



THEORETICAL-LEGAL SIGNIFICANCE OF THE PRINCIPLE OF SOCIAL JUSTICE IN INTERNATIONAL LAW

Khadjiev Azizbek Kadambaevich

Independent applicant of the National Center of the
Republic of Uzbekistan for Human Rights.

Article history:	Abstract:
Received: 30 th August 2025 Accepted: 28 th September 2025	This article highlights the theoretical legal significance of the principle of social justice in the constitutional law of developed countries in international law, including the fact that the advantages of the principle of social justice in the legislation of those countries are also applied in the legislation of the Republic of Uzbekistan.
Keywords: Constitution, democracy, principle, social justice, socialism, social insurance, preamble, federation, welfare state, nation.	

INTRODUCTION

It is known that the concept of the welfare state emerged in the late 19th and early 20th centuries and began to be incorporated into the constitutions of countries around the world from the middle of the last century. This concept reflects the aspiration of democratic states to establish social justice through the implementation of certain social policies and the organization of distribution mechanisms within society. The term "welfare state" was first introduced into academic discourse at the end of the 19th century by the German scholar Lorenz von Stein in his work "The Present and Future of the Legal and Scholarly State of Germany." It was officially adopted later, in 1943, in a report titled "Social Insurance" presented to the British Parliament by Lord Beveridge, which outlined the strategy for the social development of the United Kingdom [1].

LITERATURE REVIEW AND METHODOLOGY

The principle of "social justice" is enshrined in Article 3 of the Italian Constitution (1947): "All citizens have equal dignity and are equal under the law, regardless of sex, race, language, religion, political opinion, or personal or social status. The task of the Republic is to eliminate economic and social obstacles that restrict the freedom and equality of citizens, the full development of the human personality, and the effective participation of all workers in the political, economic, and social life of the country [2], basic Law of the Federal Republic of Germany (1949) Article 1 - protection of human dignity; Article 3 - equality of all under the law; Article 28 - requirements for the constitutions of federal territories (Länder), including the principle of the welfare state; Articles 72-74 - mutual powers of the federation and the Länder in the field of social policy [3], adopted in 1958 (Fifth Republic) The concept of "social justice" in the French Constitution is not directly mentioned in the articles of the Constitution, but the principles of social

justice are enshrined in its preamble (introduction) and in the documents on which it is based.

The concept of "social justice" is not explicitly mentioned in the Constitution of France (1958, the Fifth Republic), its principles are enshrined in the Preamble and in the foundational documents upon which the Constitution is based.

In the Spanish Constitution, adopted in 1978, the concept of "social justice" is directly enshrined in Article 1, as well as in a number of other articles related to the welfare state and equality issues. Article 1, section 1: "Spain is proclaimed a social and democratic state of law, which promotes freedom, justice, equality and political pluralism as the supreme values of its legal order." Here, the "social state" and "justice" are indicated as constitutional values, which include the principle of social justice. The principle of social justice is also revealed through the following articles: Article 9.2 - obliges the state to eliminate all obstacles to equality and freedom; Article 40 - establishes that the state is obliged to implement a social and economic policy aimed at providing all citizens with decent living conditions; Article 41 - guarantees a social security system; Article 50 - defines the obligations of the state towards elderly citizens.

These norms constitute the legal basis for the principle of social justice in the Spanish Constitution[4]. In the Constitution of the Republic of Turkey, adopted in 1982 (with subsequent amendments), the concept of social justice is directly enshrined in Article 2, and is also explained through a number of articles concerning the state's duties in the field of social policy and equality. Article 2 - Characteristics of the State (Devletin Nitelikleri): "The Republic of Turkey is a democratic, secular and social legal state, respecting human rights, committed to the principles of Atatürk, and based on the concepts of social peace, national unity and justice." The key concept here is the "social legal state" (sosyal



hukuk devleti), which includes the principle of social justice. It is no exaggeration to say that the principle of social justice is also expressed in the following articles.

DISCUSSION

Thus, the concept of social justice has always been a relevant topic in international law, that is, in the constitutional law of developed countries.

The principle of social justice was first mentioned, perhaps, in the 1949 Constitution of India [5], which was based on the idea of a "third way" between socialism and imperialist capitalism. Its Article 38, Part 1, defines social, economic and political justice as the goal of the social order and as the basis of all institutions. Thus, the Preamble of the Constitution of India itself places the provision of social, economic and political justice at the forefront among the goals and tasks facing the people of India. According to Indian jurist Durga Das Basu, the guiding principles of the Indian Constitution are aimed at "eliminating actual poverty, but this is done not by confiscating the property of the owners, but by increasing the national wealth and resources and distributing them fairly among all citizens who have contributed to their creation. Economic democracy is established with the achievement of this goal." [6] However, "in India, the directive principles of social justice remain as norms enshrined in the Constitution, but not enforceable by the courts. A prominent Indian legal scholar, Janhit Abhiyan, is an example of this. [7] In his opinion, "the Supreme Court, having considered the issue of quotas for the underprivileged sections of the population, has limited the powers of the state, provided that they do not contradict the basic structure of the Constitution."

