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**Amanay Tursunbaevna Akmatova**

Osh state law institute

Candidate of History, acting Associate Professor of  
Department of theory and history of state and law

## THE EVOLUTION OF PERCEPTIONS OF STATE GUARANTEES FOR THE PROTECTION OF HUMAN RIGHTS

**Abstract:** *The evolution of ideas about guarantees of individual rights in the domestic legal literature went from a simple enumeration of individual guarantees to the formulation of their general definition and the construction of appropriate classifications. Moreover, in understanding the nature of guarantees of individual rights, according to the dissertation, three main approaches can be traced: activity - guarantees as an event; normative - guarantees as obligations; instrumental - guarantees as legal means. The concept of “guarantee” covers the entire combination of factors of an objective and subjective nature that have or are capable of exerting a positive effect on the legal status of the individual as a whole, and rights and freedoms in particular. It is proposed to understand state guarantees of human rights protection as a system of political, organizational, special legal means (tools and technologies) that directly express the purpose, competence (powers and duties) and responsibility of the state in the field of ensuring the protection of human rights and are carried out in the human rights activities of its bodies and officials.*

**Key words:** guarantees, rights, law, personality, evolution, state, protection, obligations, law.

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### Introduction

The concept of state guarantees is an essential component of the general [1] teaching on human rights. Although initially human rights arise more likely in a declarative form, reflecting the idea of inalienable and natural human freedom, it is already relatively early that there is a real need to introduce the concept of a mechanism for the practical realization of these rights.

The concept of guarantees has long been used in philosophical and legal literature on human rights. It is found, for example, even in J. Locke [2], who writes about the purpose of electing legislative bodies: “so that laws are enacted and rules are established as a guarantee and protection of the property of all members of society, so that power is limited and the dominance of each part and each member is tempered society.” However, they did not disclose the concept of a guarantee.

According to L. Dugi [3], it is the presence of guarantees that represents the main sign of a citizen’s

rights. He points out that, according to the initial ideas of the creators of the Declaration of Human Rights and Citizens in France, the rights of a citizen in their content are no different from human rights: these are the same rights that have been protected and guaranteed. Their other name is civil rights; “These are the natural rights of the individual, as they are recognized and guaranteed by the state” [4]

The formation of the institution of state guarantees, if not simultaneously, then almost simultaneously with the constitution of human rights themselves, can be explained primarily by the fact that the creation of a legal regime for the use of these rights inevitably requires the need to protect them in case of violation.

Thus, a human rights policy that does not require any consistent actions and does not limit them solely to ideological recognition requires the temporary development and application of appropriate guarantees. In case a person has his own values.

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At the end of the nineteenth century, the concept of "guarantee" begins to be quite actively used in legal literature. In accordance with this, as a rule, within the framework of this document disclosure of its exact content, classification guarantee, etc. are not allowed.

This is a guarantee of the right of citizens. N. Chicherina [5] "The course of state science." Judges must be independent and independent. Habeas corpus (guarantee against unlawful arrests); participation of taxpayers or their representatives in the establishment of taxes; jury trial; the right to file a complaint; administrative justice, etc. Moreover, the author's conclusions are mainly based on the experience of Western European states. "Warranty", no guarantee N. Chicherin [6] does not lead.

Lawyer as S. A. Kotlyarevsky [7]. It can be absolutely guaranteed. As concrete concrete guarantees, he is liable to the jury, for secret voting, for political responsibility of the executive branch to the people's representatives, etc. However, like B. N. Chicherin, A. Kotlyarevsky does not interpret as much as he wants.

The issue of warranty was often considered. So, V. M. Gessen [8], examining the issue of personal integrity, saw her guarantees at the institute of "judicial order", organization of judicial control, supervision of places, etc. P. I. In particular, publicity of the court, independent advocacy, the right to appeal, the responsibility of officials, etc. The provisions on guaranteeing human rights are absent in the article. V. Challand [9] "Supreme Court and Constitutional Guarantees". Unlike most other authors, L. V. Shalland gives a general definition of the constitutional guarantee: "measures aimed at protecting the constitutional act from any encroachment on it, from whomsoever they come from. This means that the actions of the authorities must be allowed, and they will act independently of each other".

