



THE PRINCIPLE OF SEPARATION OF POWERS IN THE HISTORY OF THE STATE

Rakhmanov Abdimalik Ergashevich,

Termiz State University,

Candidate of philosophy

E-mail: rakhmanov-57@mail.ru

Article history:	Abstract:
Received: 20 th March 2024 Accepted: 10 th April 2024	The article analyzes the emergence of the first buds of the principle of the separation of powers, one of the progressive political theories and democratic traditions, its content enrichment and improvement at different stages of development of human history, and the emergence of its various forms. Also, in the current period of social development, the issues of democratization of society and development towards a highly civilized society based on the new ideological rules of the principle of separation of powers were discussed.
Keywords: Power, statehood, socio-political thought, separation of powers, legislative power, executive power, judicial power, democracy, political liberalism.	

INTRODUCTION.

An important condition for the existence of social life is management, and the central link of management is power. The political life of society is organized in connection with the emergence of political power in the management of social relations. The ancient and main element of the political sphere is state power. Statehood is a product of the development of human civilization and is a political form of organization and management of social life based on rights and laws. Therefore, the emergence of statehood is not only a historical necessity, but also a factor of social development.

In the history of mankind, there have been various forms of statehood and implementation of state power. The mechanism of implementation of state power includes leadership (making and adopting decisions, laws), management and organization (ensuring the actual execution of decisions and laws), control (ensuring compliance with social and legal norms in society). In order for the state power to successfully fulfill its tasks, it must be strengthened as a form of political rule. The strength and perspective of the state power directly depends on how it expresses the interests and needs of the people, and ensures the freedom of citizens and the rule of law. Therefore, the principle of separation of powers should be observed as the basis of the organization of power in a democratic state, as a political-legal, constitutional rule. After all, one of the progressive political theories and democratic traditions in the history of world statehood is the principle of separation of powers.

LITERATURE ANALYSIS AND METHODS.

There is no clear answer to how many powers should be in a democratic legal state system. Many people support the idea that there should be three such powers: legislative, executive and judicial. Such ideas are based on the works of Western intellectuals such as English philosopher John Locke, French sociologist Charles Louis Montesquieu, and 20th century Chinese political figure Sun Yatsen. After gaining independence, the Republic of Uzbekistan adopted its Constitution in 1992 in order to establish the foundations of statehood and build a democratic legal state, and in 2023 it was adopted in a new version. The Constitution of the Republic of Uzbekistan reflects the above-mentioned three branches of the separation of powers and their division. (1, Article 11, Section 5).

DISCUSSION.

In the history of socio-political thoughts, the first ideas about the distribution of powers of state power and the rule of law in state management can be found in the "ideal state theory" of the ancient Greek thinkers Plato and Aristotle. In particular, Plato put forward the idea that "philosophers should rule the state" in his works "State", "Laws", "Politics" on socio-political issues, in his theory about society and the ideal state. They are protected by the military (guards). He claims that all vital resources are provided by free farmers and artisans. In the imaginary (utopian) state of Plato, who considered public administration to be an art, theoretical and practical science, the work necessary for management and society should be distributed among people with natural abilities and special professional knowledge and skills, and they should form a harmonious unity. (See: 2, pages 62-63).



Aristotle describes the state as "a common bedroom of citizens using a certain political system" and shows that the political system in the state is such an order that it is the basis of the distribution of state powers. The political system in the state is considered the supreme power and it is subject to the rule of law, there is no political system where the law does not rule. Governors must strictly follow the law in managing power and protecting this form of state, fighting against lawbreakers. He believes that justice can be established only where the law prevails, and any activity should be carried out on the basis of the law.

Aristotle distinguishes three types of law in the political system: legislative law, administrative law and judicial law. Dwelling on the composition of the state, he states that the state is composed of complex and dissimilar components. The most important thing in the state is the citizen. The state consists of citizens. Aristotle applies the concept of citizenship to people involved in management, military work, administrative bodies (administration), and judicial work. It is not surprising that in the sense of state management, he meant the legislative, executive and judicial powers. Citizens use certain powers within the framework of their existing rights and duties.

