

## PLURALISM OF THE UNDERSTANDING OF LAW: LEGISTIC AND LEGAL APPROACH

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**Annotation:** This article talks about the approaches of various legal scholars to the understanding of law, as well as the important aspects of pluralism in the understanding of law, the natural approach to the understanding of law, and the positivist approach.

**Key words:** understanding of law, naturalistic approach, positivist approach, pluralism in understanding of law, legal understanding of law

From the time when the concept of state and law appeared in the life of society, attempts to understand these concepts and reach their essence have been developing. As a result, different views and approaches to both concepts have been formed. We can see that there is no common opinion on the understanding of law in the scientific literature on the science of law. Below, we will focus on the largest types of approaches to understanding law as part of the opinions of scientists.

The pluralism of concepts of understanding law in science is currently welcomed. There is a widespread point of view, according to which a single definition of law suitable for of all times and all peoples, it is impossible to find. Law is multifaceted and at different stages of the development of society, one or another of its manifestations can dominate. Accordingly, different approaches to understanding law are aimed at identifying different its sides. “Through disputes about what is law, many practical issues are resolved: the foundations of law, sources of law, the limits of legal influence, the effectiveness of law, the resolution of contradictions of law” [1; 3].

Such ideological omnivorousness of pluralistic methodology degenerates into absolute emptiness and demagogy, into some specialized car for smokers and non-smokers at the same time. When all norms become the norm, even those that mutually exclusive and mutually negating each other, the situation with legal understanding has one the only name is absurdity. This absurdity allows the authorities to accept any legal solutions and always find them some kind of motivation. It should be clarified that the approved absurd pluralistic legal understanding is not result mistakes or miscalculation. We are talking about a purposeful de-objectification of law, about the fragmentation of once a holistic legal consciousness of a society capable of holistically and synthetically (rather than mosaically and analytically) to be aware of the surrounding reality. In this case, the task of manipulating subjects of law.

However, it is impossible not recognize the correctness of the judgment of V.S. Vedenina, who points out: “In theoretical terms, the pluralism of opinions on the issue of legal understanding should be recognized as acceptable or even necessary, but in the applied sense, ambiguous and sometimes opposing opinions on the issue of understanding law have more negative than positive meaning” [2; 2].

Pluralism teaches tolerance - absolute indifference to everything that happens in the spiritual sphere. On a pluralistic worldview in New time sowed atheism. As a result reality blurs before one's eyes and then he is inclined to believe that truth is also pluralistic. The approach of a healthy mind, in which untruth is a lie or delusion, frightens our contemporaries, even those who belong to the scientific community.

Based on the foregoing, it can be argued that pluralism in legal thinking is evaluated by scientists in different ways: someone sees in it the search for the facets of law, the definition of law as a multidimensional phenomenon; on the other hand, opponents of such pluralism speak of the confusion that arises in law enforcement due to different approaches to law. Not Going into the essence of the discussion, I would like to note that in addition to the end result - the formation of the concept of understanding law, the very process of obtaining knowledge about law, the cognitive side of legal understanding, is of great importance.

All ideas are recognized by pluralists as equal in rights and none of them has an advantage. in front of others. Public consciousness is chaoticized for the sake of pluralism of opinions due to huge, but carefully filtered flows of information that are not able to line up in a constructive system in the brain of an ordinary person, direct him to creation, increase order in own country, while simultaneously creating the illusion of freedom of speech, entertaining the layman and distracting him from real life.

Law is a multifaceted phenomenon. His understanding is complex. a process that includes a number of stages of developing an attitude to law, formulating its concept. Right, let's be specific: it understanding is the basis of the legal system of society, since it is legal understanding that affects the understanding other categories of the legal system. So, for example, change understanding of the system of law depending on what we mean by law: a set of norms emanating from the state and secured by its coercive force, or the totality eternal, stable, inalienable from human ideas about rights and freedoms of the individual, given by the very nature of man and human society, such as the right to life, equality, justice, freedom, happiness, opinion.

Difficulties in developing a single definition notions of law seem insurmountable to pluralists. The possibility of such a definition seems to them highly doubtful. And then they offer a universal, in their opinion, the way out is to direct efforts in a different direction, not to look for a common definition, but to use different definitions, bearing in mind that each of them separately is incomplete and relative, and only in the aggregate gives a versatile idea of right.

