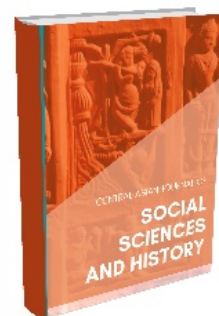




Available online at www.cajssh.centralasianstudies.org
**CENTRAL ASIAN JOURNAL OF
SOCIAL SCIENCES AND HISTORY**

Journal homepage: www.cajssh.centralasianstudies.org/index.php/CAJSSH



A Little About the Historical Roots of the Idea of Justice

Sultanova Sabohat

PhD, lecturer Professor of the Theory and history of State and law department of the Tashkent state university of law

M. Ahmedshaeva

Professor of the Theory and history of State and law department of the Tashkent state university of law, Doctor of science in law

ABSTRACT

The article analyzes the issues of justice in the life of society and the state. The historical and spiritual roots of justice, the statements of the great thinkers of the East about justice, about laws based on justice, the connection of law and justice with social justice, the problem of strengthening the moral foundations of legislation.

ARTICLE INFO

Article history:

Received 29 May 2021

Received in revised form

30 May 2021

Accepted 18 Aug

Available online 23 Sep 2021

Keywords: Justice, laws, social justice, just laws, legal sources of justice, moral foundations, spiritual foundations of justice

INTRODUCTION

Since ancient times, the concept of justice in the life of society and people has attracted the attention of thinkers, scientists and ordinary people. But at the same time, up to the present time, it cannot be stated that the essence of this phenomenon has been fully revealed, which once again shows the complexity of its cognition.

As you know, justice, as a principle of the life of society, in one way or another, in one form or another, is inherent in any society. The category of justice can be viewed from different points of view, among them there is a legal point of view.

THE MAINPART. If we consider this issue historically, then we will see that our great ancestors put justice at the basis of government management, organization of social life. Consequently, the concept of justice has always played a large role in the formation of social, especially legal culture of people. The great thinker of the East Al - Farabi paid great attention in his writings to the issue of justice. The Iranian scientist Rizo Dovara Ardakoni, who studied the political and legal heritage of Farabi, in his work "Farabi - the founder of Islamic philosophy", comes to the conclusion that "the philosophical wisdom of Farabi should be recognized as the true legal source of justice."

The great commander and ruler Amir Temur throughout his life strove for justice in everything. He said, "My goal is to establish order, justice and tranquility in the state." "Our strength is in justice." The value of these statements was measured by their implementation in the life of a powerful state created by him.

When it comes to justice, how not to remember Alisher Navai, who said that "That person is good who is just," whose life was spent under the principle of justice. According to Navai, justice is not only a moral and spiritual value, it is the basis of the state structure and its prosperity. Fairness implies respectful attitude and unquestioning obedience to the law.

It is noteworthy that at one time the people nicknamed Abu Ali Hasan ibn Tusiya "Nizomulmulk" for his effective policy based on social justice, when he was working as a vizier under Malikshah.

These are some touches to the ideological portrait of the historical roots of our statehood, aspirations to build a legal, just society today.

Legality is a regime of accurate and unswerving execution and observance of legal norms by all participants in public relations. Demanding the execution of legal norms from citizens, state bodies of all levels, it is necessary to base their activities, first of all, on the law, to be an example of its unswerving observance.

However, you should also fight any attempt to justify violations of the law, these so-called departmental or local "expediency", "business interests", etc. to conflict with the law, the interests of the business should not prevail over the principle of strict observance of the law.

Indeed, the principle of legality affects the functioning of state bodies, the activities of the state apparatus and its officials, manifesting itself precisely when all the authorized and competent structures of the state and responsible officials, regardless of their official rank, act only on the basis of legal laws. The state in the conditions of civil society is on the guard of the requirements of the principle of legality, which guarantees the protection of society and the individual from arbitrary interference by power structures in their life, minimizes acts of lawlessness.

Consequently, the principle of legality is an expression of the foundations of justice in all aspects of legal life. The established legal order must certainly be oriented towards the principles of justice. The ancient Romans said: "aequum et bonum est lex legum" - "justice and the common good are the law of laws", which follows from this that the idea of justice is consonant with law.

At the same time, legality is here an official indicator of the coincidence of moral and legal

assessments in the act of exercising the right. And it is logical that in modern conditions legality is an indicator of society's attitude to law, revealing the level of the humanistic content of legal reality from the point of view of the practical implementation of law.

In general, the idea of justice arose long before the emergence of the state and law and, consequently, the rule of law, the latter appears along with the emergence of the state. Legality is organically linked to law and cannot exist without it. Consequently, justice is primarily a moral and value phenomenon of social life, and legality is a political and legal one.

Meanwhile, legality is inconceivable without justice and vice versa. Therefore, legality and fairness can and should be compared. The unity of law and justice is due to basic moral principles. Everything that has been said about the value of law for society, the individual, the state refers to legality and justice.

