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SOCIAL STATE AND ITS CHARACTERISTICS: (SOME THEORETICAL AND LEGAL ISSUES)

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Abstract

In this article is emphasized that, as a result of the constitutional reforms carried out in our country, the enshrinement of the legal foundations of the social state at the constitutional level has increased academic interest in issues related to the social state, its features, characteristics, and practical implementation. Consequently, scientific research in this field is not only theoretical but also, to a certain extent, practical in nature.

It presents and analyzes several contemporary scholarly perspectives on such categories and concepts as the evolution of the social state, the concept of a social state, its features and characteristics, social policy, and social protection. It also examines existing models and concepts related to the theory and practice of the social state, including the relationship and interaction of liberalism and social democratic views.

The author seeks to analyze the interrelation and interaction between the rule of law and the social state, arguing that they are not mutually exclusive but, on the contrary, complement one another. In addition, the article analyzes legal and institutional reforms aimed at developing social policy and the social state in Uzbekistan, revealing the essence of the policies being implemented in this area. The article concludes with a number of proposals and recommendations on the subject.

Keywords: State, constitution, law, legal state, social state, secular state, liberalism, social democracy, social policy, social protection.



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Introduction

Today, Uzbekistan, as a full-fledged member of the international society, is developing confidently, implementing large-scale reforms, improving the democratic principles of society and improving the nation.

The updated version of the Constitution of the Republic of Uzbekistan was adopted in a nationwide referendum held in Uzbekistan on April 30, 2023. This important political and legal event reflects the achievements of our country in the economic, social and political spheres, the results of the reforms carried out, as well as the goals and tasks facing the people, society and the state. [1].

Among the amendments to the Constitution, the new version of its Article 1 is of particular importance. Accordingly, our Basic Law has been enriched with a new constitutional norm stating that "Uzbekistan is a sovereign, democratic, legal, social and secular state with a republican form of government." [2].

At this point, it is worth recalling that a number of CIS countries, including some neighboring countries in Central Asia, had already enshrined the idea of a "social state" in their Constitutions.[3] At the same time, when developing the Constitution of Uzbekistan, adopted on December 8, 1992, this issue was approached based on the economic situation at that time, the difficulties of the transition period, and the experience of world constitutionalism.

In this regard, it is logical to pay attention to the legal, social and secular state relations, in our opinion. A legal state is a democratic society in which the rights and freedoms of the individual are practically ensured, free law prevails, the rule of law is established, the separation of powers is established between state bodies, a truly independent judiciary is formed, and the legal culture of society is high.

It is worth noting that the democratic, legal, social, and secular character of the state do not contradict each other, but rather complement each other in rational harmony. This article mainly focuses on the characteristics of the welfare state.

MAIN PART

The essence of a social state is that such a state promotes and protects the interests of society as a whole, not the interests of a specific group.



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In fact, the essence of the welfare state is that its main task is to reduce social inequality in society to the extent possible through the redistribution of material wealth, and to ensure stability in the country by preventing social tension through the real protection of the social rights of citizens.

It is worth noting that the idea and practice of socially supporting the material condition of the population have existed in different periods of statehood history. Especially in the peoples of the East, including Central Asia, and in particular in Uzbekistan, support for the needy, orphans, and people with disabilities, assistance to them, kindness, and charitable activities have long been widespread.

However, this virtue is ingrained in the blood of the people and is passed down from generation to generation. The charitable activities of the great poet Alisher Navoi alone are worthy of being a separate object of study. Therefore, the poet himself took the lead, brought water to waterless lands, cleaned old ditches, dug new canals; repaired old buildings and built new ones; built many madrasas and mansions. In particular, Navoi listed charitable institutions, scientific and cultural buildings and gardens that he built with his own funds in his work "Vakfiya".

According to the great historian Khandamir, during the 1980s, Alisher Navoi built or renovated several madrasas, 40 rabots, 17 mosques, 10 khanaqohs, 9 baths, 9 bridges, and about 20 pools in Herat and other cities of the country at his own expense[4].

Among them are the "Ikhlosiya" and "Nizamiyya" madrasas in Herat, the "Khalosiya" boarding house, the "Shifaiya" hospital, the "Darul-Huffoz" building for Quran reciters, the "Khusrawiya" madrasa in Merv, the "Darul-Huffoz" charity building in Mashhad, and other unique architectural monuments. [5]. The idea of social assistance is already reflected in the customs, traditions, and rituals of the people. For example, during Eid, it is a value to get to know people in need, those in need, those who are sick, or the elderly, and to help them as much as possible.

Although the history of ideas about the social activity of the state began with Plato and Aristotle, was refined by J.-J. Rousseau, J. Locke, C. Montesquieu and others, and continued by such famous economists as J. Galbraith, D.M. Keynes,



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F. Hayek. According to J.J. Rousseau, one of the main tasks of the state is to eliminate the division of the rich and the poor, which is unjust and intolerable for society. At the same time, the thinker did not say anything about eliminating wealth in society[6].