Along with the formation of capitalism, political liberalism also strengthened, the principle of creating constitutional forms of government appeared, and it began to require the establishment of public control over the government (albeit with limited suffrage) through regular elections. In the history of socio-political thought, the thinkers who theoretically based the principle of separation of powers in such a historical situation are the English philosopher John Locke (1632-1704), the first representative of the European Enlightenment, Charles Louis Montesquieu (1689-1775) and early 20th century Chinese political figure Sun Yat-sen. As they noted, so that there is no possibility of abuse of power, the state power should be divided into legislative, executive and judicial powers, and such an order should be established in which different powers can perform their functions independently and interact with each other. According to Locke, a political system based on parliamentary traditions is the ideal form of state structure. He should act according to the will of the majority. But Locke, as the ideologist of the constitutional monarchy established after the 17th century English revolution (1668-1669), based on the mutual agreement of the bourgeoisie and the nobility, actually refers to the majority in the parliament elected by the bourgeoisie and the nobility, separated from the masses of the people. Locke, a supporter of the separation of state

functions, believed that power should be divided into legislative, executive and federal bodies (see: 3, p. 36), and the three basic rights of the individual should be guaranteed: life, liberty and property rights.

The doctrine of "separation of powers" advanced in Locke's views and to some extent reflecting the experience of British statehood found a somewhat perfect expression in the political ideal of S. Montesquieu. The theory of separation of powers is described in the work "On the Spirit of Laws" by the French thinker S.L. Montesquieu. In his opinion, in a justly built state, there must be not one power, but on the contrary, three powers that are not subordinate to each other: legislative, executive and judicial power. Their embodiment in any form in the hands of any body or person harms the common interests, leads to abuses and is incompatible with the political freedom of the individual. Consolidation of the legislative and executive powers into one hand is detrimental to the rule of law, and if the judges are engaged in the work of law-making rather than just adjudicating, then human lives may become victims of injustice.

As he noted, not only in the monarchy, but also in the republic, political freedom cannot exist without the division of legislative, executive and judicial powers. Each of them is independent of each other in the performance of their tasks and they perform them through certain institutions. The structure of the state, as Montesquieu wrote, must be divided into "the power that creates laws, the power that implements decisions of a national character, and the power that judges the crimes of private individuals". Only then "a state system can be established that does not force anyone to do things that are not provided for by the law or ordered by the law". These thoughts of Montesquieu corresponded to the ideas of bourgeois liberalism. Also, these ideas have a huge universal democratic content (see pages 3, 48-49). At the beginning of the 20th century, the Chinese political figure Sun Yat-sen proposed dividing power into five, not three, based on the country's traditions. Among the legislative, executive and judicial powers, he included control and examination authorities.

RESULTS.

The main provisions of the principle of separation of powers advanced in the history of political doctrines are in the US Constitution of 1787, later in the "Declaration of the Rights of Man and Citizen" adopted in France, currently in the Constitution of developed democratic states, including the Republic of Uzbekistan (see: 1, Article 11, Section 5) is also expressed and implemented.



During the transition from totalitarianism to democracy in the political sphere of the independent society of Uzbekistan, the old state power and management system was abolished, the legal bases of the new society were created, and the state power and management system were formed on this basis. In order to reform the country and create the foundations of national statehood, first of all, the Basic Law - the Constitution of the Republic of Uzbekistan was developed and adopted. Secondly, the formation of the national parliament - the Oliy Majlis and its bicameralism, the introduction of multi-mandate, alternative, multi-party system into the electoral system. Thirdly, a system of executive power was created, which can ensure the implementation of the laws adopted during the difficult transition period, and is capable of implementing reforms in all areas of our society. Relying on the traditions of our national statehood, the restoration of the hokimist institution, attention to the strengthening of the self-governing body - the neighborhood institution, and the increasing role of civil institutions in the life of society are the components of the reform process. Fourthly, a comprehensive judicial system protecting the rule of law and human rights and freedoms was formed.

The purpose of introducing the principle of separation of powers in the Republic of Uzbekistan is to accelerate the process of democratization in the country, to improve the state mechanism, to restore universal human values, to recognize the priority of human rights and freedoms, and ultimately to establish a legal state. The principle of separation of powers provides an opportunity to get rid of the abuse of power, bureaucracy and leadership in political life, to ensure the balance and equality of the authorities, and to regulate their mutual relations.

CONCLUSION.

Therefore, further improvement of the political system of our society, the democratization of state power and management, strictly following the constitutional principle of the separation of power systems, is an important condition for the development of a free civil society. The doctrine of liberalism is the ideological basis of democracy, the democratic principles of state management, in particular, the division of powers of various branches of government, as well as an opportunity for the formation and development of civil society institutions. (See: 8, 71-73). Modern democracy grew out of this liberal political system and adopted liberal values such as constitutionalism, separation of powers, personal freedoms, human rights, and minority independence.

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