As the prominent theorist of law S.S. Alekseev correctly pointed out, “the morality of law, and first of all the expression of the beginning of justice in it, is that ethical and legal requirement that clearly“ betrays ”the genetic community of law and morality and which testifies to they have “a single progenitor in the very foundations of human existence”.

But, at the same time, the identification of legality and justice would mean "replacing legality with justice, or, conversely, replacing justice with legality, which does not correspond to reality." And at the same time, although legality and justice are functionally related to law in their content, the interaction between them should be characterized as the reciprocal mutual influence of the same-order social phenomena.

Legality and justice are closely related to objective truth, the process of establishing and proving it when considering and resolving legal cases. Indeed, truth is the basis of justice, a necessary condition, without which it is impossible to assess this or that situation, to make a fair decision. In this case, legality is a formal requirement that evaluates events and actions from the point of view of lawfulness or illegality, and justice is a moral imperative that characterizes human actions from the standpoint of good and evil, good and bad, etc.

CONCLUSION. Legality and justice are closely related to objective truth, the process of establishing and proving it when considering and resolving legal cases. Indeed, truth is the basis of justice, a necessary condition, without which it is impossible to assess this or that situation, to make a fair decision. In this case, legality is a formal requirement that evaluates events and actions from the point of view of lawfulness or illegality, and justice is a moral imperative that characterizes human actions from the standpoint of good and evil, good and bad, etc.

REFERENCES:

1. Akhmedshaeva M. et al. The Process of Reforming the System of State Administration and Administrative State Reform in Uzbekistan //J. Advanced Res. L. & Econ. – 2020. – T. 11.– C. 273.
2. Akhmedshaeva, M., Nazhimov, M. K., Mukhamedov, K. M., & Abdurashidovna, M. F. (2020). The Process of Reforming the System of State Administration and Administrative State Reform in Uzbekistan. *J. Advanced Res. L. & Econ.*, 11, 273.

3. Ахмедшаева М. А. и др. Рецепция права как фактор модернизации национального права // *Studia Politologiczne*. – 2020. – Т. 58. – №. 58. – С. 126-146.
4. Ахмедшаева, М. А. (2020). Рецепция права как фактор модернизации национального права. *Studia Politologiczne*, 58(58), 126-146.
5. Ахмедшаева Мавлюда КОНСТИТУЦИЯ: ОТ ВЕРХОВЕНСТВА ЗАКОНА К ВЕРХОВЕНСТВУ ПРАВА // *Review of law sciences*. 2020. № Спецвыпуск. URL: <https://cyberleninka.ru/article/n/konstitutsiya-ot-verhovenstva-zakona-k-verhovenstvu-prava> (дата обращения: 22.09.2021).
6. Ахмедшаева Мавлюда (2020). КОНСТИТУЦИЯ: ОТ ВЕРХОВЕНСТВА ЗАКОНА К ВЕРХОВЕНСТВУ ПРАВА. *Review of law sciences*, 4 (Спецвыпуск), 5-11. doi: 10.24412/2181-919X-2020-5-11
7. М.Ахмедшаева ОСНОВНЫЕ ТЕНДЕНЦИИ РАЗВИТИЯ ПРАВА В СОВРЕМЕННОМ МИРЕ // *Review of law sciences*. 2018. №2. URL: <https://cyberleninka.ru/article/n/osnovnye-tendentsii-razvitiya-prava-v-sovremennom-mire> (дата обращения: 22.09.2021).
8. М.Ахмедшаева (2018). ОСНОВНЫЕ ТЕНДЕНЦИИ РАЗВИТИЯ ПРАВА В СОВРЕМЕННОМ МИРЕ. *Review of law sciences*, (2), 5-8.
9. Ahmedshaeva M. A. Main tendencies of the development of Law in the present day // *Review of law sciences*. – 2018. – Т. 2. – №. 2. – С. 1.
10. Ahmedshaeva, M. A. (2018). Main tendencies of the development of Law in the present day. *Review of law sciences*, 2(2), 1.
11. Ahmedshaeva M. A. Main tendencies of the development of Law in the present day.
12. Ahmedshaeva, M. A. Main tendencies of the development of Law in the present day.
13. Ahmedshaeva, M.A. (2018) "Some issues concerning sources of law," *Review of law sciences*: Vol. 3 :Iss. 1 , Article 2. Available at: https://uzjournals.edu.uz/rev_law/vol3/iss1/2
14. Ahmedshaeva, M.A. (2018) "Some issues concerning sources of law," *Review of law sciences*: Vol. 3 :Iss. 1 , Article 2.
15. Akhmedshaeva M. SOME THEORETICAL-LEGAL AND ORGANIZATIONAL QUESTIONS OF FORECASTING OF LAWMAKING PROCESS // *ProAcademy*. – 2018. – Т. 1. – №. 1. – С. 19-24.
16. Akhmedshaeva, M. (2018). SOME THEORETICAL-LEGAL AND ORGANIZATIONAL QUESTIONS OF FORECASTING OF LAWMAKING PROCESS. *ProAcademy*, 1(1), 19-24.
17. Akhmedshaeva M. SOME THEORETICAL-LEGAL AND ORGANIZATIONAL QUESTIONS OF FORECASTING OF LAWMAKING PROCESS // *ProAcademy*. – 2018. – Т. 1. – №. 1. – С. 19-24.
18. Akhmedshaeva, M. (2018). SOME THEORETICAL-LEGAL AND ORGANIZATIONAL QUESTIONS OF FORECASTING OF LAWMAKING PROCESS. *ProAcademy*, 1(1), 19-24.