Challand [8] also draws attention to the fact that any constitutional guarantees can be effective only on the condition that the constitutional system itself must be recognized and approved by citizens. Under normal conditions, these guarantees can be guaranteed to be used to protect against violation of the law or for various bodies or individuals to prevent unforeseen changes to the constitution in its application. The constitutional responsibility of ministers, the conditions of the legislative branch, judicial review of constitutional laws.

Known uncertainty also relates to an understanding of the nature and classification of the so-called organizational guarantees. This is not so bad.

So, according to L. N. Fedorova [9], "the allocation of organizational guarantees as an independent type is unreasonable, since the activities of state organizational bodies in all first cases require the adoption of normative acts (in the form of status, competencies) in the legislation".

Warranty obligations are legal and organizational guarantees.

The main disadvantage is that, in our opinion, this is not

In accordance with the principles of state power and the rule of law. It is believed that the activities of state bodies, state authorities, authorities and the state are legal.

We are talking about law enforcement, law enforcement, law enforcement and other types of legally significant activities of the state. Organizational and regulatory, organizational and ideological, etc.).

The specificity of organizational activity from the point of view of the legal criterion is that, although the latter is carried out on the basis of the requirements of legality and is somehow related to the competence of the state body, it nevertheless does not give rise to legal consequences in the form of publication, application and other legal acts.

M. I. Baitin [10] in this connection reasonably remarked that "legal forms are always organizational. However, far from all organizational forms are legal". A differentiated approach to the forms of activity of the state was also established in the science of public administration, where, along with legal and organizational, organizational and legal forms are also distinguished.

So, in the opinion of G. V. Atamanchuk [11], it is possible to talk about two forms of state management activity: legal, through which managerial decisions and actions that have legal meaning are fixed (establishment and application of legal norms); and organizational, associated with the implementation of certain collective or individual actions (operational-organizational and material-technical operations).

Along with this, the researcher believes, a special place is taken by organizational and legal forms, stating the fact that in state bodies many legal forms are legally correct only if they are adopted through established organizational forms.

In particular, strict organizational procedures are in place when legislative acts are adopted by representative bodies of authority, in the activities of collegial executive bodies, in the administration of justice, etc. Ignoring such procedures renders the corresponding legal acts null and void.

At the same time, attention is drawn to the fact that organizational and legal forms must be approached differentially and concretely, since "there are no forms applicable to any case, each form contains only its inherent potential for solving a particular managerial problem."

In view of the foregoing, the point of view of those authors who propose to consider organizational guarantees as an independent form, different from both general and legal guarantees, seems more convincing. However, even within the framework of

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this approach, there are known discrepancies in understanding the nature and significance of organizational guarantees. Some researchers assign them an auxiliary role, linking them with organizational, technical, organizational and ideological and similar means.

In particular, in the opinion of I.V. Rostovschikov [12], organizational guarantees "should be understood as special organizational, technical, informational and similar activities of competent entities aimed at facilitating the process of exercising rights and freedoms and the effective functioning of their general social and special guarantees.

This refers to improving the work of the entire state apparatus [13], the effective use by the

government of the economic potential, institutions of democracy, social forecasting, etc.

Organizational activity, although generally based on the law, as a rule, is not connected with strict, detailed normative regulation, is not directly carried out through lawmaking, law enforcement, but "permeates them" [13]

As the specific varieties of these guarantees, the author calls information support for citizens (about events in public life, movement of vehicles, weather, time, etc.), assistance in the exercise of certain rights (employment, exchange of housing, issuance of certificates, etc.), the introduction of technical means (improving the communication system, computerization of training, installing alarms in apartments, etc.), maintaining order in public places, proper sanitary conditions, etc.

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