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## Chief Editor's Note

The Asian Journal of Research (AJR) is an open access, peer-reviewed, international journal that provides rapid publication of research articles, review articles and short communications. The journal focuses on major issues of Social Science and Humanities, Life Sciences, Health Sciences, Physical, Chemical Science, and Engineering. Founded in 2017 by an interdisciplinary group of academics, the AJR is an interdisciplinary journal is published entirely in the English, Japanese, French, Russian languages. In acknowledgement of the widespread topics, the AJR will be hosting the topical academic studies monthly.

The journal seeks to foster debate among interdisciplinary scholars with its numerous and diverse fields. Furthermore, we are proud to have such scholars in our Editorial Board, which is composed of professors from various-leading universities.

As the editorial team of the AJR, we would like to express our appreciation for the response to our efforts in establishing this academic platform. I would like to thank the members of the Editorial Board for their valuable assistance and suggestions during the preparatory phase of the first issue of the journal.

In conclusion, I would like to thank all prominent members of our Editorial Board and Editorial Council for joining us in this new fascinating and promising academic project.

**Dr. Saeed Bagheri, Editor-in-Chief**

**Assistant Professor of Public International Law**

## CHINESE GEOPOLITICS IN THE EARLY 3<sup>RD</sup> MILLENNIUM: REALISM AND CHINESE STRATAGEMS

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**Abstract:** *In the article there are described the basic geopolitical stratagems, which considered as a foundation of Chinese domestic and foreign policy. The author of the article analyses and underlines the facts, how these stratagems and Chinese approaches influence the foreign policy and diplomatic agenda of the Peoples Republic of China in modern international relations and world politics.*

**Keywords:** *China, stratagems, foreign policy, economy, inner policy of the PRC, Eurasia, geopolitics.*

The events of the boundary of two last Millenniums marked the beginning of a new stage of world history. The collapse of the bipolar world order coincided with large-scale qualitative changes not only the geopolitical structure that has developed in the last decade of the twentieth century, but also the final destruction of the Euro-US-centrist modern and contemporary history. In the new conditions, while maintaining a stable rate of growth of the Asia-Pacific

region, the center of world politics and trade, obviously shifted to the Pacific region. One could observe that the most dynamically developing countries are located in Asia. [28, p. 310–311]. In China at that time already strengthened the belief that the XXI century must be 'the century of Asia' [29, p. 315] and in this context, the country got a real chance to become a key power in the world.

The events of 1970-1980 years marked the beginning of fundamental reforms in China, which laid the foundation of prosperity and the strengthening of the country. Within a short period, China became one of the leading countries in the world, won the first places of honor in many industries and became one of the world's business centers [31, p. 129]. Deliberately conducting and perfecting the reform of the country, started in 1970, the Chinese government step by step opens a new horizon and increasingly strengthens the position of 'Great Eastern Dragon' not only in Eurasia, but also throughout the world. Thanks to this, we can now observe the rapid rise of China and its strengthening in the international political arena and in business sphere. Powerful countries of Europe, Central Asia and America are increasingly paying attention on this country, wishing to strengthen their relationships with it and establish constructive cooperation. In the context of these events and developments, experts, analysts and political circles around the world begin with great attention to observe and explore the features of the foreign policy strategy of modern China [3, p.27]. It is noted that in the last decade of the XX century Chinese foreign policy strategy was reviewed and subjected to adjustment, which further helped to significantly strengthen the position of the country. The new foreign policy concept of China, the foundation of which was laid in the 1970s, at the beginning of the III millennium has built a strong, successful country, and, as shown the recent events (in 2014 China became the first economy in the world [5], [6]), does not stop, bringing the powerful 'Eastern Dragon' to the new frontiers. These facts

indicate that the study and analysis of Chinese foreign policy concept, beginning from its origins and ending with the present day, are relevant and important not only by theoretical but also by practical reasons.

### **The Model of Internal and Foreign Policy Development of the PRC at the Beginning of the Third Millennium**

The construction of models and ways of reforming of foreign and domestic policies are among the most important goals for each of the countries. This task is relevant, complex, multifaceted, and the choice of model and strategy traces its origin from the very beginning of existence of each country. In view of recent geopolitical changes, the problem of identity and construction of its own unique model of development became important for national interests and geopolitical strategy not only of large and powerful countries, but especially countries with developing economies such as China.

In the beginning of twenty-first century, China has turned into one of the most influential geopolitical actors of international relations. This was due to the fact that in its foreign policy China has made emphasis on the economy and on increasing of the economic potential almost three decades ago (i.e. during the reforms of Deng Xiaoping). This was the main reason of acquisition by China the status of a major player in the international arena, without which international issues cannot be settled [42]. However, China did not stop and now continues to increase its scientific, technical, industrial, financial and military power [24]. Thus, now China takes one of the leading places in the world in terms of gold reserves and is the largest holder of US securities [54, p. 237]. All these economic factors allow the country to actively implement large-scale geopolitical project, aimed at significantly increasing influence of China in international affairs. Officially, the conceptual essence of such global geopolitical program was made

public in the CPC Central Committee report, which was announced at the XVII Congress of the Communist Party of China, held in October 2007. In that document of CPC as the main priority of nation-building in the international arena has been determined the basic idea, which involves the creation outside China so-called 'harmonious world', corresponding in structure to political and economic interests of Beijing [27]. Thus, protecting its interests and increasing its geopolitical weight in the world, the Chinese government formed major geopolitical theories, underlying Chinese geopolitical doctrine:

### **1. The Concept of the "Five Principles of Peaceful Coexistence"**

China was the first country which had formulated the so-called five principles of peaceful coexistence and now successfully implements them. These principles were articulated in the preamble to the agreement between India and China on trade relations of Tibetan area (April 1954). In addition, these principles were reflected in the decisions of the Bandung conference (1955) and others international documents [9]. These five principles include the following:

- Mutual respect for each other's territorial integrity and sovereignty.
- Mutual non-aggression.
- Mutual non-interference in each other's internal affairs.
- Equality and cooperation for mutual benefit.
- Peaceful co-existence [8].

These five principles are the kind of conceptual and ideological basis, which helps China to defend the principles of the implementation of international politics in the modern world. In addition, using a reference to these principles, China realizes the possibility to characterize itself as a historical enemy of hegemony and expansionism in world politics, on what always focuses its attention Chinese government.

## **2. The Concept of 'Great China'**

Under the 'Great China' we should understand the economic unity, bonded by common ethnicity [30, p. 347]. The geographical boundaries of 'Great China' are not strictly defined: some researchers include here Hong Kong, Aomyn, Taiwan and mainland China, others include even Singapore (in this case sometimes use the term 'Great Chinese Economic Community'). Finally, the third also take into account all the Chinese living in Southeast Asia, and sometimes even in America and Europe. Thus, the famous American sinologist H.Harding counted 41 determination of this structure - the 'Chinese Common Market of Asia', 'Chinese Economic Community', 'Economic area of Great China' , 'Free trade zone of Southeast China', etc [13, p. 51].

Under the concept of 'Great China' we should understand not a geographical unit, but models and mechanisms of Chinese impact on countries adjacent to it. Thus, with the help of this concept and a kind of integration of the countries with the Confucian traditions, China constructs around itself so-called conglomerate of partner states, creating a new sphere of influence, a huge market for goods, rich on natural resources that China may subsequently use.

## **3. The Concept of 'Harmonic Asia and a Harmonious World'**

The development of the concept of 'harmonious society' and 'harmonious world' allowed China to mark and demonstrate the fundamental unity of its domestic and foreign policy, which was mentioned even in the approach to the humanistic values of traditional Confucian thought, which always revered 'harmony' and the commitment of 'golden middle' [1, p. 83]. It is through this concept Chinese method attempts to take into account the need to prevent and resolve not only the political, but also intercultural, inter-religious, inter-

civilization problems in the international system, the risk of exacerbation of which will only grow. Yu Kepin gives a brief formula so-called 'harmonious diplomacy' of the PRC : 'Dialogue and consultation, cooperation and mutual benefit, the search of common, while maintaining differences, tolerance and openness' [36, p.244].

The concept that is positioned by the PRC establishes not just a harmonious unity of Chinese domestic and foreign policy, but also the harmonious nature of the Chinese state and Chinese civilization as a whole [19]. Thus, the 'harmonious diplomacy' of China complements the concept of 'Great China', was creating not just big, but conflict-free sphere of Chinese influence in Asia Pacific [3].

#### **4. The Concept of the 'New Silk Road'**

Considering Central Asia under the prism of spatial analysis, we can clearly say that this part of Eurasia is an important crossing of routes and migrations of different nations. Central Asia also includes the historical Great Silk Road. This region is, first and foremost, the node, where flows of human and natural resources are associated. The countries included in this unit, anyway are the recipients of these flows, together with the actors who are in the area of Rimland and Heartland, that form these flows and are interested in their constant circulation. The New Silk Road project, developed by US think tanks such as the Institute of Central Asia and the Caucasus at the University of G. Hopkins and the Center for Strategic and International Studies [2], took directly a lot of attention in China, and therefore soon Concept 'Silk road' with the Chinese interpretation appeared in China. The essence of this concept is aimed at the revival of the Silk Road, which previously passed through the Central Asian countries. Mainly this concept - the economic strategy for promoting Chinese

goods and products to the West. It should be noted that China is also interested in the 'pacification' of the region, in order to protect its transit routes. Thus, in this context there is a interconnection and interaction of 3 Chinese concepts listed above, with the concept of 'Silk Road.'

Beijing successfully seized the New Silk Road initiative, and now uses this concept to ensure its interests directly. In 1985, China together with Pakistan implemented the Karakoram Highway project, and in 1995 was signed an agreement between Pakistan, China, Kazakhstan and Kyrgyzstan [7]. It should also be noted that Beijing deliberately holds diversification policy in the field of transport corridors. Currently there are three routes to Europe from China:

- 1) Trans-Siberian Railway (13 000 km. from the border with Russia to Rotterdam);
- 2) sea route from the port of Lianyungang to Rotterdam (10900 km).;
- 3) route Shanghai-Rotterdam (15 000 km).

A new direction, over which China is working now is a highway Asia-Europe, Beijing- Moscow, and several projects with a combined name 'the program of continental bridges', that will connect China with Eurasia, Eastern Europe and the Mediterranean [7].

Thus, we can observe that in the twenty-first century China making attempts to revive the historic Silk Road, investing in this project huge amounts of money and thus more rapidly increasing factor and its impact on countries not only in Asia Pacific but in the whole of Eurasia [8].

## 5. The Concept of 'Pearl Necklace'

This 'string of pearls' is consisting of bases and diplomatic ties of China. It includes, above all, the port Gwadar in Pakistan, naval bases in Burma, electronic intelligence bases on islands in the Bay of Bengal, funding construction of the canal in Thailand, a military agreement with Cambodia and the build-up of forces in South China sea [38]. These 'pearls' should help China to build strategic alliances with other countries along sea corridors, starting from the Middle East up to the South China Sea to protect the interests of China and its energy security.

Of course the construction of ports and infrastructure by China can be explained as a purely economic and commercial activities, but some regional and global powers such as the US, Japan and India are considering the total amount of diplomatic and military efforts of China in the Indian Ocean as a direct demonstration of the growing power of their rival [34]. In addition, most Chinese offshore structures in the Indian Ocean in nature have a double purpose, and no serious strategy can not ignore their possible military use [14]. However, it should be noted that the original meaning of such an objects has not so much military, but a geopolitical nature. But still, the idea that China strives for naval dominance in the Indian Ocean is not fully justified, according to many experts. But China certainly wants to play a big role in the region to protect and promote its interests, particularly commercial interests and to counter India.

## **6. The Concept of 'The Eternal Unified Multi-Ethnic China'**

According to official Chinese conception of history, people who have ever lived within the boundaries of the empire, who paid tribute, or sent messengers, or even conquered China - automatically considered Chinese. This content brings the concept of 'The eternal unified multi-ethnic China', officially approved by Beijing. Thus, this concept, in addition to all the others, is another cog in the

mechanism of influence of China in the world. It is through this concept China conducts a wise policy of national unity, which strengthens the state not only inside but also outside (Chinese being in different countries tend to support their country by stimulating its further development and strengthening on the world stage as one of the leading countries of the world).

### **7. The Concept of 'Trunks and Branches'**

This concept was developed by Chiang Kai-shek, but today, when China purposefully engages in the formation of a unified Chinese nation, the concept is rather important in mainland China. In the concept of 'trunk and branch', the 'trunk' is Han (ranks first in number of people among the nations of the Earth (19% of the population), the largest ethnic group in China (92%) and the Special Administrative Region of China Hong Kong (95%) and Macau (96%) and in the Republic of China (98%), Singapore (76.8%)), and 'branches' - not Han nations, which were involved in the country's history. The essence of domestic and foreign policy based on this approach is an assimilation or reassimilation, leading to the elimination of ethnic differences in China and to the return to China as a mono original state.

**8. The Concept of 'Capturing in Claws'** (the term belongs to Indian political scientists [11])

Some analysts believe that China is interested in creating a 'submissive surroundings' [44]. Chinese rulers in Beijing prepare a 'capturing in claws' and consider Pakistan, Afghanistan and Iran, as a right, or west, 'claw', and Bangladesh, Burma as a left, or east, 'claw' along with Sri Lanka, which acts as the southern anchor and closes the 'capture'.

The concept of 'capturing in claws', along with most other domestic and foreign policy Chinese concepts, has a main goal of spreading the influence of China on the other, surrounding countries and the protection of Chinese national strategic interests. China's strategic interests in Afghanistan, Pakistan, Iran, Sri Lanka, Bangladesh and Burma are versatile and different, but Beijing believes that any significant progress in relations with these countries depends primarily on security and stability in these regions. China, which has a shortage of energy resources, is keen to implement all possible arrangements with these countries to be able to exploit the energy of the whole of Central Asia and the Middle East, and is working in this direction. As for the use of Pakistan as a trade and energy corridor, it is expected to trade corridor can be created by China in this country in the near future.

These 8 key geopolitical concepts are the foundation of foreign and domestic policies of China at the beginning of the III millennium. In summary, it should be also mentioned, that China with its political structure is a country with a very flexible policy. China can adapt pretty well: slogans are all the same; even political institutions do not change, but their meaning changes radically [35, p.20]. It should be noted that over the past few years there was the erosion of the political ideas of China. When people became rich and understood that they could invest their money, they began intensively to do it. Thus, it can be seen that now there is the decentralization of the management with a large local interventions (Hong Kong, Taiwan, Shanghai, privatization, investment) [52], which allows, together with the aforementioned concepts, to build and strengthen the mighty Chinese state, while fighting for its place as one of the most influential geopolitical player.

