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ВЗГЛЯД СОВРЕМЕННОЙ ЮРИДИЧЕСКОЙ НАУКИ НА СУЩНОСТЬ ПРАВА: ТЕОРЕТИКО-ПРАВОВОЕ ИССЛЕДОВАНИЕ

Исследуется понятие, сущность, определение и толкование права, которое является регулятором общественных отношений. Анализируются различные подходы к пониманию сущности права, существующие в юридической науке. Также особое внимание уделяется проблемам взаимоотношений с другими социальными регуляторами, такими как мораль, адат (обычное право), традиции и религиозные нормы.

Ключевые слова: право, нормы права, сущность права, мораль.

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VIEW OF MODERN LEGAL SCIENCE IN THE ESSENCE OF THE LAW: THEORETICAL AND LEGAL RESEARCH

The concept, essence, definition and interpretation of law is investigated, which is a regulator of public relations. Various approaches to understanding the essence of the right existing in legal science are analyzed. Also special attention is paid to the problems of the relationship with other social regulators, such as morality, adat (usual law), traditions and religious standards.

Keywords: law, norms of law, essence of law, morality.

In this article, we decided to try to analyze the views of scientists concerning the concept, essence, definition and interpretation of the law, and to establish their position on this problem.

In law theory, one of the most important topics of research is the question of the purpose of law. On the other hand, the correct definition of the concept of law is one of the most important factors in the development of science related to the study of this phenomenon. Explaining the concept of law has not only theoretical, but also practical meaning.

The law to appear at a certain stage of human society development has a long history. The importance of this phenomenon demanded the society itself and human life. Certain conditions and foundations are required for the origin of a natural or social phenomenon. The law also contains certain patterns, which

are determined by the geographical environment, historical conditions, the reasons for the origin of the state and its social necessity.

Law has appeared in pre-state human society. As you know, the basis of the social organization of the life of the pre-state society was the family community. The power had a social character. The main institution of power was the leader of the family community-council of elders. Elections and regular replacement were the basic principle of the Council's activities, and the form of power was enforced. Such an organization of social life in the pre-state society provided normal activities of the "planting economy".

Law, like the state, is a product of social development. In human society, law emerges as the main normative regulation of public relations. Over time, the customs, moral and religious norms of the original society will

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time their place for legal regulation. Ideas and opinions about the law, its origin, its position and the meaning of the regulatory system are transformed into the development of society itself, the improvement of scientific legal consciousness under the influence of various factors.

Taking into account the opinion of E.S. Bekbaev, in legal science to date accumulated more than a hundred definitions of law, which make it possible to separate the right from other scientific disciplines. Despite the fact that the authors of these definitions confidently state that they have identified all the essential features of the law, the fact that one specific definition of the essence of the law in the general social aspect is not fixed separating the signs of law as a special subject of science research [3].

It is important to note that scientific sources emphasize the specific nature of the law in terms of traditional and non-traditional approaches to understanding the law. In addition, the property of the all-round nature of the law is highlighted not only by the specificization of this concept but also by a strong link between law and morality [8].

Referring to the opinion of T.U. Shidlovsky and V.S. Bialt it is important to note that the right has been introduced into all vital areas of public relations. It is also appropriate to emphasize that morality in turn by introducing into different relationships between people is enshrined in many legal norms [4].

Thus, because law is a rather complex concept in human society, there are different views and opinions in the science of the history of political and legal teachings concerning the concept, substance, definition, interpretation and understanding of the law. This process lasts to the present day and it can be said that the legal culture is considered an element of the concept of law.

Depending on this concept, let's consider a few opinions from experts in the industry. M.N. Marchenko emphasizes that the problem of determining the concept of law is the most important in domestic and foreign science. According to the author, today in the domestic and foreign scientific literature there are different definitions of the concept of law. But the complexity of developing a strong and "generally accepted" concept that generalizes all sides of being right is reflected in the complexity, versatility and mobility of the structure of the matter of law in time and space [6].

P.P. Baranov's view on this issue is such that the concept of law as the main category of legal science is traditionally used in various interpretations. According to the author, the concept of law refers to: social claims of people, (subjective rights that show negative aspects of human freedoms, human rights to immunity, the right of the people to self-determination, etc.) officially recognized opportunities of individuals and legal entities (subjective rights that describe the positive aspects of human freedoms as well as

second-generation human rights - the right to work, rest, protection of health, etc.) system of legal norms (the right to object) system of legal norms (the right to object) "National law," "Russian law," "constitutional law," "international law" ... and finally, law in a broad sense is a right understood as an absolute system for regulating all legal phenomena [2].

According to A.B. Vengerov, the main purpose of the law is that it should be a powerful social and regulatory regulator, determining possible and binding actions. The author emphasizes that the obligatory right before other social regulators is to enforce the state. The legal norms of individuals become general rules of conduct [5].