So, the knowledge of law is not isolated, but is inextricably linked with the knowledge of its derivatives. phenomena and reflecting their categories and concepts. To them, from the point view of V.S. Vedenin, include "in addition to the essence and content of law, its role, functions, purpose, mechanism of legal regulation, the system of law and the legal system, as well as some others" [3; 2].

So, the category "legal system" is a reflection of the concept of "legal understanding". Law is systemic: the study of its concept leads to the study of its elements and the system of connections between them. You can also bring statement by V.V. Lapaeva: "the essence of law, expressed in its concept, determines the

construction of a general theory of law, which is a concretized, expanded concept of law” [4;1].

Trusting a pluralistic methodology that offers a plurality of truth and ways of knowing it, we will invariably come to recognition of the plurality of all hypothetically possible legal ideals. "It should be recognized, that depending on the conditions of place and time in sometimes one or another matter acts as law, sometimes in one, sometimes in its other form, - says V.V. Lazarev. - The understanding of law is largely conditional and contractual. Lawyers may well allow different characteristics rights. And each characteristic will be relevant in to the extent that it serves someone, it benefits someone”.

Normative legal understanding underlies the formation of the consciousness of the law enforcer, since “the presence of alternative types of legal in legal practice does more harm than good. None of the broad approaches to legal understanding provides for the applied use of the results of theoretical understanding of the phenomenon of law. Legal system-normative- This approach is the only approach to understanding law that has applied value and, in this regard, should be at the heart of the activities of all branches of state power” [5; 2].

The category of "legal understanding" is relatively new in modern science. Legal understanding is a theoretical category that reflects the search for the concept of law and its result. However, many authors do not distinguish between the concepts "legal understanding" and "the concept of legal understanding". So, for example, V.Yu. Voblikova, speaking about legal understanding in modern In Russia, the phrase “each of the legal understandings” is used, which unambiguously refers to the concept of legal understanding. We We believe that the concepts of "legal understanding" and "the concept of legal understanding" must be distinguished.

Almost the same type definition legal understanding can be found in V.V. Lapaeva. She defines it as follows: “the type of legal understanding as a paradigm of cognition of law is a theoretical and methodological approach to the formation of the image of law and to understanding the essence of law, which is carried out from the standpoint of or a different theoretical vision of the problem within a certain methodology of analysis” [6; 1]. In general, this definition is similar to the concept given by A.V. Polyakov and reflects one or another image of law and its essence.

In our opinion, the search for a definition of the category "legal understanding" is of the greatest interest. How fair indicates V.I. Popov, “legal understanding should not be reduced only to the definition of law. This is a complex concept that covers the laws of the emergence, development and functioning of law, legal awareness, legal relationship, etc.” We do not agree with the statement of V.I. Popov in the part where the concept of legal understanding covers legal consciousness and legal relationship. In our opinion, these categories are related with an understanding of law, one can say “follow” it, but not are included in his concept.

A different approach to understanding the category of "legal understanding" can be found at A.V. Skorobogatov. He believes that “the understanding of law is seen as a method of constructing or generation of the meaning of law, pre-reflexive (irrational) grasping the meaning of legal phenomena, anticipating any further analytical cognitive

activity associated with the reconstruction of personal dimensions of objectified phenomena”.

So, legal understanding is based not on the knowledge of law, but on the meaning of legal phenomena, their intuitive comprehension and is the basis for further perception of law. From our point of view, such an approach to legal understanding is not entirely accurate, since it is rather a pre-understanding, an element of the hermeneutic circle that contributes to and anticipating an explanation of the phenomenon of law, and not legal understanding in its purest form.

Legal understanding as a function of legal consciousness is expressed in the knowledge of legal phenomena. The definition of legal understanding through the category of "cognition" was proposed by M.I. Baitin, who In particular, he pointed out that legal understanding is nothing more than "scientific knowledge and explanation of law as peculiar and relatively solid, holistic, systemic phenomena of the spiritual life of society"

Based on the above, it can be said that the understanding of law, different approaches to the understanding of law lead to pluralism in the understanding of law. Today, the fact that scientists have not formed a single opinion on this issue is causing various controversial situations in science. For this reason, the theoretical study of the understanding of law remains today's most urgent doctrinal issue.

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