## Conclusion

In the last years of the twentieth century we have witnessed of the impressive rise of China's in world politics and economics. These achievements of the country are of particular interest because in many ways they are related to the state strategy, which can be alternative to a large extent open and liberal models, what were adopted by 'transitional' and some countries with developing economies [32], [33, p. 17].

Purposefulness, dynamism, consistency (some changes in foreign policy at different stages of development is a sign of political flexibility [20, p.93]) - in such words we can describe Chinese foreign policy. After analyzing the transformation of Chinese foreign policy doctrine in the late XX century, comparing it with the present one, we can conclude that, since the 1970s, it is in a constant state of renewal. It combines the old and the new Chinese leadership vision of the world and the place that China is strongly conquering in this world.

Old approaches expressed in the thought, that the world, according to traditional Chinese understanding, is perceived as a potentially hostile, although it does not bear any direct military threat to the security of the country [15, p.117]. In Chinese foreign policy concepts we can notice the fact of the realization of American desire for global domination, but also, albeit to a lesser extent, attentive and careful attitude to the trends of the local domination of the 'big countries' such as Russia, Japan, India [26, p.33]. From this approach the foreign policy priorities of modern China emerge [57, p.306]. They include, first, the ability to ensure the favorable international environment for China's reform and policy of openness (i.e the maintenance of peaceful relations with global leaders and normalization of relations with immediate neighbors), and secondly, a course of action based on compromise, in the words Deng Xiaoping: 'hide your head in the foot and cultivate humility' - in another words - to buy time,

accumulating your 'comprehensive national power' and only then claim to be a world leader [25, p.107].

New elements in the vision of the Chinese leadership began to actively appear in recent years, after 1999, when the CPC was focused on the development strategy of the country's participation in economic and political globalization. The new foreign policy of China matches its economic strategy, aimed at full integration of the country into the global economy. Its essence lies in building partnerships strategic relations with the US and Russia as two powerful countries and in enhancing the global and regional role of China through the mechanisms of multilateral diplomacy.

The study also showed that by combining old and new elements in modern foreign concept of China, political component is inextricably linked to the economic one. Since China has successfully employed the tools for rapid economic growth (market reforms and involvement in the process of globalization) 2020 can be considered as the closest reference point for China's economy and politics [21, p.93],[22, p.97],[23]. By this time the Chinese leadership has already planned a comprehensive building of society of xiaokan or the achievement of the level of highly developed countries [12]. Another frontier, probably, should be the middle of the century, when centennial founding of the People's Republic will be celebrated. Till that moment, the modernization of the country should be completed, and it will become fully global state, perhaps the most powerful on the planet [41, p.23].

The contents of a large Chinese strategy in the first twenty years is considered relatively detailed in documents CPC and papers of the Chinese scientists, where the problems and risks in connection with the development of the country during this period are also analyzed. Certainly, we can not exclude the possibility of some crisis in different areas of Chinese society that can slow

(but probably not stop) the growth of the aggregate national power. In addition, some specific rhythms of Chinese modernization depends not only on economic growth and the national power, but also on a number of external factors, including the pace of economic growth of its competitors-partners (mostly US, Japan, Russia and India [53]) .

Through this study it could also be mentioned a lot of thought of experts, on the basis of which we can make some predictions the further development of China: along with the positive forecasts (including the belief that planned for 2020 figures will be exceeded soon) there are a number of very cautious and even skeptical thoughts about Chinese economic growth. Only one fact is indisputable: to achieve its goals China needs a strong and lasting peace (at least in its region) [55, p. 57-60]. This is what underlies the current concept of China's foreign policy, which is why it will seek, as now, to avoid tension and with its neighbors. Thus, the essence of innovation, which describes the current foreign policy of China, is as follows:

- a. the transition from passive courses, aimed at creating favorable external conditions for internal reforms, to the active one, which is aimed to make China a real global player in the world economy, politics and security sphere;
- b. the transition from the policy of priority of bilateral relations to a multilateral diplomacy [43];
- c. the construction of a new line in relations with the US and Russia [18, p.57], the deepen economic cooperation with the US and Russia [47], [50, p.7];
- d. The revitalization of the activity in a major international institutions, member of which China already is (UN, WTO), and the building of a dialogue with the most important international organizations ('G7', NATO, EU [55], etc).

e. the increasing of the foreign policy activity in regional areas of North-East Asia, Central Asia, Southeast Asia, Africa and Latin America [39, p.15], [40, p.19];

f. The continuation of the policy aimed at ensuring peace and good neighborly relations with its neighbors (Russia, Japan, India, etc.). Bigger than ever, emphasis on economic cooperation as the basis of peace with its neighbors - after the increasing of China's economic opportunities [15, p.7];

g. The activation of the role of China in regional political forums (SCO etc.) [17, p.257-258].;

h. An active and often aggressive protection of Chinese interests, the Chinese businesses and Chinese citizens abroad.

Thus, the analysis of the evolution of the foreign policy strategy of the PRC in the end of XX - beginning of XXI centuries, leads to the conclusion that it, along with all of the concepts of development in China, ultimately serves the realization of the main national goal: the transformation of the country into a strong, prosperous world power that enjoys great prestige in the international arena.

Now there is an ability to visually observe the rise of China, which demonstrates the good and high performance in the economic growth and the reform of its industrial, agricultural and military sectors [56]. According to many experts, this 'Oriental Giant' by the beginning of 2020 will officially become a superpower in terms of overtaking its rival USA (informally G-20 countries have recognized China with such status at a summit in Brisbane (November 2014) [48]) [37]. Thus, we can already say that the main objective of the strategy is actually implemented; however, it should be also taken into account that there are a lot of risks that can derail the present developments (corruption, level of life of citizens, environmental problems, conflicts [46], etc.). It is with this today (on

the stage of the origin of these risks) is fighting the Chinese leadership, creating new conditions for further development and strengthening of the country.

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**THE ROLE OF SOCIAL CAPITAL AND HORIZONTAL RELATIONS IN  
THE FORMATION OF CIVIL SOCIETY IN UZBEKISTAN**

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**Abstract:** *This article analyzes the social capital as the most important factor in the development of society. And also, we study the processes of formation of horizontal relations. Social capital is indivisible part of democratic processes. In society social capital expressing the relations among people and trust related to them and moral principles cover the mechanisms of social affecting. Social capital is a particular investment to consolidate social justice and trust scales in society, for the development of state and society institutions, for the formation of social attitudes and the increase of people abundance*

**Keywords:** *Social capital, civil society, horizontal relations, socialization*

Nowadays it should be highly paid attention to the role and importance of social capital in society in planning the development degree and future of each country. Social capital issue is the research object of most humanitarian subjects and several conceptual views have been formed till now. Research the social capital as an independent branch began in the middle of last century. However, the term of social capital and some searching's to which related started forming in the early XX century.

The term "social capital" was brought in the work of American researcher Lida Hanifan.. According to his work social capital is firstly "*a significant situation*

*affecting to people's daily life*".<sup>1</sup> The author emphasizes friendship, mutual respect, kinship relations as such situations.

Jane Jacobs, who researched the social capital as urban life form as well as relations with neighbors, stressed that social capital appears to be consisted of different fields (сеть - networks) and principles.

Sociologist and economist Glenna Luri concluded that the role of social capital factor in current process has a large importance in the process of learning the degree of economical benefits of various nation representatives and distinction among them. In his definition social capital is "among people new knowledge and practice a system serves to form natural social relations".<sup>2</sup> Later researchers paid attention to the conception of social capital and methodology of learning deeply. In 1983 Per Burdeo defined the social capital in his work as following: "social capital is a present and possible complex including fixed branch connections based on mutual obligation and responsibility"<sup>3</sup>.

Besides in researching the issue of social capital J.Coulman, R. Patnem, F. Fukuyama, A. Shadrin, M. Gracebill, V. Grissaenko and others' works as well as their scientific theories are also important.

So the social capital is indivisible part of democratic processes. In society social capital expressing the relations among people and trust related to them and moral principles cover the mechanisms of social affecting. Social capital is a particular investment to consolidate social justice and trust scales in society, for the development of state and society institutions, for the formation of social attitudes and the increase of people abundance.

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<sup>1</sup> Hanifan, L. J. (1916), «The Rural School Community Centre», Annals of the American Academy of Political and Social Sciences, Vol. 67, pp. 130-138;

<sup>2</sup> Loury, G. C. (1976), «Dynamic Theory of Racial Income Differences», Discussion Papers, Vol. 225;

<sup>3</sup> Bourdieu P. The forms of capital. In Handbook of Theory and Research for the Sociology of Education, ed. JG Richardson, New York: Greenwood.1985;

Although the power of social capital has been well recognised in daily life for a long time, as a social science concept it has emerged to prominence in relatively recent years. It has attracted attention for a number of reasons. In part, it represents a reaction against what is now seen as the excessive individualism of policy-makers (and voters) in the Reaganite and Thatcherite years. When Margaret Thatcher famously proclaimed, during an interview, that 'There is no such thing as society', many took this quite literally as an exhortation to unbridled individualism. Subsequently, Mrs Thatcher tried to explain that she had simply been arguing that society was a rather abstract notion, and she preferred instead to dwell on the needs of families, individuals and local communities (Thatcher 1993: 626-7), but no one seems to have believed her. Even though the original interview suggests that her explanation was entirely plausible, the more individualistic interpretation had already taken root. In these circumstances, new ideas about the rediscovery of the social appealed to a wider public, as well as to the policy community.

Ideas about social capital are also brought to the fore by recent changes in social behaviour and relationships. Lamentation over the decline of community has become a leitmotif of contemporary journalism. Let me consider just one example among many, which is distinctive only in that it comes from a former editor of *Marxism Today*, fresh on his return from four years in the dynamic environment of Hong Kong, rather than from a backward-looking advocate of traditional values hankering after a lost world of Victorian stability. Looking around Europe, Martin Jacques finds himself dismayed by the erosion of relationships by rampant individualism and the values of the market. Ours, he complains, is 'a world of increasing impermanence, transience and ephemerality, where little or nothing is forever, and individual gratification is the highest priority'. For many, marriage has become a short-term arrangement or even

something to be avoided, while having children has become a rarity. Jacques blames what he calls 'the balkanisation of society' for such ills as a low birth rate and a faltering and broken process of socialisation of the young, and fears that there are 'dark times ahead' (Jacques 2002: 24). Journalistic hyperbole aside, it does seem that in western societies at least, patterns of interaction are changing.

Informalisation of interpersonal relationships, the continuing erosion of habit and custom as the basis of human behaviour, the growing division of labour, the blurring of boundaries between public and private, and the explosion of new means of communication have drawn attention to the ways in which social order is maintained. The boundaries and contexts of special relationships are no longer explained or maintained by reference to rigid and formalised codes; to an increasing extent, they can be chosen, and also given up. We do not need to buy into the whole postmodernist package to accept that identity and subjectivity are not unified and given but are open to negotiation and indeterminacy, even where they are inflected by such inherited attributes as ethnicity or gender. Neither should we forget that institutionalised roles and relationships still demonstrate a remarkable degree of persistence, of course, as can be seen at their starkest in the continued inequalities of class and gender. Social capital has also benefited from the cultural turn in the social sciences.

Along with a marked rise in the attention given to the cultural aspects of social behaviour, there has been a remarkable growth of interest in what might be called the micro-level of individual behaviour and experience. A remarkable number of eminent social scientists have looked closely at intimacy and trust, to take two examples close to the heart of social capital (Beck and Beck-Gernsheim 1994; Giddens 1991; Jamieson 1998; Luhmann 1988; Misztal 1996; Sztompka 1999). While most of these writers have said little about social capital as such (with the exceptions of Misztal and Stompka), their preoccupations do reflect a

concern with the precise texture of day-to-day interaction and the quality of interpersonal relationships. This general context of intellectual concern provides a backdrop for the sharp rise of interest among social scientists, in particular, in social capital. Finally, social capital has acquired an uneasy relationship with economics. It has clear parallels with the notion of human capital, which originally emerged in economics during the 1960s, and denotes the economic value to firms, individuals and the wider public of such attributes as skill, knowledge and good health. In his influential account of school performance in American cities, James Coleman developed the concept of social capital as a way of integrating social theory with economic theory, claiming that social capital and human capital are generally complementary (Coleman 1988–9).

Important official bodies like the World Bank and the Organisation for Economic Co-operation and Development have tended to share this view (OECD 2001a, 2001b; World Bank 2001). In a recent report on *The Wellbeing of Nations*, for example, the OECD argued for ‘strong complementarity’ between human capital and social capital, with each feeding the other in mutually beneficial ways (OECD 2001b; 13). However, Schuller prefers to see social capital as offering an alternative to the concept of human capital, emphasising the collective where the latter sees only individuals pursuing their self-interests (Schuller 2000). Others have even argued that the notion of social capital represents a colonisation of the social sciences by economists who recognise the limitations of too individualistic a view of human behaviour (Fine 2000). Conceivably, the reverse is equally likely: that is, social capital might be seen as an attempt by sociologists to appropriate one of the core ideas of economics, and apply it to build a bridgehead into their neighbouring (and senior) discipline. My own view is that there is probably some truth in the second view, and that interest in social capital

represents an attempt to modify the traditional focus of economists on individual behaviour, by stressing the social basis of peoples' decisions.

Social capital serves to the development for both personal and the effectiveness of social activity. In its turn, it consists of **physical capital** and **Human Capital**. While the physical capital is described in financed forms, human capital is difficult to feel. Because this capital is reflected in human's knowledge and skills. And social capital is impossible to feel, in other words 'to touch with hands'. This is an event based on social behavior, social intelligence.

Social capital is not a personal possession but wealth that can be used by all. It is apparent not in people's mind likes human capital, in reality like financial capital or in bank accounts like economical capital but in social interactions and in the process of human socialization. In other words, any person should have a source supplying his demands by others to have social capital and in its turn, he must make social profit for another person himself. More clearly, values gathered during people's connections function as balance to conform people's activities. From this point of view, the conception of social capital is a very large notion and to realize, understand and analyze its negative sides demand plenty of researches.

It is necessary to emphasize that social capital consists of three bases: **social norms, social connections** and **trust categories**.

In each society there is a system of historically formed social standards and it advances with social development subsequently. These norms are put in order with moral rules defended by that society (nation).

