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THE STUDY OF THE LEGAL SYSTEM METHODOLOGICAL BASIS

Abstract: This article describes the legal system as one of the existing social systems in society, morally, ethically, spiritually reflects the attitude of the state and all members of society to law, and the methodological basis for the study of the legal system.

Key words: normative-legal norm, society, legal system, legal norms, legal relations, dynamic movement, legal principles, source of law, legal creativity, legal consciousness, legal policy, legal culture, legal ideology.

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Introduction

The legal system is a kind of social systems operating in the society and, according to its content, it sets the normative-legal norms and criteria that ensure chaos in all spheres of life of society. The legal system reflects the attitude of the members of the state and the whole society to the right in terms of moral, moral, spiritual. The legal system, formed today, has found a solution and is improving in this way, intertwining with the socio-political, economic, cultural spheres of the country.

In the strategy of actions, which includes innovative directions of Decision-Making of the new Uzbekistan, among the economic, political, social, cultural and spiritual fronts of modernization of the country, the legal system, as well as the judicial and

legal system, is of particular importance. President Of The Republic Of Uzbekistan As Mirziyoyev noted, on the basis of the principles and rules sealed in our Constitution, the national legislative system has been restored in our country. Our country was the basis for the rise of socio-economic, political and military potential, effective reforms carried out in all spheres of our life.

This honor of our head of State is attached to the full legal system. It is worth noting that the role and importance of the Constitution in raising the legal awareness and culture of our citizens and increasing their political activity are incomparable [2, 6].

The stage of modernization of the country, which is taking place in the life of our society, among all political, social and humanitarian Sciences, sets

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responsible tasks for the science of jurisprudence as well as solving problems related to these processes. One of such tasks is the scientific research and analysis of the national legal system in terms of development needs, as well as the creation of a modern concept of its development.

Literature review

In recent years, we can observe that a lot of research has been carried out in the field of Uzbek jurisprudence related to the analysis of the national legal system on the basis of different peers. Our dissertation is aimed at scientific analysis of the role of the legal system in the modernization of the country and its impact on the legal socialization of the individual, in contrast to them. The implementation of the study in a logical consistency requires, first of all, a scientific and theoretical analysis of the category "legal system", a detailed determination of its methodological aspects. To do this, it is necessary to determine the content and essence of the "legal system", its peculiarities, its role and importance in the legal space, legal reforms related to the modernization of the country and its impact on the legal socialization of the individual in this process. The category "legal system" is a multifaceted, complex and, in turn, modern legal reality, whose subject, methodology has a wide range of influences from the point of view of the object of study in the subject of jurisprudence. The legal system is the product of a systematic approach to social and legal phenomena. The concept of "system" is derived from the Greek word "systema", which means "majmua", which consists of parts [3, 280]. From a philosophical point of view, this category is independent of the environment in its own way, expressing internal coherence, interrelationship and orlik or an integrity of the relationship.

The legal system of society is a complex social phenomenon, which has its own specific logical internal structure. The legal system is considered a systematic expression of the legal environment and has a broad meaning in relation to other legal concepts. To study it, it is necessary to study, understand the meaning and essence of other legal categories. Because, the legal system will exist as a result of their unitary action.

Represents the relationship between them, embodying the legal system, concepts of law, legal institutions, legal processes and all other legal realities [6, 30]. The highly developed legal system not only creates convenience in the activities of law-making, implementing and protecting bodies, but also contributes to the comfortable life of the entire population [7, 48]. These processes have a direct impact on the legal socialization of an individual. Legal socialization will also improve the development of the national legal system in a harmonious way.

We will try to study the legal system with a grouping of definitions introduced into scientific circulation by a number of scientists on its understanding.

Scientists of the first group: M.N.Y. Marchenko, A.F. Vishnevsky, N.A. Garbatok, V.A. Kuchinsky, I. Saba, X.T. Adilgariev, A. Saidov, F. Khayitbaev and Sh. Yakubovs describe the legal system as a phenomenon in action, which includes several legal realities in its composition. In particular, prof. H.T. According to Odilqoriev, "the legal system is a comprehensive concept and is a joint integrity, interdependence and interoperability of legal events, legal prints, institutions, norms and legal processes that are valid in a certain space and time" [8, 117]. Or M.N.Y. According to Marchenko, when talking about the legal system, it is understood that the whole legal (organism) structure of the country, the organization of society from the legal point of view, consisting of the sum of all legal instruments, institutions and institutions acting within the framework of a particular country. The opinions of other scientists in this group are also remarkable. In particular, "the legal system can be described in the form of a sum of legal instruments that represent the qualitative state of the legal organization of this or that society and ensure the legal regulation of social relations, are interrelated and are in a mutually functional movement," Belarusian scientists note: A.F. Vishnevsky, N.A. Garbatok, V.A. Kuchinsky [10, 280].

