

Management Activities and Legal Literacy

Khatamov Farkhod Fakhritdinovich

*Scientific applicant Urgench State University,
Uzbekistan*

Abstract: *This article is devoted to the analysis of the phenomena legal literacy and management activities. The main attention is paid to the ideas of lawyers on these phenomena. Therefore, the author narrated his ideas either. This article analyzes the level and development of legal culture in Uzbekistan. It is especially noted that the legal culture and legal activity of citizens is the basis for building a democratic state and a strong civil society.*

Key words: *legal literacy, legal culture, E. Kant, A. Saidov, society, axiology.*

INTRODUCTION

Legal literacy and governance activities are interrelated, but can be considered separately as co-substantial realities. Legal literacy is a reflection of the socio-legal, entity-legal relationships of the individual, society's and private legal knowledge, legal awareness and legal information. Managerial activity is the organizational, socio-psychological and pedagogical influence methods used to guide people's actions and behaviors to a specific goal. It is important to emphasize the co-substantial features of their role in the system of social axiological (socio-axiological) values. The phenomenon of the right does not directly affect the life of a person; it requires a number of methods and mechanisms. One of them is legal literacy.

METHODOLOGY

In carrying out the research of a scientific article, general theoretical and empirical methods — systemic, structural, and institutional — are widely used in legal sciences. In addition, the scientific and theoretical base on legal literacy and legal activity of citizens in Uzbekistan in the process of democratic renewal of the state has been compiled and analyzed.

DISCUSSION

Legal literacy consists of two concepts “law” and “literate”. Legacy comprises its core. The definition of E. Kant to the phenomenon of law is widely accepted. The philosopher puts the question “what is the law” and describes it as: “The law is the sum of the conditions under which a person’s disobedience can be compared to the disobedience of another person from the point of view of a common law of freedom”¹. At the same time, Kant points to the socio-axiological aspects of the right. They are: “First of all, it relates to practical relationships between individuals, because their actions (directly or indirectly) can affect one another. Secondly, the concept of law is not only the attitude of a person to the wishes of a person (i.e. pure necessity), as is the case with disobedience, good deeds, and cruel actions, but the other person’s disobedience. Thirdly, even the substance of arbitrary is not taken into account within this arbitrariness. For example, anyone, who follows his aim toward the object, will not ask himself a question whether somebody can benefit from what he is selling. The issue is about the forms of arbitrary power, as they are absolute; and that freedom is defined as the freedom of another, in accordance with the general law”. Thus, this is not an issue of understanding of one’s right but of dialectical connection with the other’s right – “common law”, it requires care.

The comparison of the rights of one person with the rights of another person should be regarded as a relationship between them, which in turn requires consideration of the right of one's right to another, and, second, the general law. The right is not something that belongs only to one person but to everyone, to the general. The right of the individual is manifested in the general public in a regular manner. Therefore, E. Kant creates whole principle of the right from this rule of law. This principle is as follows: “Every man's actions are justified if the free will of a man is with the other and the law is in accordance with the law”². Academician A.Kh. Saidov, who specializes in the study of the philanthropic legal heritage of E. Kant, writes that the right and philosophical rights of the philosopher are, firstly, a guaranteed status of private property and personal rights; secondly, equality before the law; thirdly, the resolution of disputes by court; fourth, the existence of a mandatory law³. Thus E. Kant considers “the right to influence the

mutual coexistence of the people, to the external environment of their existence, to the mutual limitation and comparison of free will and arbitrariness of the various persons involved in society”.

This definition is widely accepted. Legal literacy is derived from this fundamental definition and is understood through special efforts, knowledge and advocacy. “Literacy” is the idea of knowing one or the other thing, having a clear idea about the subject, and explaining its position. Although it is related to the process of learning, from the gnoseological point of view, knowing it is not exactly a matter, it is a specific level. This degree always has a subjective peculiarity and personal experiences and intimate emotions play an important role. Social experiments also go through the synthesis of this personal affectionate study and through it turns up as a necessary value. “Literate (literacy)” is a concept that indicates that this level of knowledge is manifested in the mind, attitude, and behavior of a person. Any kind of knowledge about the right can be explained by the legal literacy of the person. There is no abstract right, the right of the person the right appears by way of relations of one individual to another, to social beings. E. Kant emphasized the fact that law was a practical activity when emphasizing the fact that the phenomenon of torture was based on the “comparison of personality arbitrary to the arbitrariness of other people”. This practice is interfaith relationships and links between human and society. Legal literacy is the degree to which these relationships are manifested in consciousness (legal consciousness) and behavior (legal behavior) of the normative-legal acts.