Some authors believe that the author of the term "social state" is Lorenz von Stein. In his opinion, a social state is a state that ensures absolute equality for all different social classes in society and for individuals who, as a result of their own power, govern themselves individually [7]. At the same time, in 1832, in his book "Police Science on the Foundations of the Legal State", Robert von Mol, the author understood the police as the legal activity of the state, which helps citizens achieve their reasonable and permissible goals by creating institutions that can be used by everyone and by adopting general measures to protect their rights[8].

The idea of a social state has undergone a complex period of development. There are also different views on the reasons for its origin. There are also cases when the social state is recognized as a kind of intermediate state between the practical measures of classical liberalism and the requirements of Marxism. Consequently, the main pillars of liberalism - private property, individualism, competition, the market, democracy and freedom - are considered to be characteristic of modern developed democratic social states. Thus, a social and legal state is an "ideal goal" to which every state should aspire and achieve.

In our view, the welfare state represents the "golden mean" between the liberalism's demand that the state should intervene less in the economy, essentially acting as a "night watchman," and the ideas of social democracy.[9] At the same time, the welfare state raises the issue of the degree of state intervention in the economy in order to reduce the existing economic inequality in society.

In the State Budget expenditures for 2025 (344.8 trillion soums), in accordance with the Constitutional principle that "Uzbekistan is a social state", the priority of the social approach is maintained in the State Budget, and 52 percent of expenditures or 177.7 trillion soums are directed to the social sphere. At the same time, expenditures on education account for 84.0 trillion soums, and on healthcare for 41.3 trillion soums, or 36.4 percent of budget expenditures[10].



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Consequently, social policy is ultimately aimed at ensuring social stability; where there is stability, economic growth and development will increase, and internal and external security will be ensured.

It is worth noting that scientific sources also provide a classification of social states. For example, according to V.P. Miletsky's classification, there are three types of social states: liberal social states; conservative social states; social-democratic social states[11].

In the liberal model, the main emphasis is on equality of social opportunities. In the conservative model, attention is paid to ensuring a balance of social conditions and opportunities; In the social democratic model, equality of social conditions is guaranteed to all citizens.

In addition, scientific sources indicate a number of signs of a welfare state:

- a comprehensive social policy is a sign of the existence of a welfare state;
- the presence of a developed civil society with basic structural elements;
- the development of mechanisms of the rule of law;
- the formation of socially oriented market relations and the effective implementation of the socio-economic rights of citizens[12].

It is worth noting that scientific sources also provide a classification of social states. For example, according to V.P. Miletsky's classification, there are three types of social states: liberal social states; conservative social states; social-democratic social states. In the liberal model, the main emphasis is on equality of social opportunities. In the conservative model, attention is paid to ensuring a balance of social conditions and opportunities; In the social democratic model, equality of social conditions is guaranteed to all citizens.

If we pay attention to the history of the consolidation of the idea of a social state in the Constitution and legislation, it was first enshrined in Articles 20 and 28 of the Constitution of the Federal Republic of Germany (May 23, 1949)[13]. At the same time, although in Uzbekistan the idea of a social state was only enshrined in our Basic Law in 2023, in the past years of independence, even in the most difficult economic conditions, priority was given to the social protection of the most needy segments of the population. Along with this, although in Uzbekistan the idea of a social state was only enshrined in our Basic Law in 2023, in the past years of independence, even in the most difficult



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economic conditions, priority was given to the social protection of the most needy segments of the population.

Today, many social rights and freedoms are guaranteed in our country, which indicates the strengthening of the system and structure of social statehood, including: everyone has the right to a fair wage not lower than the minimum monthly wage; everyone has the right to receive social security in old age, incapacity for work, unemployment, and loss of a breadwinner; the amount of pensions, benefits, and social assistance cannot be less than the minimum consumption costs; taxes and fees must be fair and not impede the exercise of citizens' constitutional rights; everyone has the right to housing; the state creates social, economic, legal, and other conditions for the full development of the family; citizens are provided with a guaranteed amount of medical care free of charge; the procedure for providing socially needy categories of the population with housing is determined by law; employees are guaranteed the right to annual paid labor leave; The state guarantees free general secondary education and primary vocational education; inclusive education and upbringing for children with special educational needs are provided in educational institutions; citizens have the right to receive higher education at state expense on a competitive basis in state educational institutions. (14)

CONCLUSION

Today, there is neither a detailed concept nor a universally recognized definition of a social state in scientific literature and legislation. A social state should be understood as a specific and legally formalized state function that aims at such a form of regulating relations between various social groups and ensuring a historically determined standard of living for the population. [15]

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