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STATE-LEGAL VIEWS OF THINKERS OF THE EAST

Annotation: The article reviewed and analyzed the ideas and teachings about Idalgo state and the just society in the works of scientists of the East as Ibn Sina, Biruni, Farabi, who made a huge contribution in the history of statehood of Uzbekistan. Attention is drawn to the fact that the thinkers of the Eastern Renaissance of the concept of "virtuous city", "just society" and others have determined the design of this theoretical image in the practice of Turkish reign.

Keywords: al-Farabi, Biruni, right, the Turks, the virtuous city, the happiness.

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ГОСУДАРСТВЕННО-ПРАВОВЫЕ ВЗГЛЯДЫ МЫСЛИТЕЛЕЙ ВОСТОКА

Аннотация: в статье рассмотрены и проанализированы идеи и учения о идеальном государстве и справедливом обществе в трудах ученых Востока, как Ибн Сина, Бируни, Фараби, которые внесли огромный вклад в истории государственности Узбекистана. Обращается внимание на тот факт, что использованные мыслителями Восточного Ренессанса понятия "добродетельный город", "справедливое общество" и другие предопределили конструкцию данного теоретического образа в практику тюркского правления.

Ключевые слова: Аль-Фараби, Бируни, право, тюрки, добродетельный город, счастье.

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ШАРҚ МУТАФАККИРЛАРИНИНГ ДАВЛАТ-ҲУҚУҚИЙ ҚАРАШЛАРИ

Аннотация: Мазкур мақолада Шарқ уйғониш даври мутафаккирлари Абу Наср Форобий, Абу Райҳон Беруний, Ибн Сино қарашлари, илмий мероси, ҳамда уларнинг бугунги кунда ўрганишнинг аҳамияти таҳлил этилган. Шунингдек, фозил давлат, идеал жамият, адолатли давлат ҳақидаги ҳамда қонунчилиқни такомиллаштириш ва кенг жамоатчиликка тарғиб этиш ғоялари ёритилган.

Таянч сўзлар: Абу Наср Форобий, Абу Райҳон Беруний, Ибн Сино, Шарқ, мутафаккирлар, жамият, давлат, қонун, адолат

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State legal doctrines of the peoples of the East one of the brightest and directions of political and legal thought. One of the specific features in the development of humanitarian knowledge is discontinuous: each new generation of scholars in the Humanities develops, as a rule, closer to him standing (in linguistic, chronological and geographic terms) of the theoretical sources, paying less attention to earlier cultural layers.

From previous historical eras to modern researchers reach mainly the works of the most widely known authors, which had a marked influence on the development of one or other of the Humanities as the writings of Plato, Aristotle which further studied and translated the scholars of the East. These works can contain a large ideological wealth, has not lost the urgency and nowadays. It is written in full should be attributed to the creative heritage of Abu Nasr Farabi, Abu Rayhan Biruni, and Ibn Sina, etc.

The study of the state-legal views of Abu Nasr Farabi, Abu Rayhan Biruni and Ibn Sina allows to a certain extent to restore the interrupted tradition, and updated many of their ideas of great theoretical significance for modern legal science. Political and legal ideas of the peoples of the East an important part of the intellectual process in Uzbekistan, the Study of the doctrine of Abu Nasr Farabi, Abu Rayhan Biruni and Ibn Sina gives you the opportunity to better understand the role of political-legal ideology of the East, the main stages of its development.

One of the objectives of the study of political and legal ideas of the past to identify the specifics of the national legal consciousness of a particular country. The views of people on politics, power, state, law, legislation are an integral part of national legal culture.

Now, in early XXI century, when our country as a goal proclaimed and enshrined in law the idea of building a democratic state, liberal values seem to be still continue to remain "Supreme", a rather thin layer of legal culture of the peoples of the East. One of the brightest representatives of the galaxy figures IX - XII centuries. Abu Nasr al - Farabi, is a that has made a significant contribution to the development of social awareness.

Therefore, the relevance of the study of state-legal views, which had a huge impact on the minds and sentiments of the best of the youth of this time period, in modern historical conditions is to identify the values of the nation-state, in correlation with the values of the Eastern political-legal experience in the implementation of reforms. As we know that Abu Nasr al - Farabi was born in Farab, and lived in Shasha (now Tashkent) studied in Bukhara, Samarkand.

At the beginning of the tenth century, the pursuit of knowledge led him to the capital of the Arab Caliphate, Baghdad. In Baghdad, he met with various fields of knowledge, studying languages. The progressive ideas expressed in the essay "the Book of beliefs of the inhabitants of the ideal city", the scientist had been subjected to persecution and was forced to leave Baghdad. Farabi was an expert in Hellenistic culture. Fame Farabi brought his commentaries of Aristotle, in this connection, during the life he was awarded the honorary name "Aristotle of the East", "the Second teacher".

In his state-legal doctrine, Farabi puts forward his original concept of the origin of society: "by nature, every person is arranged so that for his own existence and the achievement of the highest perfection, he needs many things that he can not deliver to himself alone and, to achieve which he needs a certain community of people, delivering to him individually every.

In this case, each person in relation to the other is in exactly the same position. That is why only through the Union of many people who help each other, where everyone gives the other a certain share of what is necessary for his existence, a person can find the perfection to which he is intended by nature. The activity of each of the members of such a community in its totality gives each of them all what he needs for the existence and achievement of perfection", - says Farabi. The relevance of the study of the teachings of Farabi is of great importance in that he undertakes to present the project of an ideal society (city-state).

Farabi classifies societies into great (Association of all people, the people inhabiting the earth), middle (society of a certain people) and small (Association of people into separate cities). Taking the initial moral categories of good, evil, attitude to work, he divides the city-state into virtuous, collective and ignorant.

