



ANALYSIS OF THE LEGAL BASIS FOR SOCIAL PROTECTION OF THE POPULATION OF THE REPUBLIC OF UZBEKISTAN

Kholboev Shokhrukhjon Olimovich

**Employee of the Department of Internal
Affairs of Samarkand region**

<https://doi.org/10.5281/zenodo.17426444>

ARTICLE INFO

Received: 20th October 2025

Accepted: 21st October 2025

Online: 22nd October 2025

KEYWORDS

Today, the general trend in state development in many countries is that social policy is gradually being liberalized under the influence of globalization and economic crises

ABSTRACT

Human history and science have proven that people's personal and social consciousness was formed mainly under the influence of external, material factors and conditions. The modern state has demonstrated that it must properly regulate the surrounding conditions so that individuals can feel and express themselves not as builders of the world, but as creators of others' well-being, as emotional, creative, individual beings.

Human history and science have proven that people's personal and social consciousness was formed mainly under the influence of external, material factors and conditions. The modern state has demonstrated that it must properly regulate the surrounding conditions so that individuals can feel and express themselves not as builders of the world, but as creators of others' well-being, as emotional, creative, individual beings.

Today, the general trend in state development in many countries is that social policy is gradually being liberalized under the influence of globalization and economic crises. This leads to a decrease in the state's involvement in the social sphere.

When reflecting on the state's social protection policy, we focus on the needs of the social sector. However, in reality, in the speeches of heads of state, we tend to push aside and forget about other social problems that "concern" them - such as environmental or security issues - as if they don't belong to the "social" sphere, or in the original Arabic word, "jam" (society). In our view, such an interpretation is not entirely accurate.

In our opinion, social policy is an integral part of the market economy and is connected with how it is implemented, the country's economic growth, and employment. Currently, if social policy in our country operates at the level of state policy, which comprehensively combines legal, organizational, economic, and other aspects related to meeting the material and spiritual needs of society members, then social protection policy manifests as a set of measures aimed at providing material support to population segments in need of social protection, forming the necessary infrastructure and ensuring its normal functioning, implementing effective management in this sphere, and ensuring comprehensively favorable living and working conditions for citizens.

Today, concepts such as "social policy" and "social protection" differ from their previous meanings and increasingly reflect the changes taking place in our lives. Therefore, social

policy is no longer just an activity aimed at solving citizens' material problems, but represents a core part of the state's domestic policy. The policy of social protection involves not only providing material or monetary assistance to those in need but also ensuring the normal functioning of the country's social infrastructure, implementing effective state and public administration in this area, and providing comprehensive comfortable living conditions for citizens.

Social policy is a set of state measures to organize the social life of society, organize and manage the activities of social infrastructure, create conditions for the realization of citizens' social rights, guarantee the realization of these rights, and ensure their effective protection.

State social policy should serve the development of society, sustainable development, the well-being of citizens, and the inviolability of their rights. Today, social policy is not only an activity aimed at solving the material problems of citizens, but also represents the main part of the state's domestic policy.

In our opinion, states have common features in the implementation of social policy, have a certain priority in the social sphere, and the state organizes its social function in a special order.

Another factor hindering the widespread introduction of market relations and slowing down the pace of our socio-economic development was the social policy of the former Soviet Union, aimed at artificial equality, which led to the formation of a psychology of dependency, cunning, and the desire to take more from society while giving less.

Such a harmful, spiritual-psychological state hindered people from mastering market principles and hindered the formation of new attitudes towards work and property. Despite the decisive measures taken by the state to eliminate this negative phenomenon, it can be said that such a situation has not been completely eliminated to this day and significantly hinders our development.

When developing employment policy in Uzbekistan, factors similar to the views of the above-mentioned author were taken into account. However, due to the demographic situation in our country, which is fundamentally different from the situation in the Russian Federation, the problem has not been fully resolved. This negatively affects unemployment rates and the standard of living of the population. In our opinion, the employment policy should be adjusted. At the same time, it is necessary to drastically soften and liberalize the legal regime for the development of small and private entrepreneurship, and especially to completely abandon excessive strictness in the area of collecting taxes and other mandatory fees. One of the main factors in raising the standard of living of citizens and eliminating social problems is ensuring that our people have the opportunity to work freely and freely, freely engage in entrepreneurship, and suppress the interference and pressure of state bodies and officials on such activities.