"A social state is necessary," argue Russian political scientists T. Ya. Khabrieva and V. Ye. Chirkin, "this is a requirement of the times, but it does not necessarily guarantee the well-being of any person, regardless of his personal contribution to the development of society. It is obliged to satisfy only the basic needs of a person (i.e., to provide a living wage, create infrastructure - education, healthcare, a communication system), create conditions for social partnership, etc., but a person himself is also responsible for taking care of himself and his family. Some aspects of this concept are reflected in the explanatory notes attached to the drafts of new constitutions, but the principle, which is so important, is of such importance that it must, perhaps, also be separately reflected in the text of the Basic Laws. It is necessary to create short and at the same time meaningful formulations that express it" [8].

In this regard, the famous German researcher Heinz Lampert writes that "The economic and political concept of the social market economy," "it is aimed at ensuring

the harmony of freedom guaranteed by the rule of law, economic freedom (since freedom cannot be divided, it is considered a necessary component of a general free order) and the ideals of the social state related to social protection and social justice. The harmony of these goals – freedom and justice – is reflected in the concept of the "social market economy" [9].

RESULTS

Since the second half of the 20th century, the content and significance of constitutional law have been changing. Instead of discussions about the types, powers, and competence of state bodies (which are important for specialists but of little interest to the general public), constitutional lawyers and constitution-framers have begun to pay more attention to regulating socio-economic relations in response to the demands of the population. This can be seen from the content of the constitutions adopted after World War II, especially in countries such as Portugal, Nepal, Ethiopia, and Brazil. They bear little resemblance to the constitutions of the United States in 1787, France in 1791, or the first constitution of Germany, unified by Bismarck, issued by Emperor Wilhelm I in 1871. Although many countries belonging to the Anglo-Saxon legal system (including the informal constitution of Great Britain, the USA, and the island states of the British Commonwealth) have been somewhat excluded from this, they have also adopted social laws of constitutional significance.

A study of the constitutions of countries on different continents shows that, in addition to traditional humanistic provisions on individual rights, freedom, peace, equality, common prosperity, and democracy, new constitutions often reflect socio-economic norms such as the decisive role of labor (Italy), the basic principles of socio-economic policy (Spain), planning for the development of the economy and society (Brazil), the social function of private property (Germany), and the duties of the state to man (Myanmar, Nepal, Bhutan, etc.).

CONCLUSION

Thus, the principle of social justice is gaining increasing importance in modern constitutional law. It is manifested as a principle connecting values such as the welfare state, equality and human rights. Based on the above considerations, the following conclusions were drawn:

Firstly, the principle of social justice is present in many constitutions, but remains limited to institutional declarativeness.

Secondly, the implementation of social rights depends on the existence of a judicial system and judicial



protection mechanisms (for example, tutela in Colombia, limited enforcement in South Africa).

Thirdly, constitutional law is faced with conflicts between individual freedoms and redistribution requirements.

Fourthly, the judiciary serves as the main mechanism for ensuring social justice in states with weak institutions (for example, Pakistan, India).

REFERENCES:

1. Shmarin A. G. Constitutional and legal foundations for the formation of a social state in the Republic of Kazakhstan. Abstract of Cand. Sci. (Law) Dissertation: 12.00.02. - Almaty. - 2004. - P. 14-15
2. <https://legalns.com/download/books/cons/italy.pdf>
3. <https://legalns.com/download/books/cons/germany.pdf>
4. <https://legalns.com/download/books/cons/spain.pdf>
5. <https://legalns.com/download/books/cons/india.pdf>
6. Basu Durga Das. Fundamentals of Constitutional Law of India: Trans. from English /Under the general editorship of M.M. Saifulin; Introduction by M.M. Saifulin and S.Yu. Kashkin. - Moscow: Progress, 1986. - 63 p.
7. Janhit Abhiyan. Union of India. Supreme court of India Before:-S.A. Bobde, CJI, R. Subhash Reddy and B.R. Gavai, JJ. Writ Petition (C) No.55 of 2019. D/d. 5.8.2020. <https://www.lawfinderlive.com/archivesc/>
8. Khabrieva T. Ya., Chirkin V. E. Theory of the modern constitution. - M.: Norma, 2005. P. 314.
9. Heinz Lampert. Social Market Economy. The German Way. - M.: "Delo LTD", 1994. - P. 6