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Munira Mahamadjanovna Kaharova

Senior scientific researcher

“National idea” Dept.

The Mirzo Ulugbek National University of
Uzbekistan, Tashkent

SECTION 30. Philosophy

SOME ASPECTS OF THE UNDERSTANDING OF JUSTICE AND TRUTH IN THE PHILOSOPHY OF LAW

Abstract: In this article some aspects of historical and systematical analysis of consideration of such main categories of philosophy of law as justice and truth and their correlation connecting in society are shown and studied.

Key words: philosophy of law, society, category of justice, category of truth, law.

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Introduction

The history of development of philosophical and legal, ethical and political thought, cultural development of mankind testify that justice has always been involved as an assessment of existing legal institutions and moral precepts. The problem of law, morality and justice has a thousand-year history, it is still relevant today.

The loftiness of judgments about truth, truth and justice is also characteristic of philosophy at all stages of its history. So, Plato justified the truth and justice with the purpose of dialectics. His main work, *The State*, as he himself said, was written specifically for the purpose of researching the meaning, the content of what is justice, which is "more precious than gold" in him, in that which relates to the most beautiful, greatest good that one should possess.

Materials and Methods

The category of justice is one of the central in the socio-philosophical and philosophical and legal ideas of many scholars of medieval Central Asia - Farabi, Beruni, Ibn Sino, and others.

It is also indicative of the fact that many contemporary Western philosophers (G. Graham, RN Beck, J. Fainberg, etc.), authors of special works on social philosophy, define social justice, the ideal of justice as one of the main themes For the problems of the philosophy of society.

From ancient times to our days, the phenomenon of justice is developed in social theory as a synonym for objectivity, equivalence,

impartiality, and measure. Justice is the most important category of socio-philosophical thought, moral, legal and political consciousness.

The theory of justice is interdisciplinary and organically enters the founding principles of several scientific disciplines: philosophy, theory and history of law and the state, sociology, political science, philosophy of morality, economic theory.

Justice as a value appears in different forms: both as absolute moral value, and as relative, historical and universal. Justice as a value in this case should be distinguished from justice as an assessment. Estimates of justice, including the theory of justice, are even more diverse than the actual value of justice. Some scholars compared law with morality (G. Ellineck, I. Kant), some with the institution of freedom (G. Hegel, V. Solovyov), others with interest (N.Korkunov, E.Trubetsky). All these representations about the right are connected by the property, which is inherent in each representation. And this property is justice. After all, justice is a moral category; The connection between freedom and justice is obvious, that is, the measure of freedom is justice; And the notions of social justice are most closely related to property interests.

The idea of correlating justice and law, law and law is rooted in ancient philosophy. Recognizing the similar origin of the concepts of "justice" and "right", researchers in different ways decide the question of their relationship. Some subordinate justice to the law and see it as a purely legal category, others defend the view that justice creates the right and only



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what is fair can be called law. Thus, the problem of the correlation between the categories "right" and "justice" remains today one of the most complicated and most urgent.

In all ancient written sources, the concept of "justice" is used as a criterion due in the relationships between people within the clan and tribe or in relations between tribes in the spirit of primitive leveling.

In the philosophy of the Ancient East and ancient Greece, justice was viewed as an internal principle of the existence of nature, as a physical, cosmic order, reflected in a social order. In terms of "fair" and "unfair", any social phenomenon that relates to people's behavior, law, court, judicial decision, legislative acts, the activities of state bodies, lawyers, politicians, etc. was evaluated.

Considering the structure of justice, it can be noted that it consists of legal, political, social, religious, spiritual and moral justice.

If in the past the religious component dominated in history, today legal justice takes the leading place among its other types, since without it it is impossible not only to establish justice in society, but also to realize the freedom of man. In place of the theological understanding of justice came his understanding, as correct or due, dictated by the free will of man. Thus, the problem of justice must be viewed from the point of view of human nature, and in order to connect human nature with law, it is necessary to study a person, assessing his inalienable rights, the main of which are the rights to personal security and freedom.

Two most common types of justice are known: rewarding and distributing justice. Rewarding justice means an equal retribution for equal deeds. Classical expression she received in the talion: "An eye for an eye, a tooth for a tooth". There is an assessment of the justice of justice as morally imperfect - "the equal among the unequal is already unfair".

The distribution includes distribution items or what is distributed, distribution entities, or between whom the distribution occurs and distribution objects.

Equity also requires an equal distribution of objects of the same value between objects of equal value. This, in fact, is reflected in the content of justice. However, when the justice that is rendered is absolutized and affirmed as the dominant form among the unequal subjects in terms of value, then we are dealing not with justice, as with positive moral value, but with its imperfect similarity.

Distributing justice obliges in the distribution to take into account the differences of objects and subjects, and everyone should pay due tribute, i.e. It is based on the principle of equal retribution. The classic expression of distributing justice is the "golden rule" of morality: "Do unto others as you would have them do unto you".