Undoubtedly, in such conditions, changing the psychology of the working-age population is extremely important. Such a population must transform from a passive object of social protection, a direct and indirect recipient of state social assistance, into an active owner of their own destiny, a person responsible for their social well-being. In this regard, the following opinion of the Russian scientist I.S.Maslov is appropriate: "The core of active social policy is employment policy, policy in the field of income. As the most important component

of social policy, employment policy should be aimed at stimulating the creation of conditions for the more comprehensive use of labor and business activity of the working-age population, and this is one of the most effective measures against mass impoverishment and unemployment"[1].

The social state consists of creating and maintaining legislative and legal conditions for the effective economic foundations of society's development to maximize the satisfaction of the material and spiritual needs of society's members, ensuring compliance between the natural rights and obligations of society's member and their remuneration. Based on this, the social state in the implementation of state social policy performs the following social functions:

- ensuring employment and income growth of the population;
- provision of social insurance to all members of the company;
- ensuring access to education, healthcare, and spiritual and cultural development;
- social protection of those in need of social protection;
- mitigation of social inequality in society, creation of decent living conditions through the redistribution of benefits;
- provision of social services.

According to the Russian scientist N.B.Azarov, for the effective management of society, the state must fulfill two important tasks: firstly, it must define a social goal and task, allocate material and other resources corresponding to this goal, that is, develop production at the macroeconomic level; secondly, it should prepare a legislative concept that can ensure the implementation of social policy, and to solve the second task, it is necessary to adopt a law "On Social Policy." The adoption of such a law will allow for the resolution at the legislative level of the goals and objectives of state social policy, its basic principles, and many other important issues related to the implementation of social policy.

He also noted that "for the normal functioning of social protection, a concept should be developed that ensures legislation in the field of its implementation. It should clearly define the current situation and future prospects, and provide for ways to develop social policy within the available resources"[2].

The specific features of the norms of legislation related to the social sphere determine its sectoral system. First of all, it should be noted that it does not characterize social legislation as a socio-legal branch. At this point, we are not talking about its insufficient codification. According to N.B. Azarov, "for the normal functioning of social policy, it is necessary to prepare a concept for the implementation of this policy, to provide for the foundations of the formation and development of social policy, taking into account available resources"[3].

Another Russian scholar, A.P. Alexandrova, argues that the state's ability to pursue an active social policy is linked to a strong market economy with high productivity and dynamic growth rates[4]. In his opinion, social policy should be based on the principles of access to basic social benefits and acceptable quality, and for this, he advocates, first of all, providing assistance to people whose income is significantly lower than the subsistence level. In this regard, the following directions are proposed for solving these problems:

1) further reform of labor legislation aimed at increasing wages, forming equal economic relations between workers and employers, ensuring the effective functioning of labor,

creating conditions for the accelerated development of such social institutions as education, healthcare, culture, and developing mechanisms of social partnership;

2) implementation by the state of structural policy aimed at eliminating problems hindering economic growth, requiring the timely identification of structural constraints and the development of technologies for their elimination;

3) introduction of effective mechanisms for protecting property rights, development of competitive markets for goods, services and capital, resources, dissemination of international standards of bankruptcy procedures and corporate governance, increasing the role of small and medium-sized enterprises;

4) the main task of the state is the strict fulfillment of its financial obligations and the use of the budget as an active tool of economic and social policy, the solution of all the above tasks is the strengthening of the general economic space, the improvement of budget policy in the sphere of expenditures (based on the priorities of socio-economic policy), ensuring the balance of the state budget.

In our opinion, the activities of the state in the sphere of social policy (education, healthcare, social security) consist of social support for the population, its social protection, which is important for the preservation of the integrity of the state and society.