Social relations represent, in its turn, institutionalized and in sensitive bases. While the first type includes social groups, branches, unities and laws obeyed by them, the second type includes connections among people in society, values, and social life attitudes.

All fields in which exist social capital trust category plays an important role. It is fact that trust is a complex moral category and it is an attitude based on faith, right, fair and sincere belief. There can be shown several signs of trust event. First of all, trust is a moral relation among people. It is important to know each other well in trust. Trust is based on complete voluntariness. Trust carries out in a way that represents the best idea and feelings. In the society that is no trust can not be exist mutual affecting and different forms of knowledge exchange.

### **Horizontal Relations**

The societies in which social capital is developed horizontal form of social relations or horizontal social relations are formed.

Horizontal relations are firstly based on equality of values and trust. And it is a system of connections including tolerance, respect, unity of concerns, human rights. Besides, horizontal relations mean mutual association that has an opportunity to share with data, resources, ideas and feelings as well as necessity.

If we interpret more clearly, horizontal that is different from vertical relations based on hierarchical system is described in equality relations in society. In it person can obtain to show his ability and to find his own place in society.

Some researches show that the people who live in the societies which non-hierarchical and horizontal social relations are developed carry out more inventions, science and technology discoveries rather than the people who live in hierarchical societies. The reason for that may be defined with taking place the non-centralized processes, strengthening trust category, the increase of people's labour effectiveness and intensification of stimulation in country as well as the development of horizontal relations.

Horizontal relations are represented in the activity of formed social unities on the optional basis according to people's interests, views, intelligence, action, hobby and the level of life comprehension. These types of social groups can be different, in this process the factor to unify them is horizontal relations based on equality and belief.

Nowadays we may see bright samples of horizontal relations in developed Western societies. For example, more than 1 million different organizations, unions and associations are working in the United States of America. These are formed as an initiator group based on complete equality principles according to their activity and interest. They include 'Book lovers Society', 'Organization of fishermen', 'Moto bikers union', 'Anti globalists' confederation'. Current social groups work on the basis of general accepted law, rule and values in their activity. The most important thing is that horizontal social relations dominate in the group. This type of social unions doesn't have to be accredited by the state or act in another bureaucratic system and they operate as initiator group.

If we take a look at the experience of some developing countries, we may observe that vertical and hierarchic system dominate mostly rather than horizontal relations. For example, family is highly valued in Eastern society, definitely family is an institution reached the level of social value. But vertical relations in family and hierarchic control system may cause the decrease of individual abilities of children, having difficulty in the process of socialization and not to be able to defend his concerns.

The development of horizontal relations serves to the strengthening of social capital, the formation of citizenship society and as the base of country social development. Here the person tries not only for himself, but also for the

people and society around him. It results the creation of several factors such as the social conscience and community control. <sup>4</sup>

We refer some samples of Western countries as the proof of our words. If you drive in red light of traffic signal while you are driving in Germany, the driver behind you call to the police officer to warn that you break the rule. And in the next crossroads police officers will be waiting for you. Or you live in a multi-storey building. It is winter. It snowed a lot and pavements are slippery. Someone fell on the ice by slipping in the area of your house. In this case you have to pay fine for the person as you did not clean the snow on the pavements in time. In Israel, if any person sees something suspicious (for example an object like explosive) while walking in the street, he must inform the police immediately. If he does not inform to the police, he is called to court. If that object is a real explosive and is neutralized by the police officers that person receives a reward in the amount of 35 percent of possible damage. We may count such samples a lot. Most importantly, the increase of social capital and the formation of horizontal relations affect to each person's life, progress of society and future of the country positively. We may observe that the social capital is completely mixed with our national mentality. Its roots come from brightened religious-philosophical tradition over centuries, customs and culture that related to only Uzbeks. And it serves to provide the steadiness and closeness of society life, to be respected of national and humanistic values. Social capital especially represents in Uzbek tolerance and hospitality traditions.

Furthermore, it is clear that preserving historically formed social capital elements, receive its new brims for ourselves and to perform total social modernization in society finally help to build democratic government and strong

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<sup>4</sup> А.Н. Татарко, Н.М. Лебедева. Социальный капитал: теория и психологические исследования, 2009г.;

citizenship society in the development of current globalization, internet and virtual social relations time.

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**ROLE OF COMMUNICATION OF NURSES IN TREATMENT OF HIV/AIDS****Mirkhamidova Sevara Mirmakhmudovna**

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**Abstract:** *Article shows need of forming of communicative skills for broad understanding of this word in the course of training of modern nurses. It is intended, first of all, for nurses. The list of the communicative skills and abilities necessary for effective overcoming a disease. In it examples of specific communicative strategy which need to be used in a number of the most problem situations of communication with sick HIV / AIDS and their relatives are also given.*

**Keywords:** *HIV/AIDS, role of communication, nurses in treatment, modern international.*

Modern international requirements of training of specialists in the field of the higher medical education are intended for ensuring preparation skilled, competent, psychologically and socially competent doctors and clinical psychologists, social workers and nurses. The modern nurse shall own cognitive and behavioral skills of adoption of clinical decisions, skills of effective behavior in the course of professional interaction with patients, their relatives and colleagues, advanced communicative skills, professional competence and moral ethical installations at the level of modern achievements of medicine [7].

Communicative and psychological competence of the nurse includes such components as knowledge and understanding of psychological features of the patient, the nurse, the communicative processes arising in case of interaction of the nurse, patient and his relatives, psychology of the medical environment; acquisition of clinical skills of communication, the solution of ethical and professional problems, psychological aspects of prevention and fundamentals of

psychotherapy of diseases, strengthening's of health, rehabilitation, and also a capability to knowledge, personal growth and advanced training throughout all life.

Necessary psychological knowledge, behavioral and communicative skills allow health workers to communicate effectively with clients, to make the weighed and crucial clinical decisions, to base medical practice on the principles of psychological and communicative competence.

Therefore, the nurse needs to be able to identify psychological components of a disease and its consequences, to distinguish desires and expectations of the patient, in view of its values, the purposes and problems. And any other medical a job it is important to nurse, clinical psychologist to have the developed skills of communication with the patient, it is competent to bring information on problems of the patient and aspects of his treatment to him and to data of his relatives, effectively to communicate with patients. At the same time it is important to understand that not all patients have the developed skills of communication, and the condition of the sick person provokes communicative problems. The doctor is obliged to be able to inform correctly the patient and his relatives on their role in therapeutic process, on therapeutic alternatives and recommendations, to explain and comment on the corresponding treatment for achievement of consent to its carrying out, as from the patient, and his relatives. The nurse, undoubtedly, needs to own skills of ensuring commitment of the patient to treatment. Besides it shall be able to motivate the patient on overcoming a disease, to support and encourage its autonomy (sovereignty), to distinguish and understand the individual and social factors influencing a course of disease, the choice of option of treatment and rehabilitation. The doctor shall distinguish cultural, ethnic, religious, individual, family, socioeconomic

situations, vital events, social and psychological risk factors of forming a disease and its recurrence [7].

#### HIV infection and communicative competence of the health worker

Relevance of this problem and its practical importance can be brightly illustrated on the example of treating of a role of medical communications in prophylaxis and treatment of HIV/AIDS.

HIV infection – the illness bound to behavior of the person. To change an epidemic situation, it is necessary to change to less risky behavior of people concerning this illness. First of all nurses have to change behavior. For successful prophylaxis of HIV/AIDS it is necessary to break a barrier of silence and to put consultation on HIV infection questions into the daily operation. The trust between the patient and the health worker is the cornerstone of delivery of health care. Therefore creation of psychologically favorable medium promoting attraction and deduction of patients within programs of rendering a specialized medical care is essentially important. The confidential atmosphere frames more sincere and steady relations of the patient with the health worker, the patient will be located to more frank discussion of features of the behavior in connection with HIV infection [1, 2, 3, 4, 5].

The people asking for the help bound to HIV (for example, voluntary consultation and inspection, treatment of STD), can be in a condition of a severe psychological stress and be afraid of censure from a family or the public in case of the HIV-positive diagnosis. In similar situations quality of communication of the patient with the health worker gains special importance. Medical experts shouldn't take out estimated judgment concerning behavior and separate acts of the patient, are obliged to save in secret information on the patient, to attentively auscultate and encourage the patient, to give exact answers to his questions and to give it full support [4, 5, 6].

The people living with HIV often face impossibility to use medical services and with the prejudiced attitude towards themselves from those who provide these services. Fear of stigmatization creates additional barriers on the way to receipt of the help. The strategy used in case of the solution of these problems assumes forming at the infected people of skills which are necessary for them for upholding of the rights [2,5].

Each patient has information need about a condition of the health. In work with sick HIV / AIDS it is difficult for nurse to report unpleasant news of changes in the state of health and problems of treatment, and it is heavy to patient to learn about it. Nevertheless, the nurse should do it regularly. It is almost important to study experiment of other doctors on the solution of this problem, to develop technology of informing on sore news and to research consequences of such messages in different contexts.

Most of patients have information need about the disease even if it is considered as life-endangering and difficult giving in to treatment. Patients react to sore news, the emotional reactions connected with a disease different by the form and intensity, change of process of knowledge and behavior. The doctor can't change the existing facts, but he can affect, change, correct their perception, both in negative, and in the positive direction, to help to find justified hope.

Many patients who received sore news badly remember what happened to them further that is possibly connected with use of mechanisms of psychological protection. Burdens this situation unreasonable in a specific situation of use by the doctor of special medical scientific terms not known to the patient. Uncertainty burdens a condition of patients. It is useful to repeat repeatedly a sense of sore news, to report about it to relatives and to be convinced that the patient and people close to it understood given negative information. On the one hand, the emotional impoverishment of doctors to experiences of patients, their

emotional deafness to sufferings of patients concerning sore news, lack of the empathizing response to a problem of the patient can be a consequence of professional burnout and deformation. On the other hand, doctors test peak of a negative stress during the message to the patient of sore news that can be one of the reasons of insufficient attention to experiences of the patient. The distress of the patient reaches later, after understanding of the heavy message by it. Patients want that the doctor found golden mean between honesty and keenness. They don't ask the nurse to lie, embellish reality or to hush up the facts. They want that they weren't deprived by hopes [5,6,7].

### **Conclusion**

This article isn't the complete guide to use of communicative skills and abilities of health workers during the work with sick HIV \ AIDS. Its format allows to bring up only a question and to illustrate relevance of a problem of forming of communicative skills at nurses. To all of us, specialists in the field of preparation of a medical, psychological and pedagogical personnel, it is necessary to recognize that one of big stumbling blocks of modern medicine lies in the field of communication, in the field of communicative competence. Therefore it is obvious that hard and versatile work in this direction is necessary to us.

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**THE NECESSITY OF FURTHER DEVELOPMENT THE INSTITUTE OF  
PROCEDURAL TERMS IN THE CIVIL PROCEDURAL LAW (LEGISLATION  
OF THE REPUBLIC OF UZBEKISTAN)**

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**Abstract:** *This article is about the norm of 12 chapter of civil procedure code "Procedural law". In this article it is analyzed the conception and kinds of procedural terms, practical and theoretical issues of this institute. Introduction of the procedural terms and the terms of claims to civil proceedings, suggest the opinion on the solution of problems collided in the sphere of observance of procedural and actionable terms.*

**Keywords:** *Procedural terms, actionable terms, expiration of procedural terms, restoration of procedural terms, prolongation of procedural terms, common and special procedural law, the terms provided by law, reference, immediate and redundant terms.*

The 12th chapter of the Civil Procedure Code is directly referred to as the "procedural period", which includes 126 to 131 articles. However, this institution is not limited to this, and these norms are also found in other norms of this procedural code, and it is in the chapters that civil proceedings, the stages of rechecking court decisions, as well as material codes and legislative acts relating to civil cases received and considered, Limitation period and other procedural terms.

Article 4 of the Civil Procedure Code of Civil Procedure of the problem is determined, according to which it is proper timely consideration and resolution of civil cases. In accordance with this, "timely consideration and resolution" of civil cases is one of the main criteria of civil proceedings.

Studying the institute of procedural terms of a theoretical, practical and scientific point of view is one of the most urgent tasks. The study of the topic from the theoretical point of view is that, under the procedural terms for civil cases, it is necessary to understand the period of execution of procedural actions in all stages of the civil process. The concept of "Processual" comes from going to court.

When an appeal court for civil cases and the subsequent resolution of disputes, of particular importance is the statute of limitations. The statute of limitations is the period within which a person can protect his violated right by presenting a claim. The statute of limitations under the Civil Code (Civil Code) is divided into general, special, shortened, extended types, as well as to Article 163 of the Civil Code there are claims on which the statute of limitations does not apply, and this circumstance is taken into account by the court when restoring the violated rights. Namely, the statute of limitations does not apply to claims for the protection of personal non-property rights and other intangible benefits, except as provided by law; the requirements of depositors to the bank for the issue of deposits; Claims for compensation for harm caused to the life or health of a citizen. The claim submitted after the expiry of the limitation period is satisfied for no more than three years preceding the filing of the claim; claims for damages, because crime; The requirement of the owner or other owner to eliminate all violations of his right, including violations not related to deprivation of possession (Article 231 of this Code); Demands for the return of property, which is a historical cultural and scientific-artistic value and other valuable objects exported from the country to the proclamation of its independence; Other requirements in cases prescribed by law.

According to Article 153 of the Civil Code, the application of the statute of limitations is indicated, according to which the demand for protection of the

violated right is accepted for consideration by the court irrespective of the expiry of the limitation period. The statute of limitations is applied by the court only upon the application of the party to the dispute made before the court makes its decision.

The expiry of the limitation period, the application of which is stated in the act side is the basis for the court's decision to dismiss the claim.

However, in some cases in judicial practice the provision of the provision of the Civil Code "... the protection of the violated right is accepted for consideration by the court irrespective of the expiration of the statute of limitations" leads to some confusion resulting in the circumstance of inattention to the terms, not observance of the procedural order. The term, especially the procedural period, first of all requires discipline.

In the third part of Article 153 of the Civil Code states, "The expiration of the limitation period, the application of which is stated in the sleep side of pe, it is the basis for the court's decision to dismiss the claim." This rule for the judge is of particular importance, which has in fact the correct content, but from the point of view of the form it is necessary to amend the above text. In particular, the variation of the words "party to the dispute" - "arguing the side", "Prescription of first name, etc. which stated aside disputes" - "on the application of the limitation period" is appropriate. It should be noted the importance of the mod and attention to period and in court, because it is of particular importance, however, in article 152 of the Code of Civil Procedure is not available among the grounds for the refusal to accept the application passing the statute of limitations. And this circumstance leads to a discrepancy in accepting the application and resolving disputes.