Czech academic I. Sabo added that "the legal system is the legal structure of the state and society, which consists of the gross sum of all legal instruments, institutions and institutions operating on the territory of a particular country, represents the legal organization of the whole society— that emphasizes [21, 131].

B. By describing the legal system, Tojikhonov said: "the legal system is a meaningful social phenomenon that provides for a general analysis of all processes, statuses, printouts, cases and subjects of legal content, rights and duties— that will express their opinion [12, 5].

Professor Sh. He And Yakubov describes the legal system as follows: "the legal system is a set of interrelated legal phenomena or means, as well as their appearance in one whole action" [13, 12]. We agree with the opinions of scientists of the first group on the legal system. Because, in their definitions, the content of the legal system, its legal and social nature, its components and important aspects of its practical activity are covered.

Scientists of the second group recognize that the legal system is the sum of interrelated legal instruments and do not emphasize their dynamic action [14, 48]. Academic A to this group. H. Saidov, professor N. I. It is possible to add such scientists as Matuzov. A. H. Saidov and he. T. "The legal system is a set of interrelated, proportionate and interacting

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legal instruments that regulate social relations, as well as components that characterize the level of legal development in that or that country," tojikhanov said».

Professor N.I.Matuzov gives special confidence in the analysis of the concept of the "legal system" of society. In his opinion, when a broad theoretical approach to the legal system, it is manifested in the fact that it is a complex, multifaceted concept. "The legal system can be described as the sum of legal instruments of one type of internal coordination, interconnected, social The state, with their help, has the necessary regulatory effect on social relations (such as strengthening, regulation, protection, etc.)» [15, 26].

The opinions of scientists of this group also play an important role in the coverage of the legal system, but in most of the above definitions, legal instruments are interpreted as the basis. In this regard, along with legal means, they should be noted in the dialectical linkage in the movement. Because, the action of the components in the interconnectedness manifests a certain system also means its development. And in turn, it is impossible to imagine a legal system without functional inertia.

If we pay attention to the views of scientists of the third group on the legal system, then it is possible to observe that the "legal system" is identified with the "system of law [16, 11]. For example, American lawyer Lourens Friedman said that "the legal system is exactly a whole form of structural subdivisions of the law» [17, 10]. More in this definition, the idea of the concept of "system of law" is being promoted. Because, the internal structure of law consists of parts: branches of law, institutions of law and norms of law, which are recognized in the form of a "system of law". True, the system of law is a normative core of the legal system, in its composition it covers the spheres of Law, Law institutions, law norms, but only the legal norms themselves can not manifest the legal system. Already, the legal system is different from the object law, which consists of norms of law, which includes not only elements of one type, but also structures that are in different directions and movements.

According to the scientists of the fourth group, within the framework of the concept of the "legal system", mutual immunity of legal norms and legal relations is provided for [18, 61]. This approach covers a small aspect of the legal system. The legal system does not deny the existence or inviolability of legal relations through the norms of law, but rather it is an element in the activities of the legal system, and on the contrary it is impossible to imagine the legal system as a whole social legal phenomenon only with the legal norm or with the legal relationship itself. The legal system manifests all legal realities as a single Whole, an organism.

Scientists of the fifth group argue that the concept of the legal system in their scientific work covers the structure of law as a normative

phenomenon, the role and proportion of authorized bodies in the activities of law creativity and law enforcement [19, 88]. In our opinion, even these definitions can not fully reveal the essence of the legal system. Because, the legal system is not just a normative structure and is not considered as a term, which simultaneously expresses the structure or components of the law itself. In the structure of the legal system, along with elements that have a narcotic property, embodies institutional, ideological and action-oriented components. This group of scientists ignored cultural, ideological and institutional components in the analysis of the legal system. In the formation, formation, development and continuous movement of the legal system, all of the above elements must be present. In general, the views and approaches of scientists regarding the above legal system serve to clarify some aspect of this phenomenon. But today the science of law requires to shed light on the full content of each legal category or concept. Proceeding from this, further clarification of the concept of the "legal system" taking into account the views expressed by the above scientists, if the interpretation is permissible, replenishment (improvement is necessary).

In our view, in all the above definitions and interpretations, the functional aspect of the legal system and the composition of the subject are neglected. In them, the individual (individ), the human factor is not taken into account. Therefore, the definitions have remained in the dry, institutional context for a while. In our opinion, the existence and movement of the legal system can not be ensured without the participation of people. More precisely, the sub-element of the legal system is this-actively moving individs, people. The more social they are, the more productive and effective the functional movement of the legal system is.

Proceeding from this, we offer the following definition: "the legal system is a social phenomenon in continuous action, which includes all legal realities (legal phenomena and means) that are valid in a certain space and period, as well as the targeted activity of socialized individs (people), ensuring their emergence, formation and development, having a complex structural structure." When giving such a definition to the legal system, we first of all pay attention to the fact that it is valid in a certain Space (Society) and period. Of course, the legal system carries out its action on the border of a certain space. Exactly this limit determines the range of movement of the legal system. Legal reality is valid in this area. For example, the territory of a country is also a venue for that national legal system. The same is the time limit of the legal system.