In virtuous city-States public life is built on the principles of high morality of people who, helping each other, achieve true happiness. Studying the goals and building a virtuous state, he also drew attention to the social system of society.

Therefore, Farabi writes about five layers of the population in a virtuous state: 1) sages and other worthy persons; 2) "people of religion", poets, musicians, scribes; 3) accountants, geometers, doctors, astrologers, etc.; 4) warriors, warriors, guards, etc.; 5) rich people, farmers, pastoralists, merchants, etc. in a virtuous state, all these layers of the population are linked by friendship, mutual interests, fair treatment to each other.

The virtuous city is headed by a philosopher-ruler, who is able to learn the principles governing nature and society, and pass this knowledge to the population.

Farabi believes that the first Chapter is the one over which absolutely no one has power. And, in fact, he is the ruler of all people and in all parts of the comfortable world. The key to its superiority over others are 12 features, among which there are both natural and spiritual qualities. They consist of:

- Health and lack of physical defects;
- The ability to correctly understand the reality and desires of others;
- Excellent memory; and the presence of mind and intelligence;
- Oratory skills;
- Interest in science and the pursuit of its development;
- Refusal of vulgar life and indulgence to carnal passions;
- Love for truth and truthful people, and enmity with lies and deceitful people;
- Love for nobility and honor;
- Contempt for wealth and luxury;
- Justice and love for it, as well as the fight against injustice and unjust people;
- Moderation, but not passivity;
- Determination, courage and bravery in doing worthy deeds and avoiding manifestations of weakness

It is important that Farabi previously defined a utopian city: "a Utopian city is a city where people live together in order to work together to achieve true happiness." Happiness has two bases: the first is knowledge, and the second is action. Knowledge of truth, happiness and goodness, as well as knowledge and choice of the means that lead us to happiness. And voluntary efforts to achieve this goal.

This is what all citizens of a utopian city should do. The exclusivity of the first Chapter is that it is reunited with the higher world and, because of this, has reached the truth,

has the strength and dignity necessary to pass this way, as well as to show it to others. The head is also the reason for the existence of the city and its symbol.

All citizens of the good city must be endowed with knowledge and will, although the depth of knowledge of all cannot be the same. Precisely, these statements are the main objectives of our country. Everyone who is endowed with these qualities deserves to be the first head, ruler and guide of society. However, due to the fact that the presence of all these qualities in one person is problematic, it is difficult to find such a person. Such people are units

If it happens that at some time it is impossible to find such a person, the solution is to apply the laws and regulations left by such an outstanding person in the past. Thus, inevitably Board business pass into the hands of the second Chapter. He is the guardian and executor of the laws and traditions of the first Chapter.

What to do if all these qualities cannot be found in one person at once? Farabi replies: "If one cannot find one person endowed with all these qualities, and there are two - one philosopher, and the second has the other qualities, both can be heads. Also, if all these six conditions are divided between six or a group of people, and they are all able to agree with each other, then all can be good rulers of society at the same time."

Considering the Genesis and evolution of the peoples of the East of the state and law, the forms of consolidation of the latter, it is necessary to emphasize that the issues of law, the implementation of reforms in it have a decisive influence on the change of form and social purpose of the state. In connection with the declared goals of building a legal state, the political and legal ideas of Eastern scientists (Abu Nasr Farabi, Biruni and Ibn Sina, etc.) are of great methodological importance, as they fully meet the goals proclaimed in society and are based on extensive historical and sociological material.

We must recognize that in modern conditions to determine options for the development of the state increases the importance of properly selected legal form, as the latter is given by the state transition conditions for the existence of a legitimate character. The merit of scientists of the East in the history of political and legal thought is to study the ideas of state and legal development of the Eastern countries, and on their basis and the Republic of Uzbekistan.

Historical facts are proof of the strength of certain legal concepts. Therefore, declaring the purpose of building a legal state in the Republic of Uzbekistan, it is necessary to consider what features of state and legal development require consideration and special attention to the fact that the rule of law is a fact of real life, consistent with the idea of national sovereignty.

Considering the state as a Union of the people, the social principle and the social cause, it should be noted that the state becomes not any Union, but only one, the basis of which is the maintenance of the common good. Thus, the common good is the goal of a self-developing society. Since the rule of law in a state is based not only on authority and obedience, but also on the principles of communication between the individual and society, the idea of the state of the common good presupposes the subordination of the state to the law.

The national significance of the state is realized through the meaning of law. The common good in a nation state is not achieved to a small extent by legal means. The source of Supreme power in such a state is the will of the people. This article attempts to analyze the historical concept of Farabi from the legal point of view.

In conclusion, we can say that the works of most scholars of the Muslim East in XII - XIII centuries, concerning the problem of legal culture, was mainly devoted to the science of jurisprudence. They sought to pay more attention to jurisprudence, to reveal its importance more fully. Some authors of treatises devoted to the studied problem recognized the essence of laws and legal knowledge as a science.

Therefore, in Uzbekistan today, much attention is paid to the study of the history of the deep connection of modern reform processes in independent Uzbekistan with the actualization of the problems of cultural heritage .. One of the results of the grandiose changes in the ancient land of Maverannahr was not only the independence of Uzbekistan, but also the restoration of the historical memory of the people, the discovery of powerful layers of national traditions and culture, the spiritual heritage of great ancestors."

References

1. Касымжанов А.Х. Абу-наср аль-Фараби. - М.: Мысль, 1982. - 189 с.
(The Kasymzhanov A. H. Abu-Nasr al-Farabi. - M.: Thought, 1982. - 189 p.)
2. Гумилев Л.Н. Древние тюрки. - М.: Наука, - 1989.
(Gumilev L. N. Ancient Turks. - M.: Science, - 1989.)