M.M. Rassolov in order to define the essence of law, exploring the provisions of various legal schools, such as normative, natural, historical, psychological, sociological and Marxist law school, emphasizes the following right because of what is one of the complex and multifaceted scientific categories, it causes a lot of scientific controversy among theorists and practitioners of jurisprudence. In his opinion, the very concept of law is used by scientists in various interpretations: as a system of norms, which is introduced not only in legal norms, but also in legal customs and moral norms and acts as an empowering norm as well as a framework of conduct. The author also emphasizes that the meaning of the law is associated with the concepts of "justice," "correctness," "rightness" and "truth" [7].

Therefore, the peculiarity of legal norms is that they are not intended for disposable use, their main task is systematic operation. Nor are the rules or the law itself abstract. On the one hand, the right enshrines the will and interests of the groups and classes in power, on the other hand it must protect the interests of the whole society. And also, according to the authors, the right, as a product of the devel-

opment of society, is considered an element of the culture of mankind. [1].

Another researcher, N.V. Khropanyuk, argues that all theories about law have much in common:

- Law is a social phenomenon, without it civilized society will not be able to exist;
- Law in a normative form should express the requirements of social justice, in general serve the interests of society, it should take into account not only the interests of individual classes or social groups, but also the personal interests of the individual as an integral part of society;
- Law is private property, it is considered the basis of all human rights;
- Law to be the norm of conduct is established and protected by the state.

Therefore, the specificity of the legal rules is that they are not intended for uniform use, but for widespread use. Moreover, neither individual norms nor in general the law itself is abstract. On the one hand, if the law reflects and strengthens, above all, the will and interests of the classes and groups in power, it must also protect the interests of society.

Another analysis states that two main aspects of the law review process should take into account two main aspects:

- 1) Law is primarily considered a state regulator.
- 2) What interests does this regulator have?

V.N. Khropanyuk's conclusions and proposals attract the most attention to the question of establishing the definition of law. The author, based on the analysis of opinions of Emmanuel Kant, Heinrich Hegel, normative, natural, historical, psychological, sociological and Marxist law school substantiates his idea of law and its essence. The scientist's view on this problem is that the law, unlike other illegal regulatory regulators of public relations (meaning morals, customs, traditions, religion, etc.) has the following own uniform signs:

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- legal norms in modern society are set in official acts by the state;
- legal norms at the required time are protected by the coercive force of the state mechanism;
- law provides a single system of rules that are binding on the entire population of the state;
- the right to identify the coordination of the common and private will of the citizens of the state.

As well as the author argues that depending on these signs, the right to speak as a state regulator of public relations ensures the free development of the individual, organization and order in society. V.N. Khropanyuk presents the following definition: law is a system of generally committed rules of conduct that is established and protected by the state, expresses the general and personal interests of the population of the country and acts as a regulator of public relations [10].

As for the definition of law, R.Sh. Sativaldiyev's reflections seem very interesting in our opinion. He, like V.N. Khropanyuk, researching various theories of legal schools provides a personal definition: law is a system of generally binding regulations that reflects justice, freedom, human rights and other legal values has formal expressions and regulates public relations in order to ensure the organization, order and development of society. In the continuation of his analyses, R.S. Satsildiyev also outlines several of the signs of law which expresses his solidarity with V.N. Khropanyuk. According to R.Sh. Sativaldiyev, the right to understand different subjects has an extensive list of methods and the very understanding of law is an element of legal understanding. According to the scientist, law is the intellectual activity of a person as a result of which representations, opinions, concepts and theories about the essence of law are determined.

As R.Sh. Sativaldiyev argues, the concept of law is used in two meanings: 1) general social; 2) Legal. From the researcher's point of view, if by "general social" the concept of the right to imply the freedom of human behavior in accordance with morality, customs, rules of conduct of public associations, social requirements of society, notions of morality in society, rights of political parties, rights to self-determination, etc., then the concept of "legal" is understood as human rights and freedoms according to the law. In this case, the law takes place in the form of a positive law and the state establishes this phenomenon taking into account natural human rights [9].

It is important to note that, despite the contradictions and diversity of scientific definitions of law, they all have a number of common conclusions: law is a social phenomenon, and the existence of a civilized society is impossible without it; the right to express one's desire for universal justice in a rationed manner, not in the interests of certain classes of society or social groups, but in the public interest, takes into account the individual interests and needs of the individual as the basic basis of society; the right to protect certain behaviors that the state establishes and defines.

Thus, the analysis of these definitions proves that the right system of generally committed formal rules (rules) of conduct, which is established, approved and protected by the state, expresses the general and individual interests of the country, acts as a regulator of important public relations. We are of the opinion that law really as a scientific category in the theory of law and philosophy of law has its hallmarks. They separate rights from other social means of regulating public relations, including morality, customs, religion and other social norms, while at the same time expressing its concept and essence.

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