19. Akhmedshaeva M. SOME THEORETICAL-LEGAL AND ORGANIZATIONAL QUESTIONS OF FORECASTING OF LAWMAKING PROCESS.
20. АХМЕДШАЕВАМ. SOME PRIORITY DIRECTIONS OF RESEARCH OF THE STATE AND LAW AT THE PRESENT STAGE //Юридикфанлараҳборотномаси. – 2017. – №. 1. – С. 13-20.
21. АХМЕДШАЕВА, М. (2017). SOME PRIORITY DIRECTIONS OF RESEARCH OF THE STATE AND LAW AT THE PRESENT STAGE. *Юридикфанлараҳборотномаси*, (1), 13-20.
22. Ахмедшаева М. НЕКОТОРЫЕ ПРИОРИТЕТНЫЕ НАПРАВЛЕНИЯ ИССЛЕДОВАНИЯ ГОСУДАРСТВА И ПРАВА НА СОВРЕМЕННОМ ЭТАПЕ //Reviewoflawsciences. – 2017. – Т. 1. – №. 1.
23. Ахмедшаева, М. (2017). НЕКОТОРЫЕ ПРИОРИТЕТНЫЕ НАПРАВЛЕНИЯ ИССЛЕДОВАНИЯ ГОСУДАРСТВА И ПРАВА НА СОВРЕМЕННОМ ЭТАПЕ. *Review of law sciences*, 1(1).
24. Ahmedshaeva M. New approaches of preparation of the legal personnel and quality of legal education" in Uzbekistan //SCIENTIFIC ENQUIRY IN THE CONTEMPORARY WORLD: THEORETICAL BASICS AND INNOVATIVE APPROACH. – 2016. – С. 32.
25. Ahmedshaeva, M. (2016). New approaches of preparation of the legal personnel and quality of legal education" in Uzbekistan. *SCIENTIFIC ENQUIRY IN THE CONTEMPORARY WORLD: THEORETICAL BASICS AND INNOVATIVE APPROACH*, 32.
26. Ahmedshaeva M. NEW APPROACHES OF PREPARATION OF THE LEGAL PERSONNEL AND QUALITY OF LEGAL EDUCATION" IN UZBEKISTAN //SCIENTIFIC ENQUIRY IN THE CONTEMPORARY WORLD: THEORETICAL BASICS AND INNOVATIVE APPROACH. – 2016. – С. 32.
27. Ahmedshaeva, M. (2016). NEW APPROACHES OF PREPARATION OF THE LEGAL PERSONNEL AND QUALITY OF LEGAL EDUCATION" IN UZBEKISTAN. *SCIENTIFIC ENQUIRY IN THE CONTEMPORARY WORLD: THEORETICAL BASICS AND INNOVATIVE APPROACH*, 32.
28. Ахмедшаева М. А. Историко-правовые подходы в изучении дипломатии //Высшая школа. – 2016. – №. 4. – С. 23-24.
29. Ахмедшаева, М. А. (2016). Историко-правовые подходы в изучении дипломатии. *Высшая школа*, (4), 23-24.
30. Ахмедшаева М. А. СОЦИАЛЬНОЕ ПАРТНЁРСТВО-НЕОБХОДИМОЕ УСЛОВИЕ УГЛУБЛЕНИЯ ДЕМОКРАТИЧЕСКИХ РЕФОРМ В УЗБЕКИСТАНЕ //Сборники конференций НИЦ Социосфера. – VedeckovydavatelскеcentrumSociosfera-CZ sro, 2014. – №. 54. – С. 7-11.
31. Ахмедшаева, М. А. (2014). СОЦИАЛЬНОЕ ПАРТНЁРСТВО-НЕОБХОДИМОЕ УСЛОВИЕ УГЛУБЛЕНИЯ ДЕМОКРАТИЧЕСКИХ РЕФОРМ В УЗБЕКИСТАНЕ. In *Сборники конференций НИЦ Социосфера* (No. 54, pp. 7-11). VedeckovydavatelскеcentrumSociosfera-CZ sro.

32. Akhmedshaeva M. Hozirgi Zamon Davlati Va Huquqi Nazariiasi Muammolari: Ŭqub Qŭllanma. – 2008.
33. Akhmedshaeva, M. (2008). Hozirgi Zamon Davlati Va Huquqi Nazariiasi Muammolari: Ŭqub Qŭllanma.