
IDEOLOGY AS A SOURCE OF LEGAL INNOVATIONS

Ergashev Omonillo

Andijan State University
Faculty of Social Economics, Tutor

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Abstract: *The article discusses the relationship between innovation and the ideology of law. Particular attention is paid to the most important innovative tasks of the ideology of law. The analysis of the process of the birth of a new, innovative legal idea is carried out, since the transformation of a new idea into a theory, legal principles and concepts is one of the key points in the process of innovation in law.*

Key words: *Innovations in law, innovations and legal ideology, legal innovation process, ideology, legal system, legal culture, legal principles.*

Even though legal novelties are being introduced in various legal systems, outdated norms are being changed, law, as a social regulator, does not have time to “blaze” an innovative development path and in many cases does not develop internally. Under the current conditions, it is a misconception that ineffective law is explained only from the position of shortcomings in law-making and law-realization activities. The reason may be, among other things, the lack of scientifically based theoretical and legal ideas, which are the foundation of a comprehensive update of the legal regulation of social relations. The universal laws of formation and change of ideas, their influence on the life of individual social groups, estates, classes are the subject of the study of ideology². Ideology acts as a socially significant, theoretically formalized system of ideas, which reflects the interests of certain strata, which serves to consolidate or change social relations. The system of value ideas fixed in ideology creates guidelines for social action and legal regulation.

Modern science knows a large number of different ideologies, among them: socio-political (conservatism, liberalism, anarchism, humanism); class (capitalism and socialism); national-ethnic (racism, nationalism, Nazism, feminism).

In the future, the established traditions of liberalism are replaced by innovative ideas of neoliberalism: the right of the state to regulate relations between private owners through its influence on the formation of market mechanisms; participation of employees in management through the creation of supervisory boards; guaranteed living wage; promotion of full employment; the concept of social justice (rewarding an individual for perseverance and talent); redistribution of public income in the interests of the unprotected; availability of public consumption funds (free breakfasts in schools; schooling; public hospitals); social responsibility of business.

Based on the historical aspect of the development of legal ideas, the prerequisites for the emergence of innovations in the ideology of law, in our opinion, are:

- firstly, social, public demand for the latest legal ideas;

- secondly, the high legal culture of the subjects of legal relations, their desire to intensify the legal life and legal regulation of emerging relations;

— **thirdly, effectively functioning networks of diffusion of innovative legal ideas:**

a) Based on the foregoing, we believe that the most significant task of the innovative development of legal ideology is the development of ideas: a) legal regulation of order and justice;

b) the supposed values of human life and their protection in various legal orders;

c) improving the practice of ensuring and protecting the rights of citizens. The content of the innovative legal ideology is expressed at three levels: semantic, value, and ideological mechanism.

The semantic level of legal ideology is the search for those innovative legal ways and means by which the legal order can be improved because the goal of innovation in law is evolutionary renewal with an indispensable improvement in the law. However, in this process, one should not forget that improvement "... can cure many diseases of society, but is not able to transform society as a whole and bring it to the state of an earthly paradise". The value level is manifested in the achievement of the goals of innovative innovations in legal ideology and is expressed in the search for and improvement in the law of the nature and mechanism of such ideas as a combination of social guarantees of the individual and freedom of personal initiative; equality and responsibility; security as a certain state of order and stability; property and the idea of a contract inextricably linked with it to move along the path of forming a state of law, preserve traditions, and effectively solve problems related to the implementation of human rights.

The innovativeness of the ideology of law lies in the creation of such a mechanism, as a result of which a person understands that innovations introduced into law are not a gross violation of legal traditions, but their evolutionary renewal, improvement. It is through legal ideology as one of the components of human legal consciousness that legal innovative ideas should become a factor in life, a measure of a person's real behavior.

An innovative legal idea, which we understand as a kind of "removal", dialectically originates in certain structural elements of the legal system. It is in them that it is necessary to look for contradiction as a criterion of legal innovative truth. For example, the issue related to the unification of the categorical apparatus and the mechanism of legal regulation in lawmaking technology is relevant today.

The process, considered through practice, during which people change the circumstances of their activities and at the same time renew themselves, is nothing but the essential characteristic of historical creativity⁶, the beginning of the ideological innovation process of an individual. Within the framework of the ideological mechanism, in our opinion, innovative legal ideas arise in the mind of a person, whether it is a separate individual, a team of people represented by professional associations, representatives of the state, or local government. Meanwhile, the level of practical validity and theoretical significance of an innovative legal idea supported by the community and implemented in legal life has a different format and composition. At the level of an individual, the innovative ideological aspect of legal consciousness is expressed by legal awareness and the

existing worldview. For example, legal ideas formulated in the past "infect" people, facilitating formation.

It is important to understand that innovative legal ideas, having penetrated the masses, are rethought about the existing everyday consciousness, after which such ideas begin to spread by people, become valuable in themselves, and require reflection in legal life.

The personal principle in the ideological process of the formation of a new law is of great importance. It must be taken into account that innovative legal ideas grow from sensory experience and are, from a philosophical point of view, nothing more than an idea of law. The human mind as a structural, initial element of thinking appears before us as ordinary thinking in the form of common sense. The creative operation, analysis, and synthesis of legal concepts, their conscious study are possible only at the level of dialectical thinking of a person, his mind.

In this regard, it is necessary to reveal the factors that influence the emergence of legal innovative ideas of an individual.

- Firstly, these are the conditions for the free creative development of the individual, which is the main component of the idea of innovative development⁹.

- Secondly, the exchange of ideas between people in the framework of the globalization development of law.

- Thirdly, the improvement of the legal culture of the individual through the widespread legal education, legal information. Meanwhile, the average person is characterized by an average, vague way of thinking about law and legal categories. A person unprepared in legal terms, remote from a developed legal culture, is hardly capable of independently initiating an innovative legal process, becoming a generator of legal innovative ideas.

REFERENCES:

1. Besedin A. A. Legal ideology as an element of the legal system of modern society: author. dis. ... cand. legal Sciences. - M., 2011. - 172 p.

2. Baranov K. Yu. Grazhdansko-pravovaya model' regulirovaniyainvestitsionnykhotosheniy:dis...kand. yurid. science. - M., 2013. - 210 s.

3. Vasil'ev A. A. KonservativnayapravovayaideologyRossii: sushchnost' ifor myproyavleniya: avtoref. science. - Ekaterinburg, 2015. - 55 s.