The peculiarity of procedural terms is:

- Provides timely protection of the rights and legitimate interests of citizens and organizations;
- Ensures compliance with and observance of the procedural order of the court and other procedural participants;
- Improves the quality and speedy consideration of civil cases in court;
- Discipline procedural legal proceedings.

In certain legal sources, the classification of procedural terms is indicated as follows, namely, general and special; Fixed in the law (dates marked in the CPC); Appointed by the court (the CPC is indicated on the notice of the court); Reference (before the beginning of the court session, immediately after the entry into force, after receipt of the application to the court, until the case is substantially resolved, etc.), reduced terms. Failure to comply with the procedural order gives the following consequences, namely skipped i.e., stop the extension of the postponement, reduction, recovery and denial of others.. The form of action of the procedural deadlines dividing for terms used in the court of first instance, appeal, appeal, supervision and newly discovered circumstances. On the subject of implementation of procedural deadlines dividing on the court and judges, as well as the person involved in the case.

What is the need for procedural terms and their improvement? "

In August 30, 1997, after the adoption of the Civil Procedure Code (CPC) active Institute has found such a form. However, the noun of the reforms in the judicial system is hocks particular tasks of the President of Uzbekistan in his Concept of measures to protect the rights and interests of citizens and institutions in a timely manner and effectively to ensure their protection, specialization of courts, the growth of congestion judge strengthen the requirements in The formation of a reserve for candidates for judges, the

procedural legislation of foreign legislation, the emergence of the need to study foreign experience and practice, on the basis of this improvement 12 Head of the CCP, dedicated to "procedural terms" and improving the norms of norms.

**First**, paragraph 2 of Article 203 CPC states that «The court's decision shall be made immediately after the proceedings. In exceptional cases for particularly complex cases, the preparation of a reasoned decision may be postponed for a period not exceeding three days, but the court must declare the resolution part of the decision when the persons participating in the case can get acquainted with the reasoned decision. «However, these three must be increased. Since if a judge delves into civil cases for five days a week, when he decides.

**Secondly**, according to Article 223 of the CPC , "**Parties** and other persons involved in the case, at their request, be given a copy of the court decision or on the suspension, dismissal of the case or of the abandonment of the application without consideration. Parties and other persons involved in the case, not who appeared at the court session, the copy of the court judgment or decision on the suspension of termination of proceedings or abandonment of the application without consideration shall be sent not later than five days from the date of the decision or determination. However, in the first part 223 CPC term is not defined. Part 2 of Article 223 of the CPC violated the terms and leads to delay. This circumstance is also encountered in sending a court order, which in turn is produced by problems in the process of enforcement proceedings.

**Third**, Part 2 of Article 126 "In cases where procedural deadlines are not set by law appointed by the court.

**B - Fourth**, Article 129 of the Civil Procedure Code specifies the order of suspension of time limits according to which the date of resumption of production for procedural deadlines continues. This procedural action has no

formal basis. It offers the following "This action is made to whitewash at the village.

**Fifth**, in Article 130 of the Civil Procedure Code we are talking about the extension and restoration of procedural deadlines. In this rule there is a provision on handling the application for the restoration of the missed period. However, the application does not specify an extension of the term, on the determination of the refusal to renew. In addition, it does not specify the time to apply for an extension, in consequence of which the question arises, where an application for restoration of the missed deadline? Also, it should be noted, on the definition of recovery of the missed deadline.

**Sixth**, in articles 155 and 156- in the law is not exactly specified with Rocky Conn procedures and separation tremens. What is the duration of the connection or disconnection or does not specify a specific indication in the legislation on the renewal of the term in these cases.

**Seventh**, in Article 177 of the Civil Procedure Code if there is a reasonable time for the adjournment of the proceedings date? For example, in foreign countries, if the judge is ill, it should not exceed one month, if the judicial term has expired, then fifteen days.

**In the eighth**, the CPC does not indicate us e defined position on the extension of time limits who is allowed to issue on extension? In this regard, the judge has a different practice.

Based on the above stated, in order to improve the institution of procedural terms, the task of developing the draft law "On amendments and additions to the Civil Procedure Code of the Republic of Uzbekistan".

## COMPARATIVE LEGAL ANALYSIS OF THE CIVIL-LAW PROTECTION OF HONOR, DIGNITY AND BUSINESS REPUTATION IN THE CIVIL LEGISLATION

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**Abstract:** *To give the complex conceptual analysis of legal problems of civil-law protection of honor, dignity and business reputation was conducted on the base of the views of the scientists of Uzbekistan and Japan and civil legislation of two countries and as a result this analysis provides proposals and conclusions on improvement of the current national legislation. Successors of dead person with respect to whom communications are disseminated defaming his honor, dignity, or business reputation, shall have the right, along with the refutation of such communications to demand compensation for losses and moral harm caused by their dissemination.*

**Key words:** *Personal non-property rights, inalienable right, honor, dignity, business reputation, personal information, defamatory information.*

### **Introduction**

A right for honor and dignity is one of the fundamental natural rights of a person. A citizen's right for protection of his honor, dignity and business reputation is regarded as a constitutional right while protection of the business reputation of legal entities is one of the conditions for their effective operation.

According to the opinion of the Japanese scientist Shiomi Yoshio “protection of honor and dignity is one of the fundamental personal rights and they need to be protected as exclusive rights like proprietary law. As an exception it is necessary to mention that evaluation of work of public officers or representatives of people as well as criticism and expression of critical opinion about them, for example if they are accused of bribery or other abuse of authority without any proof or evidence, will not be regarded as discrimination of their dignity. They must perceive various critical opinions correctly because they were elected, trusted and entitled by people.”<sup>5</sup>

It is necessary to mention that the rules in article 100 of the Civil Code mainly refer to citizens but its rules on protection of business reputation are also applied to legal entities. The definition of the protection object in the article from this point of view is very narrow that becomes apparent in many cases.

J.Jurayev while analyzing this article expressed the following opinion: “institution under our consideration is not properly regulated because it makes an impression that every citizen and legal entity can have business reputation.”<sup>6</sup> We cannot subscribe to this view because according to the mentioned norm refutation is required only if the information is defamatory. If accuracy of the information is proved a court will reject protection of the victim.

Practical realization of the norms on court protection of honor and dignity first of all requires clarification of what we understand under defamation. According to practitioners and scientists<sup>7</sup> defamation includes a process of bringing false information about a person to one or several people by any means.

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<sup>5</sup> Shiomi Yoshio. Introduction to Civil Law. Japan: Yuhikaku. 2008.

<sup>6</sup> J.Jurayev. Business reputation and problems of its civil-law protection: Author’s abstract. Dissert..../PHD. – Tashkent: 2010. - 23 p.

<sup>7</sup> Kh.Rakhmankulov. Civil law objects. – Tashkent: TSUL, 2009; Okyulov O. Theoretical and practical problems of the legal status of intellectual property. – Tashkent: TSUL, 2004; Nasriyev I. Civil-law problems of realization and protection of personal non-property rights. – Tashkent: Publishing house named after Gafur Gulyam, 2006;

I.Nasirov expressed the following opinion on this issue: “defamatory information can cause a serious problem for the victim even if only one person is aware about it.” Therefore the view on “providing a right to bring an action and to demand prohibiting defamation” in legal literature seems to be quite reasonable.”<sup>8</sup>

According to the views of the Japanese civilian Takashi Kawai, “the Civil Code provides liability for damage caused by infringement of personal rights and appropriate measures for restoring the reputation of the victim and prevention of the further law violation. This rule is provided at article 723 of the Civil Code. Lawsuits concerning protection of personal information need to recognize also the method of protection of the same law. This view is also supported by court practice (collection of the Supreme Court judgments, No. 1802, September 24, 2002, page 60).<sup>9</sup>

False information which does not damage honor, dignity and business reputation cannot be recognized as defamatory information.<sup>10</sup> Moreover, a demand to refute dissemination of true critical information at work, public places, and in everyday life cannot be recognized reasonable.<sup>11</sup> Definition of defamation can be used as a proof for this statement.<sup>12</sup>

There are various approaches in practice and literature of different countries to the issue of when a court evaluates the disputed information in

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Hasanov A. Problems of civil-law regulation and protection of some personal non-property rights in the Republic of Uzbekistan. PHD. Dissert... Author's abstract. – Tashkent: 2003.

<sup>8</sup> Nasriyev I. Civil-law problems of realization and protection of personal non-property rights. – Tashkent: Publishing house named after Gafur Gulyam, 2006. – p.72-73.

<sup>9</sup> Kawai Takashi. Civil Law-4. Japan: Yuhikaku. 2008. – p.64.

<sup>10</sup> Ivanenko Yu.G. About civil-law protection of honor, dignity and business reputation. // Zakonodatelstvo, 1998. No12.

<sup>11</sup> Nasriyev I. Civil-law problems of realization and protection of personal non-property rights. – Tashkent: Publishing house named after Gafur Gulyam, 2006 – p.71.

<sup>12</sup> “Defamation” is a ban on spreading false information. Defamation applies not only to false information but also to true information which damage honor, dignity and business reputation.

terms of defamation. In many cases courts rejected claims on the grounds that such information does not discriminate or damage reputation and for this reason does not refer to intangible values. Literature describes possibility for such rejection. Particularly, a judge while considering a claim first of all needs to decide whether the information caused damage to honor and dignity or not.<sup>13</sup>

### **Main Part:**

The honor and dignity of person after death is protected on the general basis of civil legislation in the form of succession. However it may not be restricted by the institute of succession. The article 100 of civil code of Uzbekistan refers upon demand of interested persons, the protection of honor and dignity of a citizen is allowed even after his death. Here it should be taken to consideration not only successors but also interested persons have the right to demand protection of honor and dignity of a dead. As a interested person understood the friends, makhallas, students, masters and others.

Successors of dead person with respect to whom communications are disseminated defaming his honor, dignity, or business reputation, shall have the right, along with the refutation of such communications to demand compensation for losses and moral harm caused by their dissemination.

The civil code of Republic of Uzbekistan refers the “refutation” as a measure of protection of communications defaming his honor, dignity, or business reputation are disseminated in media of mass information, they must be refuted in the same media of mass information. Refutation – is a special measure of protection in the condition of defaming honor, dignity, or business reputation of person.

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<sup>13</sup> Sergejev A.P. A right for protection of reputation. – Leningrad: Znaniye, 1989. - p.22-23.

Regardless of existence of guilt, defamator should be liable for the information which doesnot correspondent to reality. Therefore, article 40 of law “on Mass media” fixed the liability for the violation of legislation in the sphere of mass media.

Chief editor and a journalist shall not be liable for the distribution of media materials that do not correspond to reality, when this information:

taken from official reports, legal acts, or the data of the official statistical reporting, or obtained through information agencies or the press-service of state power and administration;

contained in the author's statements, broadcast without an appointment, or the literal reproduction (shorthand, audio and video recording) performances

Hovewer, the refutation of these cases (in the form of notification of the decision of the court) obligations entrusted to the editorial office of the media, violations of rights served as a special protection measures. Article 100 of the Civil Code of the Republic of Uzbekistan claims undermine certain information reported in several media, is also possible. All defendants have rejected these claims, must not be regarded as such data was first distributed to the media editorial responsibility entrusted to organizations or individuals who had delivered them.

The procedure of refutation is consolidated in the law of mass media. Legal entity or person has the right to demand from the editorial rebuttal published in the media of false and discrediting his honor and dignity or business reputation. Legal entities and individuals whose rights and legitimate interests have been violated as a result of the publication, the right to publish in the mass media a refutation or response. Refutation or answer must be published under a special heading in the same lane, which housed the material that caused the emergence of a response.

Mandatory publication period in the newspapers - within one month from the date of receipt of the refutation or response in other periodicals - in the next room. Refutation or answer is obtained, edited television, radio, video, newsreel programs and other electronic kinds of periodical dissemination of mass information broadcasted in the same program or series of programs not later than one month from the date of receipt.

If the amount of the transfer and the refutation or response time can cause damage to the media activities, it may be reasonable edit the text as agreed with the information source or author.

Legal entity or person may apply to a claim in the court in case of evasion of the media to publish a refutation, answer or of violation of the publication date. In this regard it should be noted that in the protection of honor, dignity and business reputation for the case of the dissemination of defaming information the form of apologizing is effective method. Based on these opinions we propose changes to the part 2 of article 100 of Civil code of Republic of Uzbekistan to amend the measure of apologizing and to put the issue of compromise of sides as an alternative way of demanding compensation for losses and moral harm caused by their dissemination.

If the plaintiff's demand is satisfied or the plaintiff renounces a claim, a court needs to explain the consequences of such renunciation (termination of proceedings, absence of right to bring a lawsuit on the same subject, on the same grounds and against the same defendant again). If the renunciation of claim is not contrary to law and does not violate rights and freedoms of the plaintiff or other persons, according to the rules of the part 3 of article 180 of the Civil Procedural Code, the court shall issue an order on termination of proceeding.

If the plaintiff's demand is satisfied or the plaintiff renounces a claim, a court needs to explain the consequences of such renunciation (termination of

proceedings, absence of right to bring a lawsuit on the same subject, on the same grounds and against the same defendant again). If the renunciation of claim is not contrary to law and does not violate rights and freedoms of the plaintiff or other persons, according to the rules of the part 3 of article 180 of the Civil Procedural Code, the court shall issue an order on termination of proceeding.

The Japanese scholar Takashi Kawai points out “there needs to be a proof to recognize damage to honor and dignity. For example, dissemination of negative information about the person accused of murder in mass media can be recognized as defamation if this person is justified. But, if the fault of the person accused is proved? In this case dissemination of negative information in mass media is regarded as defamation and court can take into account the fact of conviction while determining the amount of damage.”<sup>14</sup>

The disputed information must be defamatory to justify the plaintiff's demands on protection of honor, dignity and business reputation. This approach elaborated in the legal science<sup>15</sup> has been supported by the court practice. Legal literature and court practice contain examples of breaches of confidence. A person who committed a negative action tells about it to another person and asks that person not to disseminate this information. This person hopes that the information will not be disseminated. Nevertheless, information about his action gradually spreads among other people. In this case the court cannot satisfy the lawsuit of the victim because the legal norm does not provide for refutation of true information. Our opinion can be supported by the following view of I.Nasriyev: “in many cases disseminated true information does not affect the

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<sup>14</sup> Kawai Takashi. Civil Law. Japan: Yuhikaku. 2008. –P 422.