In our opinion, another important aspect of the legal system is its spiritual-spiritual, ideological-ideological character, in which this aspect reflects the legal consciousness, activity, level, culture of the

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person (person), that is, the subjects of legal relations. If we focus on the structure of the system, then all the processes in the legal reality move in connection with human activity. And exactly this feature will be the basis for our assessment of the legal system as a complex functional social phenomenon. The elements that make up the legal system are bahamjihath, operating as a whole, having such characteristics that, separately, having divorced, they are deprived of these characteristics. For example, if we focus on one of the components that has a normative nature – the norm of law, then without it the legal system can not exist. Or take legal socialization, legal consciousness and legal culture, which are considered cultural, ideological-ideological elements between the components of the legal system, where it is impossible to imagine these elements without a fork from each other. It is also possible to observe such a link between the components of the legal system in action. From Jumala, if we take the process of law creativity and the application of law, they act in interdependence because of human activity. If the law is applied in the life of society, in the activities of people, in Real, it will have its essence. This dictates the bahamjihath movement of activities of Legal Regulation, creativity of the law and the implementation of the law.

In understanding the legal system, it is important to know its components. The components of the legal system differ from each other in their content and essence, goals and objectives, structure and form, scope and area of action and other features. The turbidity of the components of the legal system is manifested in the presence of a separate function of each. Professor X.Odilqoriev classifies the structural elements of the legal system as follows: legal norms, legal imprints, legal creativity, the process of implementation and application of law, legal relations, the mechanism of Legal Regulation, the system of legal institutions, legal practice, legal consciousness, legal policy, legal ideology, legal culture, the atmosphere of legality and the regime of legal order, the source of law [20, 117]. Other scientists N.M.Marchenko, U.T.Tojikhonov and A.H.Saidovs, as the main parts of the legal system, distinguish the following: 1) moral aspect; 2) legal concepts; 3) printouts of Law; 4) legal culture; 5) Legal Policy; 6) law and the legislation that expresses it; 7) legal relations; 8) Legal Practice; 9) legal technique; 10) legal Science [21, 131].

It is he who carried out research on the national legal system of the Republic of Uzbekistan and its formation. Hayitboev, as elements of the legal system, recognizes: 1) Legal System; 2) legal ideology; 3) Legal relations; 4) legal culture; 5) Legal Practice; 6) legal Science [23, 21].

HeIn the study of Yakubov's dissertation, it can be seen that the elements of the legal system are grouped as follows: 1) structural elements that have a normative nature: a) law; b) system of Law; C) legal

prints; D) source of Law; 2) structural elements that are expressed in motion (through a certain process): a) creativity of law; b) the process of implementation, application of C) legal ideology; D) Legal Policy; d) legal Science; e) the atmosphere of legality and the regime of legal order; 4) institutional structural elements: legal institutions: state bodies engaged in legal activities and law enforcement agencies [13, 12].

From the above classifications it is possible to exclude the whole state, structure of the legal system. If in one of them some component is not specified, then in the other they are indicated, and vice versa. Scientists' views on the elements of the legal system reflect its essence, as well as the expression of the composition of the legal system. Because, in them, the emergence, formation and movement of the legal system is fully manifested.

According to the components of the legal system, it is possible to give such an assessment to it that it reflects the whole legal reality and combines all legal concepts into one. Proceeding from this, we are in favor of combining all classification elements into one whole. Proceeding from the above points of view, it can be concluded that the legal system – as a complex social phenomenon, in its composition all elements of the legal reality existing in the country, that is, legal instruments, phenomena, institutions, institutions, legal socialized people (citizens), therefore, represent an integral reality that reflects the legal life.

The development of the national legal system is the main factor in the development of society. The provision of active action of the national legal system, in turn, depends on the legal mature, on the level of their legal consciousness and Culture, on the formation of a sense of genius in relation to the fate of the country. Of course, these characteristics belong to individuals who are formed legally harmoniously, are legally socialized. In this regard, special attention should be paid to the legal socialization of a person in the further development of the national legal system of our country.

Conclusion

This, in turn, will help to solve the two issues positively. Firstly, if the legal socialization of a person positively affects the further improvement of the legal system itself, and secondly, it serves as an important factor in the restoration of the legal state.

In short, the legal system is considered an important, multifaceted phenomenon in the science of jurisprudence, it expresses all legal instruments and phenomena in itself, is in constant movement and development.

The renewal of a certain period, the change in the life situation, the development of science, like all social phenomena, has a specific impact on the functioning of a complex social system, as in the legal system. If further improvement of the legal system has

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a positive effect on the legal socialization of the individual, then, in turn, it is obvious that the legal

socialized persons will ensure full mobility and development of the national legal system.

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