Social policy is one of the main directions of the state's domestic policy, created to ensure the stability of its social system, the goals of which are:

- improving the living standards of the country's population;
- mitigating or eliminating social conflicts, achieving a certain balance in society.

For more effective implementation of the social function, it is necessary to pay attention to the main priorities of social policy, in particular:

- recognition of the state's responsibility for the social well-being of its citizens;
- guaranteeing free education and medical services to all citizens;
- bringing the minimum wage, stipends, and benefits into line with the actual cost of living;
- guaranteeing the timely payment of wages, pensions, and scholarships to public sector employees;
- prevention of mass unemployment, retraining and advanced training of the released workforce;
- support for family, motherhood and childhood, veterans and people with disabilities.

The necessary level of law and order is one of the necessary conditions for the functioning of the state and the accelerated development of society. At the same time, globalization has led to the emergence of transnational crime, which has enriched the arsenal of methods and means of crime. In such conditions, the fight against crime in its various forms is an important task of the state and its law enforcement system.

First of all, internal affairs bodies, aimed at protecting the rights and freedoms of citizens, the interests of society and the state from illegal encroachments, play an important role in the system of state internal affairs bodies. This means that the activities of internal affairs bodies related to the performance of state functions are largely necessary, but have a security character. At the same time, a number of areas of their activity include the content of

certain functions of the state, and their role is most clearly manifested in the political, economic, and social functions of the state.

The desire of state bodies to transfer a number of social powers to private organizations was not taken into account as an urgent theoretical problem. This phenomenon adopts a global trend and has both positive aspects (professionalism, profitability, increased competitiveness, public interest) and negative aspects (private monopolization, state levelling, clouding of accountability, etc.).

In our opinion, society is interested in ensuring that every citizen has an education that meets the accepted standard. Without education, it is currently impossible for citizens to actively participate in public life, production, and all spheres of state activity, and therefore education is mandatory in many countries.

Thus, as market relations are being formed in our country, it should be especially noted that the principle of strong social protection of vulnerable segments of the population has been implemented since the first days of our independence. This is reflected in the social policy pursued by the state, in the measures taken for the social protection of the population. These facts testify to the scale of the work being carried out in this direction in our country.

In our opinion, the social policy of the state can be called a mirror of the processes occurring in other spheres of society. But these are economic, political, and moral relations. The formation of a social state requires the distribution of social policy as a priority type of state policy. Both state and non-state institutions should participate in its implementation.

At the present time, it should be understood that the functions of the state are considered in the complex subject and content of the specific historical conditions of the development of society, as well as in ensuring its means and methods. This approach allows us to explain and understand the diversity of functions, allowing us to highlight the properties of each of them and find what was previously unknown in the future.

At the present stage of state development, social protection should be a set of measures aimed at monetary, natural and moral support, benefits and services, meeting the needs of low-income citizens, creating conditions for their self-sufficiency. These measures should be carried out at the expense of local budgets, as well as other sources not traditionally implemented by the social security system. The need for a unified interpretation of social protection is also explained by the fact that they are implemented on the basis of relevant laws.

The social function of the state does not replace the social function of social production, but, on the contrary, complements it. The spheres of public life can be defined as conditions for the social division of human labor, as well as the need to ensure the normal functioning and development of society. To ensure the normal functioning and development of society, the state uses general management functions.

The social function is diverse in content and large in scope of activity. Its main goal is to provide employment for the working-age population and social protection of those in need of state support. The social function includes state policy in the field of education, science, culture, and the health of citizens.

In our opinion, the development of the system of the social function of the state is changing as its management parameters change. The social function of the state takes into account the understanding of the essence of man in a certain historical period.

The general trend towards the privatization of the social function of the state is manifested not only in the increase of rights, but also in the increase of civic obligations. Also, increasing the activity of public organizations and institutions of a social orientation is a general trend.

In our view, social policy should set itself the long-term task of bringing the standard of living of our citizens to the standard of living of the population of developed countries, and should fully subordinate measures in this area to this goal. In particular, ensuring employment should become the center of state social policy and the main means of social protection. In this case, the stimulating force of labor must be fully utilized.