<sup>15</sup> Kh.Rakhmankulov. Civil law objects. – Tashkent: TSUL, 2009; Okyulov O. Theoretical and practical problems of the legal status of intellectual property. – Tashkent: TSUL, 2004; Nasriyev I. Civil-law problems of realization and protection of personal non-property rights. – Tashkent: Publishing house named after Gafur Gulyam, 2006; Hasanov A. Problems of civil-law regulation and protection of some personal non-property rights in the Republic of Uzbekistan. PHD. Dissert... Author's abstract. – Tashkent: 2003.

positive image of a person. But it causes deep personal suffering (for example, dissemination of information about AIDS decease, insolvency of relatives etc)."<sup>16</sup>

The Japanese civilian Takashi Kawai mentioned that "dissemination of true personal information is contrary to the interests of a person because only he can dispose of the information about himself. Although the Civil Code of Japan provides protection from this issue, such disputes were considered at courts. One of the first disputes was connected with a work of literature "Mutsushima". A candidate for mayor of Tokyo was described as one of the characters in the work of literature which even contained his photos. The candidate considered that his personal information was disseminated illegally and brought a lawsuit against the author and the publishing house. He demanded recovery of moral damage and apology. The court satisfied the claim and later the sides achieved a peaceful agreement (Court of Tokyo, 1959.09.28)."<sup>17</sup>

Unfortunately, legal acts of our country do not provide liability for dissemination of information by such means. While special literature<sup>18</sup> contains various views and opinions on this issue. It is interesting that in Japan commitment of such actions is regarded as infringement of personal non-material rights. Disputes on dissemination of personal information without permission are very common in court practice of Japan. For example, "a company requested information about work experience of a recruited person from a local authority. And the local authority submitted information about conviction of this person. The recruited person brought an action for dissemination of his personal information. The court satisfied the claim on the

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<sup>16</sup> Nasriyev I. Civil-law problems of realization and protection of personal non-property rights. – Tashkent: Publishing house named after Gafur Gulyam, 2006. 71-p.

<sup>17</sup> Kawai Takashi. Civil Law-4. Japan: Yuhikaku. 2008. –P. 421.

<sup>18</sup> Kh.Rakhmankulov. Civil law objects. – Tashkent: TSUL, 2009; Okyulov O. Theoretical and practical problems of the legal status of intellectual property. – Tashkent: TSUL, 2004; Nasriyev I. Civil-law problems of realization and protection of personal non-property rights. – Tashkent: Publishing house named after Gafur Gulyam, 2006; Hasanov A. Problems of civil-law regulation and protection of some personal non-property rights in the Republic of Uzbekistan. PHD. Dissert... Author's abstract. – Tashkent: 2003.

grounds that information about conviction of this person is connected with his honor and dignity and made a conclusion that this was an interest protected by law from dissemination.

A student of the Japanese University submitted a questionnaire with his personal information to the University administration. The Ministry of Inner Affairs requested information about this student from the University and provided by the University information was personal. When the student knew about it he brought an action against the University for dissemination without his permission and infringement of his rights for personal information. The court satisfied the claim (Collection of the Supreme Court civil law judgments, 1976.07.17., volume 35, No. 3, and page 620)."<sup>19</sup>

Some specialists believe that our legal acts on defamation<sup>20</sup> lack for proportionality and therefore consider them as controversial and conflicting conceptions. The other ones on the contrary consider such views as incorrect. According to their opinion this information can be disseminated because it does not influence on the assessment of a person by society although dissemination of such information cause suffering and negative emotions in the soul of a person. In our opinion this issue requires a differentiated approach. Actually, there can be different reasons for appearance of information blackening the name of a person. Particularly, dissemination of information about negative actions and tricks of a subject can also be a social demand or need for discussion with educative effect.

Dissemination of information about negative actions and tricks can be justified only if they go beyond the personal scope and affect the interests of a group or society as a whole. But we should not forget that it would not be correct to discriminate, punish and shame a person for only one amoral action.

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<sup>19</sup> Kawai Takashi. Civil Law-4. Japan: Yuhikaku. 2008. – p. 421.

<sup>20</sup> This conception means dissemination of information discriminating some person.

Therefore, we believe that the above mentioned example from the Japanese court practice can be a model for us.

According to the opinion of the Japanese scholar Kawai Takashi “massiveness and truthfulness features of damage of honor and dignity are regarded as one of the problems in the civil legislation. Article 230 of the Penal Code of Japan provides that when an act damaging honor and dignity is found to relate to matters of public interest and to have been conducted solely for the benefit of the public, the truth or falsity of the alleged facts shall be examined, and punishment shall not be imposed if they are proven to be true. The civil legislation not confining itself to these norms provides the following provisions: if quite reliable information about the facts disseminated for the benefit of the public turns out to be defamatory it is not regarded as damaging a person’s dignity. For example, information concerning criminal and other illegal actions committed by a candidate for the Parliament member’s position was disseminated. Court made a conclusion that honor and dignity were not damaged (Collection of the Supreme Court civil law judgments, judgment on 1961.06.23) because that candidate could be elected as a representative of people. Without the massiveness character this case could be resolved in a different way. For instance, a baby of three months old died from a disease and information blaming his parents for the baby’s death was disseminated. This case was resolved in favor of the parents (Collection of the Supreme Court civil law judgments, volume 26, No. 9, page 1637, judgment on 1967.11.16.).”<sup>21</sup>

### **Conclusion**

Therefore we consider that it is necessary to elaborate a draft of the resolution of the Supreme Court’s Plenum aimed at strengthening protection of

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<sup>21</sup> Kawai Takashi. Civil Law-4. Japan: Yuhikaku. 2008. –P. 423

true personal information and simplification of the process of consideration of cases referring to this kind of information. Besides, we make a conclusion that it is necessary to add article 1095 of the Civil Code “A right for protection of undisclosed information” with the following norms “*a person has a right for protection from illegal disseminating without his permission personal information or undisclosed information i.e. information about person, family and profession privacy by any means*” to provide protection of personal information, in other words personal and family privacy.

The court in its judgment describes the method for refutation of information which damages honor, dignity and business reputation. And the court can choose one of methods for refutation of defamatory information. It is natural that the date of refutation is also determined by the court. The long standing practice proves the position that the method of refutation of defamatory information needs to be relevant to the method of dissemination of such information. And most of the judges follow this approach.

As a conclusion it is necessary to mention that the importance of provision of the civil-law protection of honor, dignity and business reputation which has caused increase in the number of lawsuits brought in courts for its protection. It demonstrates that at present improvement of legal protection of honor, dignity and business reputation is one of the important modern tasks for scholars.

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**THE PROBLEM OF THE "CONCEPT" IN THE LINGUISTIC SPHERE****Inogamova N.R.**

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**Abstract:** *This article underlines the problem of the concept in the linguist, regarded as essential notions. The concept treats as the ideal essence, as well as the image and the symbol are formed in the consciousness of the person, the set of conceptual senses build by the conceptual system of the individual in the real world or possible disposes. Keys to the concept are: universality, subjectivity, concrete and figuration.*

**Keywords:** *Concept, unity, cultural, collective consciousness, rational entities, substantial, conceptualization of the world, strigiform, primitive, structures, abstract signs, figurative.*

**La problématique du «Concept» dans le sphère linguistique**

Dans cet article on parle de la problématique du concept dans la linguistique et il s'agit des notions essentiels. Le concept est l'essence idéale, c'est l'image, le symbole formé dans la conscience de la personne, l'ensemble des sens conceptuels forme par le système conceptuel de l'individu dans le monde valable ou possible dispose. Les caractéristiques clés du concept sont: l'universalité, la subjectivité, le concret, la figuration.

**Les mot clés:** le concept, l'unité, culturel, la conscience collective, les entités rationnelles, substantielle, la conceptualisation du monde, stratiforme, primitive, couche, les Signes abstraits, figuratif.

Le concept est le terme qui servant à l'explication des unités des ressources mentales ou psychiques de notre conscience et cette structure d'information qui reflète la connaissance et l'expérience de la personne. À présent ce terme a été

affirmé à titre de la notion fondamentale la linguistique cognitive. Bien qu'aujourd'hui il n'ait pas l'interprétation univoque. Dans la littérature linguistique le terme "le concept" est traité différemment. Quelques savants comprennent le concept par les certaines substitutions des significations cachées dans le texte les "assistants" de la multitude des objets, facilitant les relations et étroitement lié avec la personne et son autre expérience nationale, culturelle, professionnelle ou d'âge. Des autres linguistes ne trouvent pas le concept comme la variante de la réflexion de la signification et le portent vers primaire culturel à la formation dans la conscience collective, sous n'importe quelle forme de langue.

Dans l'article d'Askoldov, on soulignait que la question sur la nature des concepts ou les notions totales ou selon la terminologie médiévale, universelle. En indiquant à la fonction remplaçante du concept, le définit comme il suit : «le concept est la formation mentale, qui remplace à nous en train de l'idée la multitude incertaine d'objets de la même génération.»<sup>22</sup> J.S.Stepan examine que "le concept" est comme le caillot de la culture dans la conscience de la personne, cela en forme de quoi la culture fait partie du monde de l'homme mental et "le concept" est au moyen de quoi ordinaire la personne, non le créateur des valeurs culturelles, entre dans la culture, dans certains cas et l'influence»<sup>23</sup> à une telle compréhension du terme. Dans la linguistique moderne on sait que la quantité travaux consacrés à l'analyse systématique des mots, exprimant les notions concrètes sont assez grandes certains des études dans le domaine de la description et l'interprétation des entités rationnelles. Comme un exemple , le concept amour représente assez complexe et à plusieurs projets qui on ne peut pas comprendre et définir seulement par voie de l'interprétation des définitions

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<sup>22</sup> Askoldov S. A. Le concept et le mot. La littérature russe. Sur la théorie de la littérature et la structure du texte: l'Anthologie. M, 1997, p.85

<sup>23</sup> Stepan J.S. Constantes : le Dictionnaire de la culture russe. M, 2001, p.43

univoques de dictionnaire. En même temps, notamment au moyen de la caractéristique des définitions indiquées nous pouvons fixer la structure sémantique du concept exprimé par le lexème amour. La structure donnée est diverse et comprend une grande quantité de significations qui peuvent être généralisés et présentés par les suivants sèmes : « 1. amour - disposition à vouloir le bien d'un autre que soi (Dieu, le prochain, l'humanité, la patrie). L'amour est une volonté de vouloir du bien à l'autre, à l'humanité, la Patrie) et rendre entièrement (donner) de pour cela. 2. Amour - affection entre les membres d'une famille. amour maternel, paternel, filial, fraternel. L'amour est une affection mutuelle des membres d'une famille. Maternel, paternel, l'amour affilié fraternel. 3. Amour - inclination envers une personne, le plus souvent à caractère passionnel, fondée sur l'instinct sexuel mais entraînant des comportements variés. Amour platonique, courtois. Un mariage d'amour. Fou d'amour. Filer le parfait l'amour. L'amour est une inclination chez une autre personne, le plus souvent, ayant le caractère passionné, fondant sur l'instinct sexuel, selon exprimant à la conduite par les divers moyens. Amour - personne aimée, ex : «Vous êtes mon amour»<sup>24</sup>. L'amour est une personne laquelle vous aimez. Dans les exemples donnés, nous voyons que les caractéristiques principales du mot amour "sont rongées" fortement et la netteté peut être observée à son sens seulement dans les quatrièmes et cinquièmes significations.

Le rôle de la langue est secondaire, il est seulement le moyen auxiliaire la forme de langage du caillot de la culture. D.S.Likhatchev, E.Koubryakova trouvent que le concept n'apparaît pas directement de la signification du mot, il est le résultat de la collision de la signification du mot avec l'expérience personnelle et nationale de la personne, c'est-à-dire le concept est l'intermédiaire entre les mots et la réalité. Le concept, selon E.S.Koubryakova, est «l'unité rapide

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<sup>24</sup> Dictionnaire « Le Petit Robert » Paris, 1991, p. 59

substantielle de la mémoire du vocabulaire mental, le système conceptuel du cerveau (*lingua mentalis*), tout le tableau du monde reflété dans la mentalité humaine.»<sup>25</sup>

J.D. Apresyan propose la théorie suivante du concept: «1) chaque langue naturelle reflète le moyen défini de la perception et l'organisation du monde; les significations exprimées dans lui se forment à un certain système commun des regards, une sorte de la philosophie collective, qui est imposée par la langue à tous ses porteurs; 2) le moyen propre à la langue de la conceptualisation du monde est partiellement universel, partielle, nationale et spécifique; 3) le regard sur le monde (le moyen de la conceptualisation) «est naïf» dans ce sens qu'il se distingue du tableau scientifique du monde, mais c'est les représentations non primitives.»<sup>26</sup>

D.S. Likhatchev par le concept comprenait «une sorte d'expression algébrique de la signification, que la personne manie dans les paroles écrites» nous nous amènerons la plus dernière définition de ce terme. Z.D. Popova et I.A. Sternin affirment que le concept est «la formation discontinue mentale étant l'unité de base du code mental de la personne, possédant en ce qui concerne la structure réglée intérieure, représentant le résultat de l'activité cognitive (cognitive) de la personnalité et la société, et portant l'information complexe encyclopédique sur l'objet reflété ou le phénomène, sur l'interprétation de l'information donnée par la conscience publique et la relation de la conscience publique au phénomène donné ou l'objet».<sup>27</sup> Mais, S.G. Vorkatchev définit le concept comme «synthétisant la formation qui est venue méthodologiquement

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<sup>25</sup> Koubryakova E.S. Le petit dictionnaire des termes cognitifs. M, 1996, p.90

<sup>26</sup> Apresyan J.D. La sémantique lexicale. M, 1995, p.39

<sup>27</sup> Popova Z.D., Sternin I. A. L'analyse cognitive - sémantique de la langue. Voronej, 2006, p.24

sur le remplacement à la représentation (image) à la notion et la signification et comprenant eux à « retiré », l'aspect réduit». <sup>28</sup>

Toutes ces définitions du concept soulignent de diverses parties du procès de sa formation. Près du concept la structure complexe, d'une part, elle porte tout qu'appartient à la structure de la notion; d'autre part, s'entre dans la structure du concept que fait par son fait de la culture. À présent il n'y a pas de représentations courantes sur la structure du concept, on peut trouver de diverses approches de ce problème dans les travaux de V.A.Pichtchalnikova, d'E.V.Loukachevitch, de N.F.Aliferenko, Z.D.Popova et d'I.A.Sternina. Les derniers, ayant analysé la multitude de définitions du concept, sont arrivés à la conclusion que le concept cognitif est formé dans la conscience de la personne de:

- 1) son expérience directe sensuelle - la perception du monde par les organes de sens;
- 2) l'activité objective de la personne;

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<sup>28</sup> Vorkachev S.G.Postoulaty La conceptologie linguistique//l'Anthologie des concepts/sous la rédaction de V.I.Karasika, I.A.Sternina. r.1, Volgograd, 2005, p.16

3) les opérations mentales avec les concepts déjà existant dans sa conscience;

4) des relations de la langue (le concept peut être communiqué, expliqué à la personne sous la forme de la langue);

5) par voie de la connaissance consciente des unités de langue.