Lawyers include legal literacy into the legal culture system. Indeed, legal knowledge, legal literacy is a phenomenon of legal culture according to the social axiological essence. Ultimately, they will be measured by legal culture. “In a broad philosophical sense,” says Professor H.B. Boboev, Doctor of Legal Sciences, “a person’s legal culture will appear only when people realize that their personality is different from other people and that others have come into social relationships and that they need to be built on a certain legal law. Normal equal rights i.e. legal norms, laws are in the center of right. And creating wealth is in culture. Therefore, the legal culture of the society reflects its legal wealth, which corresponds to the requirements and needs of the time, the level of society’s legal culture”⁴.

The lawyer does not study legal knowledge as a separate socio-legal reality, but he marked it as an important part of legal culture. Similar approach is also found in the books of lawyers U. Tojikhonov and A. Saidov. For example, they say in the textbook “Huquq madaniyati nazariyasi (Theory of Law Culture)” that a broad legal system of legal knowledge is related to legal awareness and legal culture in society⁵. According to some researchers, “people, population, men consist of different layers, not all of them have the same imagination and knowledge, they have special knowledge and experience in law (intellectuals, lawyers, legal institutes and their staff, internal affairs agencies, staff members, etc.) can generate skills in legal knowledge, legal awareness and behavioral norms in the rest of the population. From this point of view, society, people, population, men are subjects and objects of legal culture. However, such a dualistic approach does not reduce the role of specific institutions, subjects and knowledge. The social modernization and formation of the legal culture depends on these institutions, knowledge and subjects⁶.

Here the three objects are on the point and they are rights, people and legal value. According to the researcher, the phenomenon of law has a social axiological essence that is important only if it is transformed into a respectable value for the population. The socio-normative value of the right is also its socio-axiological significance, that is, if the law is socially useful, it can play an important role in management. From this point of view, it can be argued that the legal literacy itself is a socio-axiological meaning, i.e. legal knowledge is compared to “other arbitrariness” and shows which behavior or attitudes are beneficial to society and the environment.

“Any consistent axiological concept (according to A. Saidov’s opinion E. Kant is the founder of this concept), including legal axiology puts forward to differentiate and identify the values and appraised events, facts, bases (happening, objects, relationships, etc.) from the view point of the relevant hierarchy and system of values, its value in terms of its meaning and significance. In this case, the value refers to the purpose, essence, significance, necessity, inevitability, normative, formal order and so on, in the separation of the experimental creature from the reality domain (which is not necessarily the Kant’s distinction). This distinction (the form of separating necessity from existence, the world of values

from the world of happenings and etc.) is based not only on the Kant's approach but also on the contrary, objective idealistic viewpoint (from Plato to Hegel and their modern followers), according to which the existence is considered as wealth (i.e. values), but the existence is not understood as a matter of empirical reality, but real existence, that is, the idea and essence of existence, the inevitability of the existence⁷. Consequently, according to the meaning of socio-normative and socio-axiological essence, close realities to one another and their proximity has a certain value.

Legal literacy and management were formed as exemplary values in the process of socio-historical development. It is an axiom which does not require evidence that they are socio-axiological realities. It is a requirement that the state and society should live as a whole as the substantial basis. It is this requirement that allowed people to live in social relations as a subject, who builds trust in the management institutions. What is the immanent character of legal literacy and its role in management? What is their value in the socio-axiological system? If not the recognition of the values but the "practical experience", empiric value, referred by E. Kant, is important, how are this practice and value are achieved? These questions are primarily scientifically-methodological. Neither science of law, nor law philosophy has put them on the agenda so far. We must admit that the answers to these questions are difficult to find and the answers they receive can also be aroused, even criticized. Nevertheless, we must try to look for them, organize our views on this issue and systematize the various realities in a socio-axiological view point and clarify the scientific problems. That's why we need to look at some of the socio-axiological principles of immanent features of legal literacy and management. These socio-axiological frameworks include:

- socio-legal entity;
- democratic legal state;
- human rights;
- management institutions;
- hierarchy and coordination;
- constitutionalism;
- leadership and responsibility.

It is important to note that legal literacy and governance activities are respected only as social values and these values are significant when influencing people and society. They are always at the forefront of the socio-axiological entity, as a social value, influences social consciousness and behavior of people and the work of institutions. The above principles are the objects and mechanisms of the socio-axiological existence. While they exist in this area, they serve as a basis for the rule of law and governance.

Socio-legal entity is a socio-axiological basis that puts the phenomenon of law and the necessity of management activity. All things, peculiarities and functions related to the phenomenon of truth and the management of the matter grows out of this, representing the demands of that entity.

