

## PROBLEMS OF DEVELOPING LEGAL AWARENESS IN THE ACTIVITY OF PUBLIC ADMINISTRATIVE BODIES

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**Annotation:** This article discusses legal consciousness, legal culture, the role of legal consciousness in the activities of state management bodies, including executive bodies, as well as the problems of developing legal consciousness in the system of executive bodies.

**Key words:** law, legal consciousness, legal culture, legal nihilism, executive bodies, state administration, understanding of law

In legal science, it is customary to divide legal consciousness according to the subject composition of its carriers into individual, professional and social. However, if the difference between individual and public is due to the number of its carriers and, accordingly, the average result quantitative and qualitative characteristics public sense of justice and individual characteristics for the legal consciousness of the individual, then professional legal consciousness differs from the rest by the qualitative characteristics of the carrier itself, namely: the carrier in a given case professionally knows, understands and applies the law in force.

A defender should be understood as a person who exercises the powers to protection of the rights and interests of those persons who need legal assistance and were recognized as suspects or accused.

It should be noted that professional sense of justice can be inherent in both an individual and a community of similar individuals, that is, a social group of professionals. This is important because assessment of the professional legal awareness of civil servants in the final analysis is presented as an assessment of small, medium and large social groups using appropriate tools and patterns of social psychology.

Ryapolov Yu.P. believes that the purpose of a defense attorney is to is able to apply all measures and methods to protect a person from unreasonable and unlawful accusation or bringing to criminal responsibility, which are determined by the criminal procedural legislation. [1;1]

To achieve these goals, the defender has the right:

- provide information that allows us to talk about the innocence of a person;
- establish certain circumstances that will be considered in as emollients;
- providing him with qualified legal assistance. [2;2]

Quite often encountered opposition of professional sense of justice and ordinary, according to in our opinion, should be recognized as incorrect. In this case, the concepts of different semantic content. Professional legal awareness is a form of legal awareness, where the semantic determinant is the professional legal activity of the bearer. Ordinary sense of justice characterizes the depth of penetration into the problem.

For common sense characterized by a weak depth of understanding of legal phenomena and phenomena, that is, such a depth that inherent in the majority of the population, for the most part unprofessionally colliding with legal situations and also (usually) evaluating them, based on legal feelings, emotions, legal experience and some legal knowledge. Thus, the level of ordinary legal consciousness can be designated as empirical (legal psychology). On the other side of legal psychology there is a legal ideology characteristic of scientific legal consciousness.

In general, the participation of a defense counsel in a criminal process is considered as one of the guarantees provided by the state to the accused and suspected of ensuring their right to protection. This guarantee also provides equalize your strengths and be on a par with the prosecution and resist the arguments public prosecutor.

To this high degree of legal consciousness, law is comprehended at the level of ideas, legal attitudes and positions, there is a great spiritual part of the learning process. Based on the above, it can be argued that professional legal consciousness can be both ordinary and scientific. Hence, a civil servant can be aware of the right both at the level of experience and psychology, and at the level corresponding ideas and positions that take place in science.

It is also important to note that the right that every citizen can have defender is a constitutional right and has received its legislative enshrined in the Basic Law of the States. Moreover, in this position It is stated that such assistance is provided free of charge.

Obviously, the natural-legal and positivist types of legal consciousness inherent in government officials, can only be properly identified by carriers subject to a deep scientific understanding of law and the relationship of legal ideas to their activities. Both types of legal consciousness are acceptable, in our opinion, under the condition of a normal healthy legal consciousness of their carriers.

Considering the activities of the defender in more detail, it should be noted that she to a greater extent helps the parties to the criminal process achieve the goals of this legal proceedings, but by other, other measures and methods that are not inherent the other opposing side.

According to I.A. Ilyina: "... a normal sense of justice is objectively a true and unconditionally valuable state of the human soul, which in its structure has not only

cognitive, but also feeling and volitional character". Under this condition, even the positivist type of legal consciousness, in its outward manifestation (for example, in law enforcement), can act as a minimum of natural legal consciousness.

Although the defender provides legal assistance to the person who suspected or charged with a crime, but should not forget that he is an independent participant in the process, which has its own rights and obligations, as well as the right to independently choose methods of activity for the implementation of this activity. But for all its independence the defender is closely connected with the person whose interests he represents, since he connected with the circumstances that embody this criminal case.

We believe that the "ordinary" legal consciousness of civil servants should be considered just a sign of unhealthy legal consciousness. public servant who has an ordinary sense of justice, is not even able to assess their own type of sense of justice, since limited only by the categories of legal psychology and cannot think in terms of legal ideology.

The essence of the activity of a lawyer lies in the fact that he provides legal and advisory conduct of a criminal case and helps a person to understand the essence of criminal justice and the norms of criminal legislation. At the same time, the lawyer it is forbidden to carry out other activities that are commercial, except for other type of activity that is not related to receiving payments.

Accordingly, law in the understanding of the "ordinary" carrier of the natural-legal type of legal consciousness it appears: 1) as a possibility given from above of unlimited claims to state power and its institutions on the observance of any (and not just those protected by law) human interests (legal speculation); 2) as a tool that allows, with its "correct" use, to achieve the desired goals (the law is that the drawbar - where you turned, it went there).

It seems that, regardless of the type of legal consciousness, civil servants who are carriers of ordinary professional legal consciousness, represent that layer of bureaucracy, which interferes with the normal productive process of exercising the right. level of understanding, therefore, should be assessed when entering the civil service, and work on its the increase must be carried out continuously. Unpleasant and mind-numbing ideological upbringing in In this case, it is just acceptable and necessary.

The problem of the positivist type of legal consciousness of civil servants, in our opinion, is as follows. In the process of law enforcement, a civil servant who has positivist-ordinary type of legal consciousness, always guided by a written law, for him in his official activities there are no categories of justice, goodness and morality, which would could stand apart from law: law has already absorbed these values, so calls for justice in his perception is an attempt on justice itself, since written law is also there is justice.

For example, in the field of labor law civil servant exercising supervision and control in this area, having discovered that a part-time worker works more than 16 hours a week, allowed by the Labor Code, based on a formal prohibition of the law will oblige the employer not to continue to work in excess of the specified norm. In this case, the employee, obviously, will lose in earnings. On the one hand, the limitation of working hours for part-time job is the concern of the state about his health, on the other hand, depriving a person of the opportunity additional income, to which he voluntarily agrees and, apparently, not from a good life.

Positivism regarding this approach to law enforcement notes that in the end it will lead to anarchy and the depreciation of positive law, which undoubtedly represents an achievement human mind. Free application and interpretation of norms will reduce the role of the state in regulation public life, and this, in fact, will be done by every civil servant in separately. Objecting to the positivists, it should be noted that the adoption of absolutely just laws, the fulfillment of which would mean the realization of justice itself, a matter of a very distant prospect.

In conclusion, it can be said that the positivist type of legal consciousness of civil servants contributes to manifestation of such a form of deformation of legal consciousness as legal nihilism. Denial of the creative the role of law, its moral principle, the formal dogmatic observance of the written norm undermine public confidence in law and public authority. It seems that the natural-legal understanding of law carries in itself the premises of an immeasurably more moral and fair approach to law enforcement, and in this spirit, ideological education of civil servants should be carried out.

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