Le concept comprend les composants (les signes conceptuels), la différence reflétée à sa conscience et distinguant selon les degrés abstraits. Les concepts peuvent être personnels, d'âge et nationaux. Le concept a la structure "stratiforme" et de différentes couches qui sont le résultat, "le dépôt" de la vie culturelle des différentes époques. Il se forme d'historiquement différentes couches, divers et par temps de la formation, et d'origine, et selon la sémantique et a la structure spéciale. Le concept a la structure actuelle, supplémentaire ou passive, ainsi que la couche de la forme est intérieure. Le noyau du concept est fait par les caractéristiques concrètement figuratives qui sont le résultat de la connaissance ordinaire. Les signes abstraits jouent le rôle des dérivées par rapport à ceux qui se distinguent par le concret des connaissances spéciales reçues à la suite de la connaissance théorique scientifique.

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## LEGAL GROUNDS OF INDEPENDENCE AND SOCIAL PROTECTION

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**Abstract:** *This article is devoted to legal issues of social protection in the years of independence of the Republic of Uzbekistan. Priority of economy over politics, placing the state as main reformer, rule of law, strong social policy, phased and evolutionary reforms are among them. It should be noted that the basis of Uzbek model also include issues related to development of social sphere, further increase in level and quality of life. Social regulation not only provides protection of vulnerable populations, but also mitigates income differentiation processes, process of property separation between social groups.*

**Key words:** *Social protection, social security, pension, benefits.*

The development of statehood and legal reforms, is considered the most important sectors and the main purpose is not inferior to human has reached such a high standard of living.

Independence since the early days of human life, property and other interests, guarantees and the effective protection of the public nature of the policy.

The First President of Republic of Uzbekistan I.A.Karimov carried out the “Uzbek model” which referred the economic growth. Selection of development path, most loyal to our country and known worldwide as the Uzbek model was an important milestone in the history of independent Uzbekistan. It led to follow-up processes of large-scale work towards achieving political and economic independence, a new stage in the history of national statehood. The

basis of this model of building a democratic state and civil society have laid down five principles of transition to a market economy.

Priority of economy over politics, placing the state as main reformer, rule of law, strong social policy, phased and evolutionary reforms are among them.

It should be noted that the basis of Uzbek model also include issues related to development of social sphere, further increase in level and quality of life. Social regulation not only provides protection of vulnerable populations, but also mitigates income differentiation processes, process of property separation between social groups.

Democratic state as citizens of the struggle of social, economic, cultural and legal conditions to ensure a strong social policy. Created the legal framework for such a policy, which is based on the principles of international norms and standards.

After the gaining, the state independence of the Republic of Uzbekistan in recent years in the field of social protection of the Republic of Uzbekistan adopted many normative legal acts: "On social protection of disable persons", "The bases of the state youth policy in the Republic of Uzbekistan", "On the labor protection", "On the state pension provision of citizens", "On the healthcare of citizens", "On the provision of employment», "The granting of additional benefits to women" "On the sponsorship", "The legal guarantees of child rights".

These normative legal acts are based on the main universal nature of international legal documents: the United Nations "Universal Declaration of Human Rights", "Economic, Social and Cultural Rights, International Covenant", the International Labour Organisation Conventions prohibiting discrimination in this sector rely on the documents on the agenda.

Market conditions improving and ever expanding today as a result of socio-economic processes taking place with all the tools needed layer of the

population, a comprehensive social protection objective and to maintain social stability, an important prerequisite for ensuring the development of the development.

Social protection and the improvement of the legal basis for its further development in this area of reforms, with the main objective of social justice for every citizen of the state and society in proportion to their contribution to the economic development and the strengthening of the economic potential of the country is aimed at guaranteeing the rights to social security, increasingly. In particular, the improvement of the system of legislation on social protection of the elderly and the disabled, in which this group of individuals, greater economic and social guarantees, the introduction of new legal mechanisms that are compatible with international standards in this area of social services to improve the form and content of the most important achievements of all time.

President of the Republic of Uzbekistan dated December 30, 2009, No. 4161 "On measures to further improve the provision of pensions of citizens" with the adoption of the Decree, the social security reform was turning and the revision of the legal framework of social protection, legal system efficiency in this area towards the further strengthening of the principles of social justice, the implementation of measures aimed to improve. As a result of the Republic of Uzbekistan "On the state pension provision of citizens" of the most significant additions and changes to the legislation, the content of modern, adapted to the nature of the reforms.

The resolution of Cabinet of Ministers No. 22, dated September 8, 2011, aimed at improving the procedure for appointment and payment of state pensions On approval of the "Regulations on the procedure for appointment and payment of state pensions" to ensure consistency in this area and be the

confirmation of a variety of artificial difficulties before being plays an important role.

In order to ensure social benefits the appointment of pensions to employees is implemented according to the law on "On the state pension provision of citizens" and the introduction of amendments and additions to the Labor Code of the Republic of Uzbekistan "On the Law of the Republic of Uzbekistan approval of the necessary legal documents resolution of the Cabinet of Ministers of the Republic of Uzbekistan, as prescribed by the decree.

According to the Constitution of Republic of Uzbekistan article 39 consolidates the norms: Everyone shall have the right to social security in old age, in the event of disability and loss of the bread-winner, as well as in some other cases specified by law. Pensions, allowances and other kinds of welfare may not be lower than the officially fixed minimum subsistence wage.

This constitutional right consolidated as a main social-economic right by state. The average age of our people in the years of independence 67 years to 73.5 years among women in 1990 was 75.8 years. Currently there are 225 million people over the age of 80 44 thousand people over the age of 90, 8 thousand 700 people are living in peace and bless the elderly over the age of 100. Among them were 3 thousand 109 participants of the Second World War, there are 69 thousand 994 people who worked behind the front pleasing condition. One of the more noteworthy aspects, in order to appreciate all aspects of the elderly in our country at the expense of the state budget in 2015 to 11 trillion 618 billion more than it paid more than 105 billion pension benefits philosophy. Today, the average monthly salary in the amount of funds allocated from the state pension of 41 per cent.

In this regard, on October 13, 2014, in accordance with the Decree of the President of Republic of Uzbekistan "The further strengthening of the social

support measures veterans of the war of 1941-1945" their social protection, especially in a sanatorium and health institutions to continue at the expense of the state. At the same time, representatives of the older generation by non-governmental organizations to provide financial and moral support to consider expanding the scale of such assistance.

In recent years, the state pension law, the appointment and payment of state pensions system to comply with the laws and the implementation of large-scale events in order to take into account the demands of the modern, adapted to the changing conditions.

The development of the social security legislation of the Republic of Uzbekistan, the country's level of socio-economic development and achievements in the field of legal state and civil rights in the implementation of social security should be mandatory with all possible assistance in this area do not serve to improve people's economic activities.

The main directions of tax and budget policy of Republic of Uzbekistan on January 1 2015, in connection with the law "On the state pension provision of citizens" amended. According to the amendments and additions to the population of the state pension provision is aimed at further improving the social direction.

The pension legislation in the field of management reform, pensions will increase the wealth of their society, ensuring citizens take into account personal contribution to social justice, an important precondition for protection of the rights of entrepreneurs. Society forward towards development and ensuring better rights and interests of citizens, the guarantee of rights from the point of view of efficiency and is important to the improvement of the legislation on pensions.

It is known that Uzbekistan is integrating into the international community and universally recognized norms of international laws of the priorities.

Today, all aspects of social protection of the Republic of Uzbekistan on a sound legal basis we have a strong and reliable social security system has been established and is working effectively.

In summary, the future of the country which only with the same step, regardless of the rapidly changing world conditions and trying to respond can be bright.

**FOREIGN EXPERIENCE OF ORGANIZING LEGAL EDUCATION  
(IN THE EXAMPLE OF THE USA, GERMANY, FRANCE AND JAPAN)**

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**Abstract:** *In this article, the author analyses scientific-theoretical and practical aspects of the place and the role of legal education in ensuring political activity of individuals and human rights protection; also, provides a systematic analysis of views of developed foreign countries on legal education and discusses the issues of improving legal education system for the civil and state development.*

**Keywords:** *Education, legal education, law violation, legal consciousness, legal culture, prevention of offenses.*

### **Introduction**

Increasing legal consciousness and legal culture of the population as a way to promote their legal activeness has always been one of the important issues. Especially, an essential task is to develop respectful attitude of adolescents and teenagers, underage part of the population, who is a crucial and special aspect of legal education, and to train them to follow the laws without any violation.

For a very good reason, during the period of republic and democracy, elementary juridical education, as well as upbringing, was a part of public education in Ancient Rome. Then the whole structure of Roman life required general knowledge of all and every basic regulation of law: all of the population

took part in political life, the entire nation was called up for the discussion and decision making process of juridical issues. The main goal of the juridical education must address the issues of increasing legal literacy of children [1].

As a matter of fact, O.B. Grigoryevna expressed her own views as an author, saying “All of the above consideration should be laid from a young age, as people should know that for every illegal act committed, there is a legal responsibility which awaits him, according to the legal acts of the state. And lack of knowledge of the laws, as they say, is not an excuse” [2, p.816-819]. Moreover, formation of legal education at schools should consider the following principles, as urges A.A. Thakov: “Legal education at school is based on the principles of humanism, scientism, and planned, systematic success in the formation of the legal culture of youth can be achieved in the course of a long, gradual educational which influences the individual, student-centered, differentiated, integrated approach” [3, p.685-686]. Without any doubt, it can be very fruitful to study and implement positive aspects of the experience of foreign developed countries to our system.

### **Main Part**

Paying a special attention to the experience of legal education in Germany, this issue is considered crucial from the very start of pre-schooling. Among European countries, the first pre-school was established in Germany in 1840. Pre-school children in Germany, although, not able to fully express their opinions, understand their rights very well. It shows that legal education is considered as a crucial direction of state policy in this country [4].

According to the Law “on the protection of the youth” from July 23, 2002, children and adolescents up to the age 18 are not allowed to go to play stations and other similar entertainment places. Their participation in games with prize

awarded in public places is allowed only during the public holidays, such as fairs, holidays of infantry organizations and etc. providing that the price of the award does not exceed certain limits. The competent state authorities may not allow children and adolescents to participate in activities which may be harmful to their health, moral or mental wellbeing, the event organizer must see that age limits, participation time and limits are clearly indicated, also, must take measures for danger prevention. In emergency situations, these organs may see that measures are taken to dispel a child or an adolescent from threatening public place, and even take children to guardianship agencies for youth affairs.

In restaurants, canteens and café, in trade centers and other public places, children and adolescents aged less than 18 are not allowed to buy or to consume wines and liquors and other similar alcoholic beverages.

Participation of children and adolescents in public cinemas are allowed in condition that the movie is permitted to be watched by them by higher administrative bodies or social organizations of voluntary self-control within the framework of the procedures described in the Article 14 of this law, or the main purpose of this film is to give information, instruction or study material designated by the filmmaker as an informational or study program.

From this point of view, it can be seen that protection of children and adolescents and their legal education are of utmost importance in Germany, and a special attention is paid to this issue. A well-developed legal base can be a bright example of this [5].

View the experience Japan has in this issue, based on the Article 5 of the law “on the regulations of activities of the police working with the youth”, from September 29, 2002, “the police, when working with the young people carries out its activities in cooperation with schools, family court, the Youth Consulting Center and all other organizations which consider healthy upbringing as a main

purpose” [6]. The Article 8 of this law considers consulting center in prevention of offenses. “When an underage person or a guardian on their behalf addresses to the consulting center, based on the consultation they require, consultation is provided and measures must be taken for their prevention”[7].

In the Article 13 of this law, “every person, when dealing with a child prone to criminal activities, should timely warn the school of related bodies”[8].

A French teacher M. Audgier urges that “one of the important tasks of educating citizens is to teach them how to resolve conflicts among people and to establish sustainable relations among them”. P. Foulquie pays attention to the combination of shapes and methods of civil education and urges that a child must be taught his rights and obligations as an equal member of the society. Another French scholar M. Tozzi views that “civil education must be seen as a study activity”. In French literature, especially, in the dictionary of C.V.Good and W.R.MerKel, the term of “civil education” is noted as “developing consciousness of civil obligation in the youth”[9, p.46].

According to the Educational Code of France, the Article L.312-15, “besides study promoting the purposes identified in L. 122-1, civil education in every stage of school education includes preparation for consciousness and respect towards the children’s rights established by laws or international obligations and the understanding of specific situations which require infringement of this law. Within the framework of this, information is provided on the role of non-governmental organizations cooperating in the sphere of children’s rights protection.”

During the presentation of enlisting school furniture, the participants are given information on avoiding purchase of objects made by children in conditions which contradict accepted international conventions [10].

The Experience of the USA on legal education shows that in this country, every state has its own distinct views on the issue. Especially, in the state of Virginia, the USA, the police department considers juvenile delinquency seriously and works with teenagers and adolescents. The following three special programs show the importance of juvenile education. The first one is a study course and intended for the primary class students. Through this study course, the students are introduced to the main functions of human rights protection organizations, rights and obligations of citizens, also, measures to ensure corporate and individual safety.

The course designed for the 4<sup>th</sup> year-students includes the following topics: law and crime, public safety, theft, vandalism and individual safety. The instructors of the course are police officers with special preparation and they give instructions in uniform (this is regarded as a way of psychological influence). The study materials are prepared in accordance with the age of students. Games and short-films are widely used during the study process. The designers of this program consider that natural awareness of society, formation of positive attitude towards the police and teaching how to deal in emergency situations as a main purpose[11, p.186-188].