The notion of “social being”, which is widely used in philosophy, is socially-legitimate when the requirements of the phenomenon are set or when these requirements are met. The social demands and legal requirements make the sin-harmonic entity, but the right is considered as the main fundamental criterion and unifying core. All actions, types of activities and results achieved are measured by legal criteria. It is usual condition to observe, preserve and increase sustainable legal values, and organize the activities of businesses in accordance with legal requirements. Strictness and stability of legal values do not appeal to anyone, but their lack of awareness raises questions⁸. Therefore, the social and legal entity fulls itself with legal values gradually, which makes a duty to pursue these values for citizens.

Under the social-legal entity, people understand the political legitimate aim of society and state. In every society there are such legal values and leading factors that affect them, which clearly identify the essential features of the socio-legal existence. For example, socio-economic entity of the Soviet-era was characterized by denial of private property, partying state government, socialization of all life, torture of the right to punishment and relying on formal democracy. In this area, the subject of the legal entity was mainly one – a party. All decisions, laws, programs were implemented through the approval and support of the party. Market democracy made changes to these procedures, now there is pluralism, privatization, diversity of governance, rights institutions have been exempted from party influence and its decisions and the independence of the law has been ensured.

These common features are the most important signs of social and legal existence. The immanent features of legal literacy are derived from these characteristics and link the phenomenon to social entity.

Social-legal entity is a social place where the activities of social and legal bodies are governed by the principles of social cohesion, relationships between individuals, personal and state relations, and human rights and freedoms in line with the principle of social coherence. In this space, not only the phenomenon of law, but also the spiritual and moral values are active and respected. Socio-normative activity of moral values does not interfere with legal values, but they support each other. Where the legal values are not fully realized, moral and ethical values comes for help, fills a phenomenon of law and gives it a sense of empathy, self-esteem and dynamism. Therefore, the most striking aspect of social and legal existence is to discover the effective methods of promoting moral and ethical values along with the legal values and, ultimately, achieving the goal of managing the society. International experience shows that the enforcement of the law does not produce the expected outcome of a democracy and the spread of humanistic ideals encourages respect for human rights. This goal can only be achieved through humanization of the law⁹.

In social and legal entity, social relations in the broadest sense are instrumental, so it is important to focus on the determinative influence of these relationships in all spheres. Because in every society such social relations are formed that avoiding them causes false implications for the development of society. The terms like advanced state, a developed state, a developing state, a backward state were not mentioned in vain in scientific literatures, they mean different degrees of social development. The social relationships in these states and societies are diverse, in the first, post-industrial relations, in the second, industrial relations, in the third, semi-industrial and feudal relations, and in the other, the dominant feudal patriarchal relations. The social legal entity serves these relationships and fulfills their social orders. At the same time, the socio-legal presence comes as a reflection of the socio-normative image of society and its social relationships. We can conclude on the stages of development of society, depending on this social legal entity and the existing legal values.

CONCLUSIONS

Socio-legal existence is not merely the right, it does not form its socio-axiological essence, in which political authority and political values play an important role. Social, economic and cultural relations, however, enrich it with new issues and perspectives. The integrative character of the right and its functions are evident in this colorful relationship. Democratic legal state is a next socio-axiological basis that serves to demonstrate the rule of law and governance. Law and governance can be fully manifested only on the basis of state and state support.

Therefore, “the rule of law is a state with international human rights standards, with relevant laws, effective state system, and most importantly, citizens who need these rights. The state can be called legal, depending on how much human rights are recognized, respected, and protected”¹⁰. The state’s lawmaking, the introduction of all social normative procedures into public life, the use of compulsory means, the use of coercion, and transforming turned the state into the most effective political institution. In today’s human development stage, any form of law and governance cannot be fully realized without the support of the state. Modernization, where the state is a major reformer and is in charge of the reforms, will bring expected results. Doctor of Philosophy, F. Musaev, states that the leadership role of the state is primarily evident when it takes responsibility for reforms. “From the old totalitarian paradigm to the paradigm of a new civilization, there is a need for a force that is responsible for organizing complex and controversial processes and leading the society to the path of democratic development. This power is the state. Where there is no such social institute, the noblest ideas will remain a dream”¹¹.

From a legal point of view, the state is an institution that promotes democracy, human rights and freedom. For this purpose, it directs the management, directs the initiatives of the people and takes action to comply with the constitutional norms. One of the main functions of the state is to protect people from violence.

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¹¹ Musaev F. Philosophical and Legal basics of Building Democratic State. UzR Science Academy, The Institute of Philosophy and Right named after I.M. Muminov.– Tashkent, Uzbekistan, 2007. – P. 102.