The distributing justice is not the opposite of the rewarder and is not more perfect. Actually, the distributing justice, like the recipient, is based on the principle of equal retribution, but it is applied in a more complex reality, where there are differences, i.e. Distributing justice is the same rewarding justice, but applied to objects of different value and distribution. Thus, there is only one justice, which in reality is realized through various forms, and in the consciousness of the subjects is assessed through various norms, feelings, theories. Equity is realized through equality and inequality and represents a moral solution to this problem.

Of particular importance in determining justice is its relationship, unity with such phenomena of consciousness and social being as equality, law, good (virtue) and freedom. Many philosophers especially emphasized the idea of equality, finding in it the most important component of the notion of justice. Thus, Hegel noted that the desire to "do justly for the sake of justice" "requires to consider others equal to themselves" [2, p. 71], otherwise justice can not be carried out. This, he believed, should be reflected in the constitution, which, being "existing justice", includes equality and freedom as its last goal and result. The same idea, but more specifically conducts K. Popper in his work "The Open Society and Its Enemies". Answering the question: what is justice? - he links all its definitions with equality: equal distribution of duties, equality of all before the law, impartiality of laws and courts, equal distribution of benefits between citizens [8, p. 126].

The reasoning about the connection between equality and inequality and justice is due, apparently, to the peculiarities of the historical epoch. They can not be identified with fully justified judgments about the necessity and inevitability of the natural and individual inequality of people, that is, that in itself is not in any direct connection with social justice. G. Hegel noted that high development and culture necessarily generate the greatest concrete inequality of individuals, that is, the inequality of their abilities, personal abilities, mental and other achievements. This inequality stems primarily from natural differences, and it can not be considered an injustice of nature. About the same, apparently, had in mind and F. Nietzsche, when he declared: "People are not equal: this is what justice says" [5, p. 111].

The concept of justice is associated with historically changing perceptions of the inalienable human rights. Justice implies the requirement of a correspondence between the role of a person or a social group in the life of society and their social position, between their rights and duties, deed and retribution, labor and reward, crime and punishment, people's merits and their social recognition. Justice has a historical character and depends on people's living conditions and their perceptions of the world around them. The very existence of justice depends

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on the basic structure of society and the place of man in this society. Even approaches to understanding the justice of individual actions depend not only on the historical situation, but also on the goals that are set. It is in this context that it is necessary to evaluate the real actions of people. It is quite possible that the infringement of the rights of certain groups of people can be recognized as fair if an obvious good is attained, which can not be achieved in other ways.

The most complete concept of justice in modern times was developed by J. Rawls in his work "Theory of Justice", where justice is understood by him as honesty. The very same justice is based on two principles: the initial state of equality of people and the inadmissibility of receiving benefits at the expense of others. These principles should be understood in such a way that everyone should have equal rights compatible with the rights of others, and all undeserved inequalities (including natural ones) should be compensated or there should be a possibility of their correction.

In turn, justice, influencing the right, itself needs to rely on legal norms. Law becomes the main normative tool for the realization of social justice. Without coercion, justice is powerless, and the right without justice is inhuman.

It must be recognized that justice is an evaluation category. What seems fair to some often turns into an injustice for others. Moreover, each side is sincerely convinced of the truth and justice of its position, its self-evidence. When raising the question of justice, it would be wrong to rely on feelings when assessing what is happening. The most correct approach is to generally assess the phenomena without being involved in them. The outside observer is most objective in this matter, since he is deprived of his own interests. Best of all, if he does not even realize in what position he is now and what may be in the future. Then his assessment is free from feelings, selfish or subjective considerations.

Given the relative and subjective nature of justice for a person, it can be seen that justice has inherent elements of injustice, the share of which depends on the level of development of society (legal, moral, economic, political and other

relations). The value nature of justice, its subjectivity does not exclude, but presuppose its existence not only in the consciousness of individual individuals, but also at the level of the individual and the universal, apart from its subjectively concrete manifestations. The principles of universal justice, which would be universal and would suit absolutely everyone, are difficult to formulate, and therefore the notion of justice is always connected with a certain historical and cultural context.

Conclusion

Contradictions between law and justice can be expressed not only in the unfair application of legal norms, but also in the publication by the state of initially unfair norms of law. Therefore, a fair approach should be ensured, first of all, in the process of issuing normative legal acts by the state. Thus, the right, on the one hand, should be based on the moral principles of truth and justice, and on the other - be a form of erecting justice in the law of society. Due to the complication of social relations, it became impossible to regulate them only by natural laws and morality. Such regulators as morality and religion began to be more accounted for when adopting legal norms, and not in the course of their application.

In explaining social interaction, the empirical fact of natural and social differences of people is usually used. But in some cases, social development connects with overcoming these differences, then we can talk about social progress, and in other cases, differences and inequalities based on them are viewed as an enduring law of social relations and the driving force of the same social progress. Analysis of these differences here is reduced to the idea of some original essence of a person unfolding in the process of individual and social history. Then the whole being of man is enclosed in the man himself, the explanation of his social life must be sought in the explanation of himself, in the accepted system of moral values and, consequently, the relation of equality or inequality, is also the product of human nature.

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