A special program on legal education which has been created by the rights protection organizations of the state of Florida and which has been adopted by many public and private schools requires a special attention. The program is designed for the students of 7<sup>th</sup> -8<sup>th</sup> grades and it aims to shape ideas of the system of traditions, criminal law basics, and obligations of citizens, also, what expects the person who violates the laws in teenagers.

The program is designed in the form of questions and answers which introduces the listeners to laws regarding assault, violation of privacy, vandalism, confrontation to the arrest, illegal gun ownership, theft, lesser crime,

hijacking, beating, arson, alcoholic poisoning, illegal drug abuse and brutal murder [12, p. 181-184].

One of the important aspects of experience in the USA regarding legal education is to take students to the courthouses via special visits to increase the effectiveness of legal education in the country [13]. If to pay attention, these factors contribute to increasing individual legal education and its consolidation, to legal social activeness of individuals, and improvement of legal knowledge.

Issues of legal education are widely discussed and solved in France, Italy, England, and the USA. Doing this, an idea of legal education being political and moral influence to the growing generation at the same time is always stressed out. As an instance, as introduced in France in 1879, teaching morals and rights at schools starts with the explanation of certain words such as “citizen”, “native land”, “law”, “society”, “justice” and others. At the age of 9-11 children got basic presentation about the government structure, military service, taxation, responsibility for violation of laws, and later, detailed information on government and law [14].

Based on the above, we can conclude the mechanisms of distinct aspects of legal education in foreign countries are directed accordingly by the state and realized by force when necessary. The reason is discussions about the methods of carrying out the government administration, the means of organizing social relations, state being the main factor driving people towards the right direction in political life and descriptions and definitions.

A serious analysis of experience in foreign countries on carrying out legal education shows that these countries, in the first place, pay a special attention to legal sociability of an individual. According to us, the subjects of legal education should directly carry out systematic activities for legal education and create measures for their application to the real life. Foreign experience of organizing

and carrying out legal education is important with their serious consideration of these issues.

### **Conclusion**

As a conclusion, the study points out that comparative-legal analysis, experience of foreign countries on legal education and consciousness show that important tasks of legal education include explaining and increasing awareness of every teenager about the laws and meaning of laws, and making people able to use laws in their life. It should be noted that many aspects of rich practical experience of Germany, Japan, France and others in the practice of jurisdiction and law enforcement can be seen in the legislation of Uzbekistan. Yet, it will be very helpful to organize “Days of Law”, “Practice of taking school children to courthouses in law lessons” in general secondary, secondary special and higher educational institutions. Also, we think it is high time we use the traditional experience of Germany to in providing legal education for the children of pre-school institutions.

In the national law of the Republic of Uzbekistan “on the prevention of offenses and lack of control among the juvenile”, the Article 7 points out that “parents or guardians take measures not to let underage children to be in restaurants, cafes, bars, clubs, discos, cinemas, computer halls, and service places for using Internet and/or other entertainment places at any time at night without supervision”. As a comparison, the German law “on the protection of the youth” from July 23, 2002 strictly prohibits children under 18 to be in night bars, entertainment places and casinos and other similar places [15].

The laws in Uzbekistan allow children to be in such places under supervision while laws in Germany strictly prohibit their visits to such places.

From our point of view it is necessary to implement the German experience in our national legislation.

According to our opinion it is necessary to implement the existing practice of German law to the Article 7 of the national law of the Republic of Uzbekistan “on the prevention of offenses and lack of control among the juvenile”.

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## THE ROLE OF CONSTITUTIONAL CONTROL IN DEMOCRATIC STATES

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**Abstract:** *In this article carried out research on the branches of the government, the role and the status of the constitutional court, the problems and improvement of Constitutional court in Uzbekistan. The article shows the role and significance of constitutional justice as the main means of protecting constitutional rights and freedoms of citizens. The activity of the Constitutional Court of the Republic of Uzbekistan on Protection of personal, political, economic, social, cultural rights and Freedom, on the improvement of legal relations, whose participants Are the state, citizens and business entities. The role of other bodies of state power in ensuring the constitutional Legality.*

**Keywords:** *Constitutional control, constitutional oversight, constitutional judiciary.*

In the constitutional and political, the expression "constitutionality" is used with different meanings. To distinguish constitutionality as a constitutional principle, whether by formal or political aspect, different theorists use the word "constitutionality" in its meaning as "constitutional" (constitutionality). As for the marking of the whole movement of the struggle for the adoption of the written constitution and limit the unlimited power of the rulers throughout history of human development, we use the word "constitutionality" or its synonym phrase "constitutionalism". The difference is more doctrinal because the fight for constitutionalism did not aimed only issuing written acts (constitution), but also the institutionalization of society, in which the written constitution would appear

as a tool for preventing arbitrariness of those in power and for setting behavior of everyone, including the "creator" of the constitution, under rules set by it.

It is known, The Constitution is the supreme law of all states. Empowered with the sovereign authority of the people by the framers and the consent of the legislatures of the states, it is the source of all government powers, and provides important limitations on the government that protect the fundamental rights of citizens. In the doctrine it is stated that the supreme law of any state – the Constitution is a political legal fundamental act, inspired by a certain political and social philosophy and adopted by the nation or in its name, in order to establish the form of state, the manner of organizing and functioning of the state powers and the relations between them, the general principles of society's legal order, as well as the citizens' rights and duties, document that is adopted and modified according to a special procedure. Of course, the Constitutional norms have priority over other kinds of laws. Therefore, the constitution also consolidates the legal basis of the relations among the society and individual and state and determines Democracy, it is the main and only source of state power. The Constitution of the Republic of Uzbekistan adopted on December 8, 1992 at the eleventh session of the Supreme council of the Republic of Uzbekistan of the Twelfth convocation.

Worth mentioning that the December 8, 2016 celebrated the 24th anniversary of the Constitution of Republic of Uzbekistan in the country.

In this regard, it should be stated over that, the role of The Basic law of Uzbekistan independent years, wide-ranging reforms have been underway with an objective of building an open, democratic and advanced country with a socially oriented market economy.

Based on Constitution stability and economic growth in Uzbekistan in recent years have confirmed the effectiveness of development model and

particular significance attached to economic issues like consolidation of the budget, financial, banking and loan systems, the real sector of economy, modernization, technical in addition, technological re-equipment of production capacities to increase competitiveness in the domestic and foreign markets. Private sector in Uzbekistan has been quite energetic in the implementation of many large-scale joint projects with major firms and companies, financial institutions in foreign countries. Specific features of the Constitution - in it reflected the achievements of legal and political consciousness and historical experience of development of Uzbek statehood, the deep roots of cultural and national traditions of the Uzbek people.

Worthwhile is the emphasis placed in every legal states on intensifying the democratization processes in society. All of the democratic states recognized the principle of separation of powers and fixed it to their constitution. The separation of powers as its conception, involves the division of powers into branches, legislation, executive and judiciary. At the same time, separation of powers means three separate, but equal branches of government. This system checks and balances each other and it prevents the abuse of powers.

Toward instituting legal state built on human being as principal value and priority Uzbekistan fixed the principle of separation of powers in Constitution. According to the constitution, adopted 1992, the principle of separation of powers into the legislative, executive and judicial shall underlie the system of state authority of the Republic of Uzbekistan.

Therefore, the Basic law has always been key to progress and democratic development. The important principle of our Constitution is The Constitution and the laws of the Republic of Uzbekistan shall have absolute supremacy in the Republic of Uzbekistan. The state, its bodies, officials, public associations and citizens shall act in accordance with the Constitution and the laws. None of the

provisions of the present Constitution shall be interpreted in a way detrimental to the rights and interests of the Republic of Uzbekistan. None of the laws or normative legal acts shall run counter to the norms and principles established by the Constitution. The position of the Constitution and the rule of law is one of the most important features of the rule of law. This is an important and necessary element of the existence of constitutional and legal responsibility.

### **Main Part**

To state the balancing the branches of government we should analyze the restriction of legislative branch. In this context, I would like to point out the importance and consequence of the constitutional control and ways of restriction and the balancing the legislation. By checking the legal acts of parliament, Constitutional court balances the powers of government. Constitutional control plays great role to ensure the stability and security of constitutional system. Constitutional control bodies have general characters. For the supremacy of the Constitution to be more than a purely theoretical notion and to be effective in practice, the democratic constitutional state needs institutions guaranteeing this supremacy. The most important of these institutions is the Constitutional judiciary organs. It is the “guardian of the Constitution”

*Firstly*, constitutional control appears as a guarantee of supremacy of the constitution based on its supra-ordered position, at the top of legal system pyramid, generating constitutional superlegality,

*Secondly*, the competent organs exercise the function of constitutional control.

As it is known, three models of constitutional judiciary in the world.

1) Constitutional judiciary is vested by the Supreme Courts, (Ireland, Monaco, Malta, the Republic of Cyprus, Switzerland, Norway, Estonia);

2) Constitutional judiciary is vested by special organs; (Austria, Italy, Belgium, Spain, France, Portugal,)

3) In addition, the hybrid model of constitutional judiciary.

The reforms in the area of state building and governance that were underway during the past period have been aimed at consistent realization of the constitutional principle of power division, establishment of an efficient system of checks and balances between them. According to the Constitution of the Republic of Uzbekistan, “the unconditioned paramourty of the Constitution is recognized...” in the Republic of Uzbekistan and “... no law or other legal act can be in contradiction to the norms and principles of Constitution”. The Constitutional Court of the Republic of Uzbekistan has been established in order to bring to being one of mechanisms of securing the system of checks and balances between the branches as well as guarantying paramourty of the Constitution. Democratization and liberalization of the judicial and legal system in Uzbekistan is a priority area of the state policy that is the focus of permanent attention of The first President Islam Karimov of the Republic of Uzbekistan. In his speeches, the special role is allocated to administering justice, functioning of independent judicial branch, realization of judicial and legal reform. The Constitutional Court of the Republic of Uzbekistan is a body of judiciary hearing cases of compliance of the deeds of the legislative and executive branches to the Constitution. It is elected from among professionals in the areas of politics and law for the term of five years by the Senate of Oliy Majlis under recommendation from the President of the Republic of Uzbekistan composed of the chairman, deputy chairman, and five judges of the Constitutional Court, including representative of the Republic of Karakalpakistan. The Constitutional Court and its judges are independent in their functioning and obey the Constitution of the Republic of Uzbekistan. The decisions of the Constitutional Court are binding for

all the bodies of state governance and administration, as well as to enterprises, institutions, organizations, and public associations, officials, and citizens. In Uzbekistan, the Constitutional Court exercises the constitutional judiciary. The Constitutional Court of the Republic of Uzbekistan shall:

1) Define the compliance of the Constitution of the Republic of Uzbekistan, laws of the Republic of Uzbekistan and resolutions of the chambers of the Oliy Majlis of the Republic of Uzbekistan, decrees of the President of the Republic of Uzbekistan, enactments of the government and local bodies of state authority, interstate treaties and other obligations of the Republic of Uzbekistan;

2) Conform the compliance of the Constitution of the Republic of Karakalpakstan to the Constitution of the Republic of Uzbekistan, laws of the Republic of Karakalpakstan – to laws of the Republic of Uzbekistan;

3) interpret the norms of the Constitution and laws of the Republic of Uzbekistan;

4) Hear other cases relating to its competence in accordance with the Constitution and laws of the Republic of Uzbekistan<sup>29</sup>.

Judgments of the Constitutional Court shall take effect upon publication. They shall be final and not subject to appeal.

Organization and procedure for the work of the Constitutional Court shall be specified by law.

In addition to these norms, Constitutional Court of Republic of Uzbekistan exercises other powers:

The competences of Constitutional court may be divided to parts.

1) Competences referred to the Constitution;

2) Competences referred to the legislation.

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<sup>29</sup> Law of the Republic of Uzbekistan “On the constitutional court of the Republic of Uzbekistan”

According to the article 83 Constitution of Uzbekistan The right to initiate legislation shall be vested on the President of the Republic of Uzbekistan, the Republic of Karakalpakstan through its highest representative body of state authority, deputies of the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan, the *Constitutional Court*, the Supreme Court, the Higher Economic Court, the Procurator-General of the Republic of Uzbekistan and shall be exercised by introducing a bill by the subjects of the right to initiate legislation into the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan.

Therefore, The Legislative Chamber, the Senate of the Oliy Majlis of the Republic of Uzbekistan maybe dissolved, by the decision of the President of the Republic of Uzbekistan adopted as agreed with the *Constitutional Court* of the Republic of Uzbekistan, in case of insuperable disagreements within the Legislative Chamber or the Senate putting under threat their normal functioning or numerous adoption by them decisions contradicting the Constitution of the Republic of Uzbekistan, as well as insuperable disagreements between the Legislative Chamber and the Senate putting under threat the normal functioning of the Oliy Majlis of the Republic of Uzbekistan<sup>30</sup>.

By defining the compliance of the Constitution of the Republic of Uzbekistan, laws of the Republic of Uzbekistan, Constitutional Court functions constitutional control. Constitutional Court is positioned at the borderline between the law and politics. For the Constitutional Court, the Constitution, i.e. a set of legal provisions, is the yardstick of constitutionality and the one and only basis for its decisions. Never will the political expediency of a law be invoked as a criterion in the Court's judicial review. However, many of the provisions of the Constitution are worded in very general terms. In its interpretation of these

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<sup>30</sup> www/lex.uz

provisions and its assessment of the constitutionality of a law, the Constitutional Court therefore often has a broad range of options to consider, which may depend on the values it upholds. Nevertheless, it has to arrive at a legally binding decision based solely on its legal opinion and must not let itself be guided by considerations of political opportuneness. However, decisions taken by the Constitutional Court may have substantial political implications, especially when it comes to the judicial review of legal acts adopted by Parliament as the democratically legitimized legislator.

The Constitutional Court has to respect the political freedom of the legislator, but at the same time, it also has to safeguard the supremacy of the Constitution. Violation of the requirements of the specific constitutional and legal norms causes legal liability. Constitutional liability is important institute of Constitutional law. It plays great role in protection of constitutional legal relations. The main challenge for the future is that constitutional and legal responsibility for the implementation and application of procedures and procedural arrangements need to be improved. Constitutional liability is special type of legal liability and it serves to protect the Constitution. It performs as a necessity of adverse consequences for failure (improper performance) subjects of law (state bodies and officials) and their constitutional responsibilities for abuse of its constitutional rights.

