

THE CONCEPT OF STATE-LEGAL REGIME AND ITS TYPES

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Abstract. *This article discusses the concept of the state-legal regime and its essence. The opinions of both domestic and foreign legal scholars on the definition of the essence of the state regime are given. The author pays special attention to the comparative analysis of the types of state-legal regime.*

Keywords: *political and legal regime, democracy, anti-democratic regime, totalitarianism, fascist regime, authoritarian regime.*

ПОНЯТИЕ ГОСУДАРСТВЕННО-ПРАВОВОГО РЕЖИМА И ЕГО ВИДЫ

Аннотация. *В данной статье рассматривается понятие государственно-правового режима и его сущность. Приведены мнения как отечественных, так и зарубежных ученых-правоведов по поводу определения сущности государственного режима. Особое внимание автор уделяет сравнительному анализу видов государственно-правового режима.*

Ключевые слова: *политико-правовой режим, демократия, антидемократический режим, тоталитаризм, фашистский режим, авторитарный режим.*

INTRODUCTION

The state-legal (political) regime is one of the main components of the form of the state. This concept first appeared in the 60s of the XX century and caused a lot of disputes and discrepancies among legal scholars. There are different approaches to the formulation of this concept. So, according to H.T. Adylkariev, "a political regime is a combination of the order and methods used in the implementation of state power. The concept of "political regime" is used in a broad and narrow sense. In a broad sense, the political regime covers the entire political life, and in a narrow sense, the political regime refers only to the life of the state, to events related to the implementation of state power, and manifests itself in the ways of implementation"[1]. The well-known legal scholar L. A. Morozova believes that "the political regime is the leading element of the form of the state, since it has a decisive influence on the other two elements"[2]. The political regime reflects the relationship of the state power with the population, the ratio of various political forces, the political status of public organizations. As history proves, the political regime is established and manifested in different ways, because each country has its own specific features. From a scientific point of view, it is advisable to divide the political or state-legal regime into two types: democratic and undemocratic. Next, we will analyze each of them separately.

MATERIALS AND METHODS

In the course of the scientific research, the scientific and theoretical views of legal scholars of developed countries on the issues of determining the essence of the state-legal regime were used.

The comparative legal method, methods of analysis, synthesis, deduction and induction were used in the study

RESULTS

In most highly developed countries, a democratic regime prevails, among which we can include the USA, Germany, France, etc. In particular, a democratic regime has been established in our country. This is reflected in Article 7 of the Constitution of the Republic of Uzbekistan: "The people are the only source of state power." This means that State power is exercised in the interests of the people. The democratic regime is divided into representative and direct democracy. In a representative democracy, the people exercise State power through their representatives: deputies and senators elected by voting. And direct democracy means that the most important issues of public life are decided by the people themselves, through referendums. For example, Article 9 of the Constitution of the Republic of Uzbekistan states: "The most important issues of public and state life are brought up for discussion by the people, put to a general vote (referendum)." The main features of the democratic regime are the guarantee of the rights and freedoms of citizens, the only source of state power is the people, the functioning of the principle of separation of powers, the establishment of political pluralism, the activities of law enforcement agencies are based on the law, etc.

In relation to an undemocratic regime, such concepts as opposing democracy and anti-democratic are used. In particular, the undemocratic regime is divided mainly into fascist, authoritarian and totalitarian regimes. The fascist regime, as we know from history, served as the ground for the emergence of the Second World War, changed the balance of forces in the world community. This fact proves that to what extent the political regime has an impact on the activities of the state. In the fascist regime, the superiority of one nation over others is recognized, the rights and duties of people depend on their belonging to any nation. The fascist regime is characterized by aggression and discrimination against other nations. It is believed that at present the fascist regime does not exist anywhere, but periodically one can observe bursts or individual manifestations of fascist ideology [3].

As for the authoritarian regime, this regime has a number of distinctive features. Firstly, the rights and freedoms of citizens are restricted or abolished altogether. Secondly, the activities of representative bodies are prohibited, the people are removed from the exercise of State power, state authorities are formed in a secret way. Thirdly, the fullness of power is in the hands of one person or body, there is no political pluralism and a single ideology is established as the state. Summarizing the above, we can say that the authoritarian regime completely denies democracy.

DISCUSSION

According to L.A. Morozova, "the totalitarian regime is attributed to the phenomena of the XX century. The term "totalitarian" in Latin means "whole", "complete", "whole". The totalitarian regime was introduced in Italy and in the USSR. This regime denies the diversity of ideas, establishes a single ideology, denies multiparty system and establishes the dominance of one party. All citizens unquestioningly carry out orders coming from above. Citizens do not take part in the governance of the state, there is a denial of private life and property, citizens' initiatives are strictly prohibited. The idea of a "cult of personality" is promoted. As H.T. Adylkariev notes: "In a totalitarian state, they believe that the most beautiful theory will remain completely aimless and will have no meaning if there is no leader who will be able to carry these ideas to the masses"[4]. For example, in the former Soviet Union, the instructions and orders of the "father of peoples" I. Stalin were regarded as sacred dogmas and were carried out implicitly.

CONCLUSIONS

Summing up, we can conclude that the political regime, being one of the elements of the form of the state, covers a number of aspects of state life, determines the ways of exercising state power, the role of state bodies in the management of society, the relationship of various political forces, the status of public organizations in the political life of the state and reveals the level of political freedom in society.

REFERENCES

1. Adylkariev H.T., Tulteev I.T., Azizov N.P., etc. Theory of State and Law: Textbook-T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2014. – p. 99.
2. Morozova L.A. Theory of State and law. 4th edition - Moscow: Eksmo, 2010. – p. 77.
3. Morozova L.A. Theory of state and law. 4th edition - Moscow: Eksmo, 2010. – p. 80.
4. Adylkariev H.T., Tulteev I.T., Azizov N.P., etc. Theory of State and Law: Textbook-T.: Academy of the Ministry of Internal Affairs of the Republic of Uzbekistan, 2014. – p.101