In accordance with the pace of development of socio-economic reforms being carried out in our country, fundamental changes have been implemented in the policy of social protection of the population since the first years of independence, the main essence of which is not aimed at the widespread protection of all segments of the population, but at providing selective assistance, targeted social support to specific strata and individuals. After all, with the formation of people's skills in living in market conditions, the need for social protection of able-bodied and self-sufficient citizens has disappeared.

The principle of a strong social policy is implemented at all stages of economic reforms through income regulation, social security and social guarantees, employment and labor market formation, provision of social services and benefits to the population.

Representative and administrative bodies of state power, belonging to one degree or another to all levels, are engaged in social protection of the population. In this case, the legislative body, i.e., the representative body, performs a defining function in relation to the executive bodies, while the executive bodies perform a clarifying, implementing function. A similar relationship can be observed in the relationships between higher and lower levels of government bodies.

When developing the forms and methods of social protection that meet the requirements of market relations, it is important to develop the system of bodies carrying out state activities related to such protection, the specific status of the bodies included in it with different scope of legal authority, the principles of interaction with other state and public bodies. At the same time, one of the urgent tasks on the agenda is to increase the effectiveness of the work of state bodies related to social protection, to achieve the rational fulfillment of assigned tasks in accordance with the requirements of legality and social justice.

Although the principle of separation of powers, relative independence, and interaction, widely implemented in legal democratic states, is a novelty in the statehood and legal practice of our country, in fact, the history of human civilization has been familiar with this principle for thousands of years, even during the time of Aristotle[5], and in the subsequent Middle Ages, the idea of separation of powers was put forward[6], and this idea served as one of the main slogans of the great French revolution of the 18th century and was constitutionally implemented.

Today, a favorable socio-economic environment has been created in Uzbekistan for the high-quality implementation of the social protection system, and the necessary legal framework has been created. The principles of social protection are guaranteed in the Constitution of the Republic of Uzbekistan and are reflected in the adopted laws. In the country, a guarantee of income was implemented. The creation of new jobs on a large scale, contributing to the employment of the population, solves the problem of unemployment. The development of small and medium-sized businesses is especially helpful in solving the employment problem. Measures being implemented in the spheres of product quality and public services are forming consumer protection and ensuring the interests of the population. Preventing inflation, maintaining the purchasing power of the sum, establishing alternative state control over business and commerce, and regulating marketing, trade, and advertising contribute to the development of social protection.

The socio-economic reforms being implemented throughout our independent development are aimed at building a civil society based on market relations and principles. In this regard, the President of the country, Shavkat Mirziyoyev, at the solemn ceremony dedicated to the twenty-fifth anniversary of the adoption of the Constitution of the Republic of Uzbekistan, noted that..."on the basis of the rules and principles enshrined in our Basic Law, an effective national legislative system, bodies of state power and administration, and civil society institutions are being formed, large-scale reforms are being carried out in all spheres and sectors of our life, the socio-economic, political, and military potential of the state is increasing, and the consciousness and thinking of our people are constantly growing."

References:

1. Маслов И. С. Ключевые вопросы регулирования социально-трудовой сферы // Аналитический вестник. - М., 1997. - С. 4.
2. Азаров Н.Б. О проблемах реализации основных направлений социальной политики администрации Ново-сибирской области // Аналитический вестник. - М., 1997. - №4. - С. 7.
3. Азарова Н.Б. О проблемах реализации основных направлений социальной политики администрации Новосибирской области // Аналитический вестник. - М., 1997. - №4. - С. 7.
4. Александрова А.П. Защита социально-экономических прав и свобод: общетеоретический анализ автореферат диссертации на соискание ученой степени кандидата юридических наук Казань 2002. Республика Татарстан, г. Казань,
5. Аристотель. Метафизика. – М.: Мысль, 1962. - 234 с.
6. Монтескье. О духе законов. Избранные произведения. – М.: Мысль, 1972. – Б. 143.