Constitutional liability as an independent kind of legal liability has become a stand out in the science relatively recently. It is the constitutional liability of the Constitution of Uzbekistan. The base of the constitutional liability - a violation of the constitutional norms and acts for which provided constitutional liability measures. Measures constitutional liability is quite specific, among others, can be highlight: impeachment of the President, the resignation of the Government, early termination completely government agencies or officials individuals, the

dissolution of public associations and others. In analyzing the issues of constitutional liability in foreign countries, it is important to study the state forms. State forms depend on the concept of state and it reflects the organization of state, implementation of state power, and the methods of state power.

According to the form of governance determined the liability of the head of state. In monarchy constitutional liability of the head of state excluded. There rules the principle of “king does not make mistake” and there is no legal basis for applying the constitutional liability. In parliamentary monarchy and parliamentary republic real power does not belong to the head of state and in reduces the actuality of liability. The contemporary tendencies state and law involved to improve the functions of Constitutional Court. In foreign countries, the institute of impeachment and the disputes are heard by the Constitutional judiciary. The liability of the head of state in presidential and semi-presidential states is an important issue. In these states, the actions and documents of the head of state are under the control of parliament and constitutional court. The constitutional liability of president implemented in the form of impeachment. For example, In Poland Constitutional tribunal a judicial body established to resolve disputes on the constitutionality of the activities of state institutions, and hears the cases related to constitutional offences committed by state officials. The Constitutional Tribunal adjudicates on the compliance with the Constitution of legislation and international agreements (also their ratification), on disputes over the powers of central constitutional bodies, and on compliance with the Constitution of the aims and activities of political parties. It also rules on constitutional complaints. (Moreover, this practice is enforced some other countries too Austria, Azerbaijan, Algeria, Columbia, Germany, Italy)<sup>31</sup>. According to the latest research, the constitutional court is considered as a

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<sup>31</sup> The Constitutions of world 2, T.:1997. P. 377.

coordinator organ of deciding the conflicts between the legislation and executive organs.

Therefore, The Constitutional courts of the most developed democratic states from the point of view of the principle of separation of governments, decide disputes between organs of state in the national or provincial sphere concerning the constitutional status, powers or functions of any of those organs of state.

Notwithstanding, there has not been insuperable disagreements within the state organs, to date, we propose that *The Constitutional court should resolve the disputes among the state organs*. According to the Constitution of Russia Certain, powers of the Constitutional Court are enumerated. The Constitutional Court declares laws, presidential and governmental decrees and laws of federal subjects unconstitutional if it finds that they are contrary to the Constitution (i.e. they violate certain rights and freedoms of citizens enumerated in and protected by the Constitution). In such instances, that particular law becomes unenforceable, and governmental agencies are barred from implementing it. In addition, before an international treaty is ratified by the State Duma, the constitutionality of the treaty may be observed by the Constitutional Court. The Constitutional Court is not entitled to judge constitutionality of laws on its own initiative; the law may be submitted to the Constitutional Court by the President of Russia, the government of Russia, the State Duma, the Federation Council of Russia, one-fifth of members of the State Duma or the Federation Council, the Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation, or a legislative body of a Federal subject. Any federal court may request the Constitutional Court to judge on the constitutionality of a law if the law is to be implemented in a case, and a judge of the federal court is in doubt about whether the law is contrary to the

Constitution. Also, any private citizen may submit in the Constitutional Court a claim challenging constitutionality of a particular law if that law was implemented in a particular case and thus violated rights of that citizen.

According to the Constitution of France the Constitutional Council has two main areas of power: The first is the supervision of elections, both presidential and parliamentary and ensuring the legitimacy of referendums (Articles 58, 59 and 60). They issue the official results, they ensure proper conduct and fairness, and they see that campaign spending limits are adhered to. The Council is the supreme authority in these matters. The Council can declare an election to be invalid if improperly conducted, or if the elected candidate used illegal methods, or if he spent for his campaign over the legal limits. The second area of Council power is the interpretation of the fundamental meanings of the constitution, procedure, legislation, and treaties. The Council can declare dispositions of laws to be contrary to the *Constitution of France* or to the principles of constitutional value that it has deduced from the Constitution or from the *Declaration of the Rights of Man and of the Citizen*. It also may declare laws to be in contravention of treaties which France has signed, such as the *European Convention on Human Rights*. Their declaring that a law is contrary to constitutional or treaty dispositions renders it invalid. The Council also may impose reservations as to the interpretation of certain provisions in statutes. The decisions of the Council are binding on all authorities.

In some cases, examination of laws by the Council is compulsory. Organic bills, those which fundamentally affect government and treaties, need to be assessed by the Council before they are considered ratified (Article 61-1 and 54). Amendments concerning the rules governing parliamentary procedures need to be considered by the Council, as well. Guidance may be sought from the Council in regard to whether reform should come under statute law (voted by

Parliament) or whether issues are considered as règlement (regulation) to be adopted with decree of the prime minister. The re-definition of legislative dispositions as regulatory matters initially constituted a significant share of the (then light) caseload of the Council. *Another power of the Constitutional Court is to resolve disputes concerning competence of governmental agencies. Whenever the President of Russia is impeached, the Constitutional Court renders a resolution concerning complying with the due order of indictment.*

In terms of democratic governance, electoral jurisdiction is a particularly important task of the Constitutional Court. The Court decides on the lawfulness of certain elections, such as the election of the Federal President, elections to the general representative bodies (National Council, Federal Council, provincial parliaments, municipal councils), the European Parliament, the representative bodies of the chambers and the provincial governments, as well as elections of mayors and executive officers of local governments.

The Constitutional Court has to allow an election to be challenged if the alleged unlawfulness of an electoral procedure has been established and has been found to have an impact on the outcome of the election. In such case, the Constitutional Court will declare the electoral procedure to be null and void as of the stage at which it has been found to be unlawful.

Furthermore, the responsibility for deciding on challenges to the results of popular initiatives, plebiscites, referenda and European citizens' initiatives has been conferred upon the Constitutional Court.

The Constitutional Court also decides on the loss of seats by members of a general representative body, members of the European Parliament or members of statutory bodies of a chamber, and on rulings by administrative bodies resulting in the loss of seats.

## Conclusion

In Uzbekistan, the Supreme Court decides on the constitutionality of the referenda and the election. Election and referenda are political process. Therefore, this type of cases has constitutional characters. Electoral jurisdiction is a particularly important task of the Constitutional Court.

Breaking the rules of election and referenda should be qualified as a constitutional violation. We propose that Constitutional Court should be competence to hear the cases related to the election judiciary. This practice used in many countries. According to the Constitution of Republic of Kazakhstan, article 72 says The Constitutional Council by appeal of the President of the Republic of Kazakhstan, the chairperson of the Senate, the Chairperson of Majlis, not less than one-fifth of the total number of deputies of Parliament, the Prime Minister shall:

1) Decide on the correctness of conducting the elections of the President of the Republic, deputies of Parliament, and conducting an all-nation referendum in case of dispute;

2) Consider the laws adopted by Parliament with respect to their compliance with the Constitution of the Republic before they are signed by the President<sup>32</sup>.

We propose the reforms should be done in the function of Constitutional Court of Republic of Uzbekistan.

To sum up, the law about Constitutional Court of Republic of Uzbekistan should amend that Constitutional Court shall decide on the correctness of election and referenda. It plays great role to improve the role of the Constitutional court in Uzbekistan.

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**SOME PECULIARITIES OF ENGLISH IDIOMS AND THEIR  
ALTERNATIVES IN UZBEK**

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**Abstract:** *The article explores some of the peculiarities of English idioms such as the problems with finding their alternatives in other languages, and equivalents of English idioms in Uzbek, the differences of two languages, types of idioms, their explanations and other features of idioms. It can be found some common English idioms and definitions of them. The importance of using idioms in daily life is explained in this article.*

**Keywords:** *Idioms, types of idioms, equivalents of them, using idioms in specific cases.*

Education system is considered one of the most important fields in every country all around the world. Regarding the improvement of education and teaching systems are developing day by day. Certainly, 21<sup>st</sup> century is the century of information technology and its proof can be illustrated in the education as well. English is becoming more and more important and widely-spread language not only in English speaking countries but also in other countries too. New methods of teaching English are the centre of scholars' attention, especially, if the language is taught as second language. Being specific, one of the big problems of teaching English is connected with phrases, expressions and, of course, idioms.

**An idiom** is defined as "an expression, word, or phrase that has a figurative meaning that is comprehended in regard to a common use of that expression that is separate from the literal meaning or definition of the words of which it is made."

[1:312] The English dictionaries list varieties of meanings for most words (depending on the context). In some cases, learner can have problems if he/she

- is not familiar with the use of a term in a specific technical direction;

- does not have a technical background;

- is a non-native speaker. Furthermore, idioms and idiomatic expressions could possibly be used in some specific cases. It can even be argued that the concept of totally avoiding idioms appears to be just an extreme limitation which could render the writing pedantic and lexically limited. "Idioms could be useful when they seem to be the shortest way of expressing a more complicated idea; or the literal meaning might not make sense"[4: 70-71].

As expressed in the "Worldwide Dictionary of Idioms" by Cambridge University Press, idioms are a bright and interesting part of English. They are generally utilized as a part of a wide range of language, casual and formal, spoken and written. What's more, idioms generally have a more forceful meaning than non idiomatic expressions.

Idiomatic sayings may like wise recommend a specific state of mind of the individual utilizing them. The Dictionary of Idioms incorporates the implications of expressions, as well as cases in light of sentences from the Cambridge International Corpus. Altogether, there are fifteen types of idioms recognized as 'theme panels' appearing towards the end of the dictionary as takes after:

1. Anger
2. Business
3. Dishonesty
4. Happiness and Sadness
5. Health
6. Helping
7. Intelligence and Stupidity

8. Interest and Boredom
9. Liking and Not Liking
10. Money
11. Power and Authority
12. Remembering and Forgetting
13. Speaking and Conversation
14. Success and Failure Understanding

Moreover, idioms and idiomatic expressions could possibly be used in some specific cases. Scholars sometimes tend to use a cliché if it seems to be universally accepted, for example:

Thinking outside the box; black and white;  
The elephant in the room; make a point;  
To cut a long story short; state of the art;  
The tip of the iceberg; cutting edge;  
In the blink of an eye; tunnel vision;  
It does not hold water; déjà vu, etc.

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The title of a paper could include idiomatic expressions, metaphors, allegories or rhetorical questions to capture the attention of the public. For instance, the title (Liszka *et al.* 1997)

“Problems with comparing interconnection networks: Is an alligator better than an armadillo?”

gives a hint about the limitations of existing interconnection networks. Occasional inclusion of colloquial language to emphasize some aspects of the study might be acceptable on a case-by-case basis.

The formation of an idiom represents a holistic approach in giving a new meaning to the synergy of standard words and the classification of a text construction as an idiom depends on the level of logical abstraction.

Idioms turn out to be a crucial piece of evidence in the heated and ongoing debate about the evolution of language. Surprisingly, “heavyweights like Noam Chomsky believe that language isn't directly a result of natural selection. They believe it's an accidental byproduct of other evolved changes, like increase in brain size. Other titans of the field, such as Pinker, believe language is like any other complex faculty and that it was directly selected for” [ 3: 105-107] Idiomatic expressions are one of the most frequent forms of figurative language .

One characteristic of idioms is their ease as whole expressions: which means that their implication cannot be predicted, or at least entirely predicted, on the basis of information of the independent conventions that agree on the use of their constituents when they appear in isolation from one another [2:309]

To put it together, an informal expression is a gathering of words which, all in all, has a unitary/nonliteral implying that is not quite the same as the dictionary meanings of the individual words. Henceforth, the importance of the informal expression is not the entirety of literal meanings of the words taken independently.

Likewise most idiomatic expressions have a solid social foundation. Numerous idiomatic expressions reflect clear living custom, esteem judgments, thinking behavior thus on. So, understanding idiomatic expressions can be considered as perception of a sort of society.

Understanding idioms is an important ability of human brain. The usage of idioms makes the speech or text colorful and non-literal. The followings are some common idioms in English with their equivalents in Uzbek:

**“Break a leg”** means wishing someone to do well/ good luck, the alternative is **“Omad yor bo’lsin”**. There is no connection between leg and luck in this idiom but that’s the way idioms mean and they are not translated word by word. Another example is **“A leopard can’t change his spots”**. The meaning is **“you cannot change who you are”** - **“Bukrini go’r tuzatadi”**. The idiom **“up to my eyes”** - **juda ham band”**. If someone is up to his eyes, he is very busy. **“over the moon”** is also common in the English language, native speakers use it at least twice a week. Whether somebody is over the moon, it means he is extremely happy about something.[2:7] A given alternative in Uzbek is **“Boshi osmonga yetmoq”**. Moreover, **“Bite off more than you can chew”** means to take on a task that is way to big” - **“Baland dorga osilmoq”** or **“Qizil qor yog’ganda”** is suitable for **“Blue moon”** because **“blue moon”** doesn’t exist as red snow and they give a meaning **“a rare event or occurrence and it can even never happen”**. English people may use the idiom **“Drive someone up the wall”** in order to say that the person is irritating or annoying them. There are two appropriate expressions in Uzbek - **“Oshga tushgan pashsha bo’lmoq”** or **“Moshxo’rdaga qatiq bo’lmoq”**. These two common idioms gives nearly the same meaning and, surprisingly, both of them are connected with traditional dishes of Uzbek such as **“Osh”** and **“Moshxo’rda”**.

**“Finding your feet”** gives the meaning **“to become more comfortable in whatever you are doing”**. This idiom is nearer to the culture of Uzbek people and they use an expression **“O’zingizni uyingizdagidek his qiling”**. Therefore Uzbek people are famous for their hospitality and kindness. **“Get up on the wrong side of the bed”** is used for someone who is having horrible day; an equivalent is **“Chap tomoni bilan turmoq”** in Uzbek. **“Bite off more than you can chew”** idiom means **“to take on a task that’s way too big”** - **“Baland dorga**

osilma". The idioms mentioned above are examples of idioms that are used in daily life.

To sum up, the significance of using idioms in language is so huge, they are important because it is impossible to speak, read or listen to not only English but also other languages without meeting idiomatic language; every newspaper is full of metaphorical language. Additionally, the metaphorical use of a word is more common today than its literal use, but it is important to know the literal meaning, especially for non-native speakers. Often the literal meaning creates a picture in the mind and this helps to make other meanings easier to understand. Besides that idiomatic language and learning them is so important because it is fun to learn and use and there are so much idioms that are comparable to our language. It helps the people to remember things and language which the people are learning will become more colorful and interesting.

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