of humanism and justice are respected. It is a multi-structured market competitive society of proactive entrepreneurship, a reasonable balance of interests of various social strata. "¹⁶

A. Saidov and U. Tadzhikhanov define civil society as "a society consisting of real citizens, i.e. people with interconnected legal and political cultures, which are based on moral culture. It is a society of a stable order, supported not only by the force of state coercion, but also by the independent efforts of the citizens themselves - its members ".¹⁷

A.I.Bobylev believes that "civil society is a set of non-state relations in the spheres of political, economic, social, religious, family, self-government, organization and functioning of private mass media, etc., which have relative independence, autonomy, "Insurance" against arbitrary state interference ".¹⁸ From this definition one can see how capacious the concept of "civil society" is, what features it has, how it relates to the state, on what principles it is based.

According to BN Chicherin, "civil society is not a part of the state, but an independent area of phenomena. Being in the state and obeying it externally, society is in constant interaction with it. It affects the state, just as the latter, for its part, affects it and society is not absorbed by the state. "¹⁹

Civil society, according to V.I. Zhukov and B.I. Krasnov, is one of the forms of community of people in their non-political existence, directly dependent on the sphere of political power and closely adjoining it, but also protected from its direct interference by the necessary regulations.¹⁰

N.I.Matuzov considers civil society as a certain type (state, character) of society, its socio-economic, political and legal nature, the degree of development, completeness. Civil society, in his opinion, is a higher stage in the development of a social community, a measure of its maturity, rationality, justice, humanity.¹¹ This is a set of non-state and non-political relations (economic, social, cultural, moral, spiritual, corporate, family, religious), which form a special sphere of specific interests of free individual owners and their associations.¹²

Exploring civil society, Andranik Migranyan defines it as follows: "The content of the concept of civil society includes the entire set of non-political relations

in society, that is, economic, spiritual, moral, religious or national, etc. Civil society is a sphere of spontaneous self-manifestation of free individuals and voluntarily formed associations and organizations of citizens, which is protected by the necessary laws from direct interference and arbitrary regulation of the activities of these citizens by state authorities ".¹³

In our opinion, only in civil society there are truly developed economic, cultural, legal, political and social relations in which individuals, parties, social movements, organizations, citizens' self-government bodies, the media and other non-governmental non-profit organizations are involved. And the democratization of power occurs due to its transfer to these structural elements (subjects) of civil society. A developed civil society has such a degree of independence and autonomy from the state, which guarantees the security of the individual from abuses associated with the unfair use of state power.

The main mechanism of civil society is self-regulation. It is this property that determines its essence. "One of the fundamental tasks that the solution of which is entrusted to civil society is the ability to limit and control power."¹⁴

We tend to believe that the state and society basically differ in that the former is characterized by vertical relations of its structures, and the latter - horizontal, that is, equal and contractual (dispositive) relations of its subjects.

SM Adilkhodzhaeva believes that one of the main, if not the determining factors in the development of civil society is the interaction of society and the state. The maturity of civil society depends on how effectively the state power interacts with society, how effectively the mechanism of interpenetration of society and the state works. The formation of a civil society is impossible without the rule of law, a market economy. Only the structural interconnection and conditioning of three social phenomena: civil society, the rule of law and the market economy will make it possible to form a civilized state based on democratic principles and human freedom¹⁵. A similar opinion is shared by A.R. Rakhmanov, who believes that civil society is a community of free individuals. In economic terms, this means that each individual is the owner.¹⁶

The following opinion of V.A. Chetvernin is of scientific and theoretical interest: civil society is a self-regulating system that determines the state. A self-regulating system is such a system that is itself capable of fixing all the elements that are useful to it and rejects everything that is harmful. The main mechanisms of self-regulation of civil society are the free market (economic mechanism), political freedom and free access to independent justice (legal mechanism)¹⁷.

The main purpose of the subjects of civil society, according to I.L. Chestnov and Yu.N. Volkov, is not just an impact on state power, but also the development of a political course, i.e., namely, associations representing society (and ideally, any willing).¹⁸

Thus, the following characteristic features of civil society can be distinguished:¹⁹

1) equality of all forms of ownership, freedom to use one's abilities and property for entrepreneurial activity, the functioning of non-state economic structures;

2) a social space in which citizens interact relatively freely, without direct state intervention through various social institutions;

3) recognition and protection of human and civil rights and freedoms by non-state means, self-defense by political means, moral principles, creating social conditions, etc .;

4) a person of civil society is called a citizen, which emphasizes the freedom of the individual, its independence, the democratic state of the given society;

5) such a self-governing society in which local self-government develops; citizens also participate in the management of society through political parties, public associations, and non-state economic structures. A self-governing system of civil society is able to develop a mechanism for limiting and controlling the activities of the state.

Having reviewed and analyzed the data available to us, we present the following author's definition. **Civil society is an organized, self-governing community of citizens, associations, public organizations that is able to effectively interact with state power, restrict it, influence decisions made by the government in order to protect the freedom, rights and interests of citizens, private property, entrepreneurial activity, the implementation of creative abilities, ensuring openness and fairness in society.** Summarizing the consideration of the genesis of civil society by the most prominent thinkers, we can note that the main directions in the emphasis in the concept of civil society were the following in terms of the chronology of development: 1) interaction between the state and society, countering the arbitrariness of state power, cooperation with the state, religious, economic, spiritual -moral, interethnic relations; 2) humanity, a person as the main value of society, the maturity of civil society, moral qualities of citizens, civilized behavior, civic responsibility, political culture, reasonable justified human behavior; 3) independence, self-organization of civil society, improvement of the subjects of civil society, the ability to independently solve pressing problems, ensure openness of the state, economic independence.

Uzbekistan is developing along its own path and it is characteristic for our country that the formation of a civil society is initiated by the state itself. On the way to the formation of the rule of law in Uzbekistan, international approaches were taken into account: the priority of individual rights, ensuring human rights and freedoms; the rule of law, which expresses and embodies the generally binding will of society; organization of power: the division of power into legislative, judicial and executive branches. In the formation of national statehood, national characteristics, legal culture, and mentality are taken into account. Civil society is a system with active self-regulatory mechanisms. The main mechanisms of self-regulation of civil society are the free market (economic mechanism), political freedom and free access to independent justice (legal mechanism). The full functioning of civil society is necessary, since it is in civil society that human rights, initiative are fully realized, its

creative potential is revealed, contributes to the progressive development of the state and society as a whole.

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